

## **NORTH LINCOLNSHIRE COUNCIL**

### **CHILDREN AND FAMILIES CABINET MEMBER**

## **RECONSTITUTION OF THE WINTERTON FEDERATION**

### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider approving the instrument of government to allow the governing body of The Winterton Federation to be reconstituted to be effective from 14 December 2020.

### **2. BACKGROUND INFORMATION**

- 2.1 At the full governing body meeting of The Winterton Federation held on 8 October 2020, 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 Headteacher
  - 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 The Winterton Federation.

### 3. OPTIONS FOR CONSIDERATION

3.1 **Option 1:** To approve the new instrument of government for The Winterton Federation.

3.2 **Option 2:** Not to approve the new instrument of government The Winterton Federation.

### 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**

<b>Previous Instrument of Government</b>	<b>Proposed Instrument of Government</b>
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	1 Ex officio foundation
3 Foundation	3 Foundation
12 Co-opted governors (can include 5 staff members)	9 Co-opted governors (can include 4 staff members)
<b>Total = 21</b>	<b>Total = 18</b>

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 to reconstitute in order to decrease the size of the governing body following the occurrence of natural vacancies.

4.1.4 Approving the instrument of government will allow for the revised structure of the governing body to be effective from 14 December 2020.

#### 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 meaning the governing body would run with 5 vacancies.

### 5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 None

### 6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 None

### 7. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 None

### 8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 None

## 9. RECOMMENDATIONS

9.1 It is recommended that option 1 be implemented.

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

**INSTRUMENT OF GOVERNMENT  
VOLUNTARY CONTROLLED SCHOOL / COMMUNITY SCHOOL**

- 1 The name of the schools are Winterton Church of England Infant School and Winterton Junior School.
- 2 The infant school is a voluntary controlled school and the junior school is a community school.
- 3 The name of the governing body is “The Winterton Federation”.
- 4 The governing body shall consist of:
  - (a) 2 x parent governors
  - (b) 1 x Headteacher
  - (c) 1 x LA governor
  - (d) 1 x staff governor
  - (e) 9 x co-opted governors (can include 4 staff governors)
  - (f) 4 x foundation governors
- 5 Total number of governors is 18.
- 6 The foundation governors shall comprise:-
  - (a) one ex officio foundation governor
  - (b) three foundation governors appointed by the Lincoln Diocesan Board of Education after consultation with Parochial Church Council of the parish in which the school is situated, being people who are fit and willing to support the Anglican ethos, values and aims of the school and be a person of faith
- 7 (a) The holder of the following office shall be a foundation governor ex-officio:

Principal Officiating Minister (i.e. the incumbent or priest in charge of the parish in which the infant school is situated or a team vicar with a special cure of souls for the area in which the infant school is situated)
- (b) The Archdeacon of the Archdeaconry in which the infant school is situated after consultation with the Rural Dean of the Deanery in which the infant school is situated 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 that ex-officio foundation governor is unable or unwilling to act as a foundation governor or has been removed from office under regulation 23(2) of the Regulations.

- 8 The Archdeacon of the Archdeaconry in which the infant school is situated, after consultation with the Rural Dean with oversight for the parish in which the infant school is situated is entitled to request the removal of any ex-officio foundation governor and appoint a substitute governor.
- 9 Recognising its historic foundation, the infant 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 infant 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 This Instrument of Government comes into effect 14 December 2020.
- 11 This Instrument was made by order of North Lincolnshire Council in November 2020.
- 12 A copy of the Instrument must be supplied to every member of the governing body (and the Headteacher if not a governor).