

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

**RECONSTITUTION OF
ST PETER AND ST PAUL CHURCH OF ENGLAND PRIMARY SCHOOL BOARD OF
GOVERNORS**

1. OBJECT AND KEY POINT IN THIS REPORT

- 1.1 To consider approving the instrument of government to allow the board of governors of St Peter and St Paul Church of England Primary School to be reconstituted to be effective from 1 September 2017.

2. BACKGROUND INFORMATION

- 2.1 At the full board of governors meeting of St Peter and St Paul Church of England Primary School held on 10 July 2017, the governors voted to reconstitute the board of governors in line with the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Constitution) (Amendment) Regulations 2014.
- 2.2 The above regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution. The regulations give the board of governors more flexibility with their constitution and state that boards should be no bigger than they need to be to carry out their statutory duties. The regulations stipulate the categories and number of governors for foundation maintained schools as follows:
- 2 parent governors (minimum)
 - 1 Local Authority governor (maximum)
 - 1 staff governor (maximum)
 - 1 head teacher
 - As many co-opted governors as necessary to fulfil the skills requirements. Up to a maximum of one third of governors can be staff members

- qualifying foundation schools and voluntary aided schools must have such number of foundation governors as to outnumber all other governors by up to two in qualifying foundation schools and by two in voluntary aided schools
- 2.3 The constitution of each board of governors is laid down in a document known as the instrument of government. A board of governors may at any time request changes to their constitution, in accordance with the regulations, by varying their instrument of government.
- 2.4 Where changes are proposed, a maintained school's board of governors must prepare a draft instrument of government and submit it to the local authority for approval.
- 2.5 If the local authority is not content with the draft instrument of government it must advise the board of governors and give reasons. If it is not possible for the local authority and the board to agree on a revised draft the local authority will produce a final draft for the school as they think fit, having regard to the category of school to which the school belongs.
- 2.6 Appendix 1 of this report sets out the constitution of the board of governors in the form of an instrument of government, as requested by the governors of St Peter and St Paul Church of England Primary School.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1:** To approve the new instrument of government for St Peter and St Paul Church of England Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for St Peter and St Paul Church of England Primary School.

4. **ANALYSIS OF OPTIONS**

- 4.1 **Option 1:** The proposed instrument of government in Appendix 1, meets the requirements of relevant legislation.
- 4.1.1 A comparison of the previous instrument of government and the proposed instrument of government is summarised below:

Table 1: Proposed changes in constitution

Previous Instrument of Government	Proposed Instrument of Government
2 Parent governors	2 Parent governors
1 Local authority governor	1 Local authority governor
1 Staff governor	1 Staff governor
1 Ex officio Head teacher	1 Ex officio Head teacher
1 Ex officio Foundation Governor	1 Ex officio Foundation Governor
8 Foundation governors	6 Foundation governors
2 Co-opted governors	0 Co-opted governors
Total = 16	Total = 12

4.1.2 The governing board have reviewed the constitution and followed the requirements of the DfE guidance to have two elected parent governors to ensure that the board has the skills required to effectively govern the school. The proposed instrument reduces the restriction to have five elected parent governors to the minimum requirement of two.

4.1.3 Due to current vacancies on the governing board, no governors will be displaced as a result of the revised constitution; one co-opted governor would move to a foundation governor position. The new constitution also follows the DfE advice of smaller, more skills based governing boards.

4.1.4 The revised constitution allows the board to have the skills required to enable governors to fulfil their three core strategic functions:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the head teacher to account for the educational performance of the school and its pupils, and the performance management of staff;
- Overseeing the financial performance of the school and making sure its money is well spent.

4.1.5 Approving the instrument of government will allow for the revised structure of the board of governors to be effective from 1 September 2017.

4.2 **Option 2**

4.2.1 If the instrument of government was not approved, the governing board would retain the co-opted governor vacancies and this would impact on the vacancies that the board currently holds.

5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 None

6. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT**

6.1 An integrated impact assessment has not been undertaken in respect of this decision. The change of instrument is required by statutory legislation.

6.2 The School Governance (Constitution) (England) Regulations 2012 and (Amendment) Regulations 2014 set out the framework for the constitution of boards of governors and the process of making instruments of government. The instrument of government proposed in Appendix 1 of this report complies with those regulations.

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 None

8. **RECOMMENDATIONS**

8.1 It is recommended that the new Instrument of Government (Appendix 1) is approved and implemented from 1 September 2017.

DIRECTOR OF LEARNING, SKILLS AND CULTURE

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Background Papers used in the preparation of this report:

- 1 DfE Guidance, May 2014: The constitution of boards of governors of maintained schools. Statutory guidance for board of governors of maintained schools and local authorities in England
- 2 DfE Guidance, October 2012, School Governance (Constitution) (England) (Amendment) Regulations 2014: Statutory guidance for governing bodies, local

authorities, school leaders in England and governor organisations and other organisations with an interest

- 3 The School Governance (Constitution) (England) Regulations 2012 and The School Governance (Constitution & Federations) (England) (Amendment) Regulations 2014

**SAINT PETER AND SAINT PAUL CHURCH OF ENGLAND PRIMARY SCHOOL
INSTRUMENT OF GOVERNMENT ORDER (1 September 2017)**

This Is the Instrument of Government for the school named in 1 below.

1. The name of the school is Saint Peter and Saint Paul Church of England Primary School.
2. The school is a foundation primary school.
3. The name of the governing body is "The governing body of Saint Peter and Saint Paul Church of England Primary School"
4. The governing body shall consist of:
 - a) 2 parent governors;
 - b) 1 LA governor;
 - c) 1 staff governor;
 - d) The Head Teacher as ex officio staff governor;
 - e) 1 ex officio foundation governor;
 - f) 6 foundation governors
5. Total number of governors 12.
6. Lincoln Diocesan Board of Education is entitled to appoint one ex-officio foundation governor.
7.
 - a) The holder of the following office shall be a foundation ex officio:
The Priest-in-Charge of Bottesford with Ashby
 - b) the Archdeacon of Stow and Lindsey, after consultation with the Rural Dean of Manlake, shall be entitled to appoint a foundation governor to act in the place of the ex-officio foundation governor whose governorship derives from the office named in a) above, in the event that the ex officio foundation governor is unable or unwilling to act as a foundation governor, or has been removed from the office under Regulation 23(2) of the Constitution Regulations
8.
 - a) The Archdeacon of Stow and Lindsey is entitled to request the removal of the ex-officio governor and to appoint, after consultation with the Rural Dean of Manlake, a Foundation governor to act in the place of the ex-officio governor.
 - b) Lincoln Diocesan Board of Education is entitled to appoint three foundation governors being members of the Church of England.
 - c) Bottesford with Ashby Church Council is entitled to nominate three foundation governors, being members of the Church of England, to the Lincoln Diocesan Board of Education for appointment.

9. Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.
The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith, and promotes Christian values through the experience it offers to all its pupils.
10. The Instrument of Government comes into effect for the purposes of its constitution on 1st September 2017 (“the effective date”)
11. The Instrument of Government becomes fully operational from 1 September 2017 (“the incorporation date”)
12. The instrument was made by order of the North Lincolnshire Local Authority on the date given at the foot of this instrument.
13. A copy of this Instrument must be supplied to every member of the governing body (and the Headteacher if not a governor) and the Trustees of the Lincoln Diocesan Trust and Board of Finance Limited.

Made by order of North Lincolnshire Council Local Authority.

Date of Issue of Instrument – 11 July 2017