

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES, LEARNING AND LEISURE
CABINET MEMBER**

**RECONSTITUTION OF
BURTON UPON STATHER PRIMARY SCHOOL**

1. OBJECT AND KEY POINT IN THIS REPORT

- 1.1 To consider approving the instrument of government to allow the governing body of Burton upon Stather Primary School to be reconstituted to be effective from 1 January 2019.

2. BACKGROUND INFORMATION

- 2.1 At the full governing body meeting of Burton upon Stather Primary School held on 11 September 2018, the governors voted to reconstitute the governing body 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 governing body more flexibility with their constitution and state that they 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 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
- 2.3 The constitution of each governing body is laid down in a document known as the instrument of government. A governing body 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 governing body 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 governing body and give reasons. If it is not possible for the local authority and the governing body 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 governing body in the form of an instrument of government, as requested by the governors of Burton upon Stather Primary School.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for Burton upon Stather Primary School.
- 3.2 **Option 2:** Not to approve the new instrument of government for Burton upon Stather 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
5 Co-opted governors (can include one staff member)	7 Co-opted governors (can include two staff members)
Total = 10	Total = 12

4.1.2 The governing body operates effectively as a team, and 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.

4.1.3 The governing body discussed and agreed the following reasons to increase the size of the governing body:

- To lessen the workload of individual governors so that subject link responsibilities could be shared among more governors.
- To have a bigger pool of governors available to visit the school during school hours for monitoring visits.
- To increase the number of governors who could attend committee meetings.
- To seek a governor with expertise in business links and finance to the governing body.

4.1.4 Approving the instrument of government will allow for the revised structure of the governing body to be effective from 1 January 2018.

4.2 **Option 2**

4.2.1 If the instrument of government was not approved, the governing body would retain the current number of co-opted positions which reduces the number of available governors to carry out duties efficiently.

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 option 1 be implemented.

DIRECTOR: 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 governing bodies of maintained schools. Statutory guidance for governing bodies 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

INSTRUMENT OF GOVERNMENT COMMUNITY SCHOOLS

- 1 The name of the school is Burton Upon Stather Primary School.
 - 2 The school is a community school.
 - 3 The name of the governing body is "Burton Upon Stather Primary School Board of Governors".
 - 4 The governing body shall consist of:
 - (a) 2 x parent governors; (at least 2) (elected)
 - (b) 1 x LA governor;
 - (c) 1 x ex officio head teacher
 - (d) 1 x staff governor (elected)
 - (e) 7 x co-opted governors (can include 2 staff members);
 - 5 Total number of governors 12.
 - 6 This Instrument of Government comes into effect on 1 January 2019.
 - 7 This Instrument was made by order of North Lincolnshire Local Authority in September 2018.
 - 8 A copy of the Instrument must be supplied to every member of the governing body (and the head teacher if not a governor).
- NB co-opted governors can be staff members provided that no more than one third (4) of full governing body including head teacher and the elected staff governor are staff members