
INSTRUMENTS OF GOVERNMENT FOR MAINTAINED SCHOOLS

**Responsible Cabinet Member – Councillor Cyndi Hughes,
Children and Young People Portfolio**

Responsible Director – Jenni Cooke, Director of Children, Families and Learning

SUMMARY REPORT

Purpose of the Report

1. To authorise new Instruments of government for the schools to be made as set out in this report in accordance with requirements set out in the School Governance (Constitution)(England) Regulations 2012.

Summary

2. The Secretary of State for Education introduced a Statutory Instrument (SI) in response to the Trojan horse enquiry concerning Birmingham Schools which required all maintained school Governing Bodies, to reconstitute in accordance with the above regulations for the start of the new school year. The main impact of these new regulations is to make changes to the number and type of governors on each Governing Body.
3. Since the SI was introduced, Governing Bodies in Darlington's maintained schools have undertaken the process of reconstitution and the Governor Development Manager and the Director of Children, Families & Learning have reviewed the proposed draft instruments and confirmed that they are compliant with the changes required.
4. Local Authorities are required to "make" (confirm and seal) the new Instruments of Government for the Governing Bodies of Maintained Schools when they reconstitute. Approval is sought from Cabinet to formalise the replacement instruments, using the Darlington Borough Council official seal.

Recommendation

5. It is recommended that Members authorise the Head of Legal Services to compete and formalised the new instruments of government for the following schools:
 - (a) St Mary's Cockerton CE VA Primary School
 - (b) Corporation Road Primary School
 - (c) High Coniscliffe CE Primary School
 - (d) Mount Pleasant Primary School
 - (e) Northwood Primary School

- (f) St Teresa's RC VA Primary School
- (g) Whinfield Primary School

Reasons

6. The recommendations are supported by the following reasons:-
- (a) This will enable the new Instruments of Government to be sealed and issued to the relevant Governing Bodies forthwith.
 - (b) The Council has a duty to keep instruments of government up to date and to ensure that they comply with relevant law and guidance.

Jenni Cooke
Director of Children, Families and Learning

Background Papers

School Governance (Constitution)(England) Regulations 2012

Chris Bracken - Extension: 5898

S17 Crime and Disorder	There are no issues arising directly from this report that relate directly to crime and disorder.
Health and Well Being	There are no issues arising directly from this report that relate directly to health and well being.
Carbon Impact	There are no carbon impact implications in this report
Diversity	The content of this report impacts equally across all groups.
Wards Affected	Only wards containing Maintained Schools will be affected
Groups Affected	Maintained Schools and Governing Bodies equally affected.
Budget and Policy Framework	There is no change to the Budget and Policy framework as a result of this report.
Key Decision	This is not a Key Decision.
Urgent Decision	This is an urgent decision.
One Darlington: Perfectly Placed	There are no issues arising directly from this report that relate directly to One Darlington : Perfectly Placed
Efficiency	This report enables the new Instruments of Government to be formalised, as required by the Regulations

MAIN REPORT

Background

7. Following the publication of the Statutory Guidance for Governing Bodies of maintained schools and Local Authorities in England regarding their reconstitution to conform to the School Governance Regulations (2012) (hereafter 'the 2012 Regulations), the Secretary of State for Education brought forward the deadline for maintained school Governing Bodies to reconstitute for the start of the new school year.
8. At the time the instruction was issued there were 7 Governing Bodies at Darlington schools to be reconstituted. These Governing Bodies, plus their Clerks (and relevant Diocesan Boards of Education), have undertaken the reconstitution process and have drafted new instruments of government that ensure their establishment and composition meet the requirement of the regulations.
9. The main impact of these new regulations is to make changes to the number and type of governors on each Governing Body. The amended establishment is then detailed on the draft Instrument of government which is submitted to the Local Authority for confirmation and sealing.
10. The Governor Development Manager has checked and formatted the draft instruments as received, including those approved by the Diocesan Boards of Education. A model instrument of government is attached as **Appendix 1**. The full guidance can be found at <https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools>.