

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN AND FAMILIES
CABINET MEMBER**

RECONSTITUTION OF THE HUMBER ESTUARY 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 Humber Estuary Federation to be reconstituted to be effective from 1 February 2021.

2. BACKGROUND INFORMATION

- 2.1 At the full governing body meeting of The Humber Estuary Federation held on 30 November 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
 - 1 Local Authority governor
 - 1 staff governor
 - 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 Humber Estuary Federation.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To approve the new instrument of government for The Humber Estuary Federation.
- 3.2 **Option 2:** Not to approve the new instrument of government for The Humber Estuary 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

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 Headteacher	1	Ex officio Headteacher
2	Ex officio Foundation governor	2	Ex officio Foundation governor
2	Foundation governors	2	Foundation governors
15	Co-opted governors	9	Co-opted governors
Total = 24		Total = 18	

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 1 February 2021.

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

**INSTRUMENT OF GOVERNMENT
FOR THE HUMBER ESTUARY FEDERATION**

- 1 The name of the federation is "The Humber Estuary Federation"
2. The names and categories of the schools in the federation are:
 - Goxhill Primary School (Community School)
 - East Halton Primary School (Community School)
 - New Holland CE/Methodist Primary School (Voluntary Controlled School)
3. The name of the governing body is "The governing body of The Humber Estuary Federation"
4. The governing body shall consist of the following:
 - 2 Parent governors
 - 1 Staff governor
 - 1 Head Teacher
 - 1 Local Authority governor
 - 9 Co-opted governors

In the event that either school is unable to satisfy the criterion then the place can be filled by someone meeting the criterion from the other schools

 - 4 Foundation Governors (at least one from each church)

Total number of governors 18
5. The foundation governors shall comprise:-
 - (a) one ex officio foundation governor appointed by the Lincoln Diocesan Board of Education (principal officiating minister)
 - (b) one ex officio foundation governor appointed by the Barton on Humber Methodist Circuit.
 - (c) two foundation governors appointed by the Diocese of Lincoln Board of Education (after consultation with Barrow on Humber Parochial Church Council) and Barton on Humber Methodist Circuit.
6. The holder of the following office shall be a foundation governor ex officio:

- (a) Vicar of the Benefice of Barrow and Goxhill
- (b) Superintendent Minister of the Barton on Humber and Brigg Methodist Circuit

(a) The Archdeacon of Stow and Lindsey after consultation with the Rural Dean of Yarborough shall 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 there is a vacancy in the office by virtue of which his governorship exists, or he has been removed from office under regulation 23(2) of the regulations.

(b) The Superintendent of the Barton on Humber Methodist Circuit shall appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (b) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor, or there is a vacancy in the office by virtue of which his governorship exists, or he has been removed from office under regulation 23(2) of the regulations.

7 The Archdeacon of Stow and Lindsey after consultation with the Rural Dean of Yarborough may request the removal of the ex-officio foundation governor named in 7(a) and appoint any substitute governor.

The Barton on Humber Methodist Circuit may request the removal of the ex-officio foundation governor named in 7(b) and appoint any substitute governor.

8 Recognising its historic foundation, New Holland CE/Methodist Primary school will preserve and develop its religious character in accordance with the principles of the Church of England and the Methodist Church and in partnership with the Churches at parish, diocesan and circuit 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.

9 This Instrument of Government comes into effect on 1 February 2021

10 This Instrument was made by order of North Lincolnshire Council Local Authority in January 2021

11 A copy of the instrument must be supplied to every member of the governing body (and the Headteacher if not a governor).