

Individual Executive Decision Notice

Report title	Instrument of Governance - Penn Fields School	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Claire Darke Education	
Wards affected	Graiseley;	
Accountable Director	Meredith Teasdale, Director of Education	
Originating service	School Standards	
Accountable employee	Emma Balchin	Service Manager School Workforce and Governance, School Governance & Workforce Co-Ordinator
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Report to be/has been considered by	n/a	

Summary

All governing bodies of maintained schools are required to be constituted under Regulation 28, the School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, as appropriate, by 1 September 2015.

Recommendation for decision:

That the Cabinet Member for Education, in consultation with the Director of Education, approves the proposed Instrument of Government for Penn Fields School.

Signature

Date:

Signature

Date:

1.0 Background

- 1.1 At a meeting held on 15 February 2018, the Governing Board of Penn Fields School passed a resolution to reconstitute itself (minute number 6), to reduce the number of parent Governors, resulting in the need for a new Instrument of Government.
- 1.2 An Instrument of Government is the legal document for local authority (LA) schools that records the constitution of the governing Board and the term of office for each category of governor as well as the name of the school. It can be reviewed or changed at any time by the governing Board or the LA provided the correct procedure is followed.
- 1.3 New regulations were introduced on 1 September 2012 giving greater flexibility to governing bodies of LA maintained schools over their composition and appointment of governors, so any school re-constituting after this date must conform to the new regulations. The Department for Education (DfE) says that all governing bodies constituted under the 2007 regulations must have reconstituted under the 2012 regulations by 1 September 2015 and the 2012 regulations should be followed from then on. Other governing bodies may constitute if deemed necessary.
- 1.4 The Instrument at appendix 1 is submitted for approval.

2.0 Progress

- 2.1 Following the decision of the governing Board of Penn Fields School, a revised Instrument of Government is presented for approval.

3.0 Evaluation of alternative options

- 3.1 There are no viable alternative options. All governing bodies of maintained schools are required to be constituted under Regulation 28, the School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, as appropriate, by 1 September 2015.

4.0 Reason for decision

- 4.1 Reconstitution of the Governing Board.

5.0 Financial implications

- 5.1 The appointment of new governors and their subsequent training has financial implications for a school. This is funded from within a school's budgets.
[DB/05032018/D]

6.0 Legal implications

- 6.1 The DfE guidance refers to The School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012 as amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.
- 6.2 The School Governance (Constitution)(England) Regulations 2012 (the regulations) revoke the Constitution Regulations 2007 and require all maintained schools' governing body to comply with the 2012 regulations.
- 6.3 Regulation 13 requires the governing body to be constituted of a minimum of 7 governors, including minimums of 2 parent governors, the Head Teacher, 1 staff governor and 1 Local Authority governor. Unlimited number of co-opted Governors can also be appointed, with limitation as to total numbers of staff on the governing body.
- 6.4 Regulation 28 details what the instrument of government should contain.
- 6.5 The new instrument of government is compliant with the regulations.

[LW/05032018/R]

7.0 Equalities implications

- 7.1 This report has equalities implications in that it relates to the appointment of governors to the governing bodies of schools and appointments should reflect a continuing commitment to the existing equalities policy of the Council and should as much as possible reflect the diversity of the community the school caters for.

8.0 Environmental implications

- 8.1 This report has no discernible implications for the Council's environmental policy.

9.0 Human resources implications

- 9.1 This report has no human resources implications.

10.0 Corporate landlord implications

- 10.1 This report has no corporate landlord implications.

11.0 Schedule of background papers

- 11.1 The constitution of governing bodies of maintained schools.
- 11.2 Statutory guidance for governing bodies of maintained schools and local authorities in England. (Department for Education May 2014).

12.0 Appendices

12.1 Appendix 1 – Proposed Instrument of Government.