

**Decision Maker:** Education Portfolio Holder

**Date:** For Pre-Decision Scrutiny by the Education PDS Committee on  
11 September 2012

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** **REVISED INSTRUMENT OF GOVERNMENT –  
Highfield Junior School**

**Contact Officer:** Janet Heathcote, Governor Support Officer  
Tel: 020 8461 6243 E-mail: janet.heathcote@bromley.gov.uk

**Chief Officer:** Tessa Moore, Assistant Director for Education

**Ward:** Shortlands Ward

---

1. Reason for the Report

- 1.1 Each school must have an Instrument of Government. It records the name of the school and the constitution of the Governing Body. It is the Governing Body's responsibility to prepare a draft Instrument of Government for submission to the LA, who must be content that the draft complies with all applicable statutory requirements. The following school has submitted a draft Instrument of Government for approval.

Highfield Junior School

---

2. **RECOMMENDATION(S)**

- 2.1 **It is recommended that the Executive Member approves the revised Instrument of Government, set out in Appendix 1.**
- 2.2 **It is recommended that the Executive Member instructs that the Instrument be made by the Common Seal of the Council of the London Borough of Bromley.**

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Children and Young People:
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre:
  4. Total current budget for this head: £N/A
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement: School Governance (Constitution) (England) Regulations 2012
  2. Call-in: Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

3.1 The Governing Body of Highfield Junior School, at a recent meeting, agreed to request the approval from the Education Portfolio Holder to a revision of their School Instrument of Government under the new Constitution Regulations 2012. The Governing Body wish to reduce the following categories of governor by 1; staff, parent, LA and partnership and increase the co-opted governor category by 4. The total overall number of governors remains unchanged.

3.2 The revised Instrument of Government for Highfield Junior School is set out within **Appendix 1.**

#### Background Information

3.3 The Education Act 2011 made provision for new regulations regarding the constitution of school governing bodies. The School Governance (Constitution)(England) Regulations 2012 amend those of 2007 for governing bodies of maintained schools that decide to change their Instrument of Government from 1 September 2012.

3.4 Unlike previous changes to constitutional regulations, schools will not need to reconstitute their governing body as a result of the 2012 regulations. However, when they do so, the new regulations will apply.

3.5 The new regulations specify that the membership must consist of no fewer than 7 governors for maintained schools. There is no restriction on maximum number. Currently there is a minimum of 9 governors.

3.6 The governing body must include the following:

- (a) at least two elected parent governors;
- (b) the head teacher, unless the head teacher resigns the office of governor;
- (c) one elected staff governor (only); and
- (d) one local authority governor (only);
- (e) the governing body may, in addition, appoint such number of co-opted governors (formerly community governors) as they consider necessary, provided that the requirements in respect of governing bodies of foundation and voluntary schools are met. In these regulations, co-opted governor means a person who is appointed as a governor by the governing body and who, in the opinion of the governing body, has the skills required to contribute to the effective leadership and governance and success of the school.
- (f) the total number of co-opted governors who are also eligible to be elected as staff governors, when counted with the staff governor and the head teacher, must not exceed one third of the total membership of the governing body.

3.7 The new regulations also set out new criteria for the appointment of local authority governors which now means a person who:

- (a) is nominated by the local authority; and
- (b) is appointed as a governor by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.

Therefore, this will mean that there will be two different ways in which local authority governors will be appointed to governing bodies of LA maintained schools in Bromley.

- 3.8 Under the new regulations, foundation schools without foundations will continue to have partnership governors. Voluntary aided and controlled schools with foundations will continue to have foundation governors (see paragraph 2.3 (e)).
- 3.9 Highfield Junior School which is a foundation school without a foundation (paragraph 2.5(a) below applies.
- (a) the governing body of a foundation school or a foundation special school which, in either case, does not have a foundation, must also include at least two (but no more than one quarter of the total) partnership governors;
  - (b) the governing body of a foundation school or a foundation special school which, in either case, has a foundation but which is not a qualifying foundation school, must also include at least two (but no more than 45% of the total) foundation governors;
  - (c) the governing body of a qualifying foundation school must also include such number of foundation governors as to outnumber all the other governors by two;
  - (d) the governing body of a voluntary aided school must also include such number of foundation governors as to outnumber all the other governors by two;
  - (e) the governing body of a voluntary controlled school must also include at least two (but no more than one quarter of the total) foundation governors;
  - (f) there is also provision for a substitute governor i.e. a foundation governor appointed to act in the place of an ex officio foundation governor who is unwilling or unable to act as a governor or has been removed from office.
- 3.10 Under the new 2012 Regulations, if, as a result of changes to the Governing Body composition, there are governors surplus to the new Instrument of Government, those governors would not serve out their term of office. Decisions on who will remain will be based on juniority, i.e. the governor whose period of continuous service is the shortest will be the first to cease to hold office. Where governors may have held office for an equal length of time, the selection must be decided by drawing lots.

#### 4. POLICY IMPLICATIONS

- 4.1 Schools contribute to the achievement of improved outcomes for children and young people as outlined in the Borough's Sustainable Community Strategy: 'Building a Better Bromley 2010 Vision' and in the CYP Portfolio Plan for 2011/12.

#### 5. LEGAL IMPLICATIONS

- 5.1 The draft Instrument of Government complies with the requirements of the School Governance (Constitution) (England) Regulations 2012.

<b>Non-Applicable Sections:</b>	Financial Implications Personnel implications
Background Documents: (Access via Contact Officer)	School Governor Services Statutory Guidance on the School Governance (Constitution) (England) Regulations 2012

## Education and Care Services

### Instrument of Government: Foundation School

1. The name of the school is **Highfield Junior School**.
2. The school is a foundation school.
3. The name of the governing body is “**The Governing Body of Highfield Junior School**”.
4. The governing body shall consist of:
  - a. 5 parent governors;
  - b. 1 LA governors;
  - c. 2 staff governors;
  - d. 6 co-opted governors;
  - e. 2 partnership governors;
5. Total number of governors 16.
6. The term of office of all governors is 4 years.
7. This instrument of government comes into effect on **12<sup>th</sup> September 2012**.
8. This instrument made by order of **Bromley Local Education Authority** on **12<sup>th</sup> September 2012**.