CITY OF WOLVERHAMPTON COUNCIL

Individual Executive Decision Notice

Report title	Instrument of Government for Colton Hills Community secondary School
Decision designation	GREEN
Cabinet member with lead responsibility	Cabinet Member for Education and Skills
Wards affected	Blakenhall
Accountable Director	Emma Bennett, Director of Children's and Adult Services
Originating service	School Improvement
Accountable employee	Sarah McElduff Tel 07989854448 Email sarah.mcelduff@wolverhampton.gov.uk
Report to be/has been considered by	n/a

Summary

All governing bodies of maintained schools were 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(s) for action or decision:

That the Cabinet Member for Education and Skills, in consultation with the Director of Children's and Adult Services, approves the proposed Instrument of Government for Colton Hills Community Secondary School.

_____	_____
Signature	Signature
Date:	Date:

1.0 Background

1.1 At a meeting held on 16 December 2020, the governing body of Colton Hills Community secondary School passed a resolution to reconstitute itself (minute number FGB/21/2021), to reduce the number of Co-opted Governors from 9 (Nine) to 7 (seven) from 1 January 2021, 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 body 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 body or the LA provided the correct procedure is followed.

1.3 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 reconstitute under the 2012 regulations by 1 September 2015. Other governing bodies may constitute if deemed necessary.

1.4 The Instrument at appendix 1 is submitted for approval.

2.0 Progress

2.1 Not applicable.

3.0 Evaluation of alternative options

3.1 There are no alternative options.

4.0 Reason(s) for decision(s)

4.1 Required under DfE regulations.

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(TS/26012021/0)

6.0 Legal implications

6.1 The School Governance (Constitution)(England) Regulations 2012 ("the 2012 Regulations") governs the form of school constitutions.

Part 2 of the 2012 Regulations deals with the categories of governors allowed in law in maintained schools and includes Staff Governors, LA Governors, Parent Governors and Co-opted Governors as mentioned in the attached Instrument of Government.

6.2 The attached Instrument of Government complies with Part 3 of the 2012 Regulations, which deals with the constitution of the Governing Body and imposes a minimum of seven Governors, the presence of at least two Parent Governors, the Headteacher, one Staff Governor and one Local Authority Governor.

6.3 The contents of the attached Instrument of Government comply with regulation 28 of the 2012 Regulations, which details what such an Instrument should contain.

6.4 Regulation 29(3) requires the Local Authority to consider any draft Instrument of Government received from a maintained school and consider whether it complies with all applicable legislation. If they are content that the draft so complies, the Local Authority must make the instrument of government in the form of the draft and provide notification to the appropriate persons.

6.5 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. (TC/21012021/P)

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.

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 Health and Wellbeing implications

11.1 This report has no health and wellbeing implications.

12.0 Schedule of background papers

12.1 The constitution of governing bodies of maintained schools.

12.2 Statutory guidance for governing bodies of maintained schools and local authorities in England. (Department for Education May 2014).
https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools

13.0 Covid Implications

13.1 There are no Covid Implications around the constitution of the governing body. Each school will make its own arrangements for the governing body to meet taking into account Covid-19 restrictions within the school setting.

14.0 Appendices

14.1 Appendix 1 – Instrument of Government