

Decision Maker: Education Portfolio Holder

Date: For Pre-Decision Scrutiny by the Education PDS Committee on
6 November 2012

Decision Type: Non-Urgent Executive Non-Key

Title: **REVISED INSTRUMENT OF GOVERNMENT –
Farnborough Primary School**

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Chief Officer: Terry Parkin, Executive Director, Education and Care Services

Ward: Farnborough and Crofton

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.

Farnborough Primary 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:
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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:
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Staff

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

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

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

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

3. COMMENTARY

- 3.1 The Governing Body of Farnborough Primary School, agreed at a recent meeting, 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 by 2 governor positions in the following category of governor, parent and LA governor. The staff governor category be reduced by 1, and the co-opted governor positions remain unchanged. The Governing Body have agreed a total number of governors of 9, a total reduction of 5 governor positions.

The Governing Body of Farnborough Primary have had a number of governors end a four year term of office or resigned during this year, therefore there will not be any surplus governors.

- 3.2 The revised Instrument of Government for Farnborough Primary 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. (Previous regulations required a minimum of 9 governors).
- 3.6 Farnborough Primary is a community maintained school, 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. 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. 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 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.

Non-Applicable Sections:	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: Community School

1. The name of the school is **Farnborough Primary School**
2. The school is a community school.
3. The name of the governing body is “**The Governing Body of Farnborough Primary School**”.
4. The governing body shall consist of:
 - a. 3 parent governors;
 - b. 1 LA governors;
 - c. 2 staff governors;
 - d. 3 co-opted governors.
5. Total number of governors 9.
6. The term of office of all governors is 4 years.
7. This instrument of government comes into effect on **6th November 2012**.
8. This instrument made by order of **Bromley Local Education Authority** on **6th November 2012**.