

# Individual Executive Decision Notice

<b>Report title</b>	Instrument of Government – Fallings Park Primary School
<b>Decision designation</b>	GREEN
<b>Cabinet member with lead responsibility</b>	Councillor Dr Michael Hardacre Cabinet Member for Education, Skills and Work
<b>Wards affected</b>	Fallings Park
<b>Accountable Director</b>	Emma Bennett, Director of Children's and Adult Services
<b>Originating service</b>	Education Excellence
<b>Accountable employee</b>	Sarah McElduff      School Governance Coordinator Phil Leivers        Head of Education Excellence, Work Tel            07989 854448 Email                phil.leivers @wolverhampton.gov.uk, sarah.mcelduff@wolverhampton.gov.uk phil.leivers @wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Education Leadership – 01/0721 Cabinet Member Education and Skills – 05/07/21

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## 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 for decision:

That the Cabinet Member for Education and Skills, in consultation with the Director of Children's and Adult Services:

1. Approves the proposed Instrument of Government for The Governing Board of Fallings Park Primary School

## **1.0 Background**

- 1.1 At a meeting held on 29 March 2021 at minute number 2119, the governing body of Fallings Park Primary School passed a resolution to reconstitute itself. The Governing Body has agreed to reduce the number of Parent Governors from 3 (three) to 2 (two), and to increase the number of Co-opted Governors from 5 (five) to 6 (six). The total number of governors remains at 11 (eleven) with effect from 31 May 2021, therefore 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 for decision**

- 4.1 It is a requirement 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/12052021/M

## **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.
- 6.1 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.

[TC/23062021/A]

## **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 Any other implications**

- 8.1 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.

## **9.0 Schedule of background papers**

- 9.1 The constitution of governing bodies of maintained schools.
- 9.2 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>

## **10.0 Appendices**

- 10.1 Appendix 1 – Instrument of Government.

This report is PUBLIC  
[NOT PROTECTIVELY MARKED]

**APPENDIX 1**  
**INSTRUMENT OF GOVERNMENT**

1. The name of the school is Fallings Park Primary School
2. The school is a Community school.
3. The name of the Governing Board is "The Governing Board of Fallings Park Primary School"
4. The Governing Board shall consist of:
  - a. Two Parent Governors
  - b. One LA Governor
  - c. One Staff Governor
  - d. One Headteacher
  - e. Six Co-opted Governors
5. Total number of Governors is 11
6. This Instrument of Government comes into effect on 31 May 2021
7. This Instrument was made by order of Wolverhampton Local Authority on .....
8. A copy of the instrument must be supplied to every member of the Governing Board (and the Headteacher if not a Governor).

The Common Seal of Wolverhampton)  
City Council was hereunto affixed in )  
the presence of )

Authorised Officer