
**THE FEDERATION OF DARLINGTON NURSERY SCHOOLS
INSTRUMENT OF GOVERNMENT**

**Responsible Cabinet Member – Councillor Cyndi Hughes,
Children and Adult Services Portfolio**

**Responsible Director – Suzanne Joyner,
Director of Children and Adult Services**

SUMMARY REPORT

Purpose of the Report

1. To authorise new a new Instrument of Government for the Federation of Darlington Nursery Schools (currently Borough Road Nursery School and George Dent Nursery School) in accordance with requirements set out in the School Governance (Constitution) (England) Regulations 2012.

Summary

2. Local Authorities are required to “make” (confirm and seal) the new Instruments of Government for the Governing Bodies of Maintained Schools when they reconstitute.
3. Approval is sought from Cabinet to agree to the making of a new Instrument of Government for the Federation of Darlington Nursery Schools.

Recommendation

4. Following the consultation to federate the two maintained Nursery Schools, it is recommended that Members authorise the Assistant Director Law and Governance to compete and formalised the new Instrument of Government for the Federation of Darlington Nursery Schools (currently Borough Road Nursery School and George Dent Nursery School).

Reasons

5. The recommendations are supported by the following reasons:
 - (a) This will enable the new Instrument of Government to be sealed and issued to the relevant Governing Body 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.

Suzanne Joyner
Director of Children and Adult Services

Background Papers

Statutory Guidance for Governing bodies of maintained Schools and Local Authorities in England - <https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools>
Early years national funding formula: allocations and guidance - <https://www.gov.uk/government/publications/early-years-national-funding-formula-allocations-and-guidance>

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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 Borough Road Nursery School and George Dent Nursery School will be affected
Groups Affected	Borough Road Nursery School and George Dent Nursery School 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
Impact on Looked After Children and Care Leavers	There is no impact on Looked After Children and Care Leavers

MAIN REPORT

Background

6. The Federation of the two nursery schools is considered the most desirable method of retaining maintained nursery provision following national budget cuts to maintained nurseries. A new Instrument of Government is necessary
7. In April 2017, the government changed the way early years education for all 3 & 4 year old children is funded and the entitlement for eligible 3 & 4 year old children has extended from 15 hours per week to up to 30 hours per week.
8. The national funding formula now defines the early years funding that is given to each local authority. The new formula means changes to the way providers of early year's education get paid and as a result Darlington Early Years Funding Formula has been revised and agreed by schools and early years settings.
9. The funding received through the 'supplementary funding for maintained nursery' schools has been passed from the LA to Borough Road Nursery School and George Dent Nursery School. However, the 'supplementary funding for maintained nursery' at £111,738.00 is significantly less than each school was previously receiving. The impact of the reduction is that the two nursery schools will not be able to set a budget in 2018.
10. As the only two LA maintained Nursery Schools in Darlington, the Governors of each school and the Local authority believe it is important for both schools to work closely together to ensure the continuation of high quality education for nursery children.
11. The Governing Bodies of both Borough Road Nursery School and George Dent Nursery School feel that Federation would help to secure a better future for all pupils by increasing opportunities at a time of challenge. Funding for all Schools is uncertain at present, and as small stand-alone Nursery Schools, individually they are both vulnerable. Federation would increase the resilience of both schools.
12. The schools consulted with parents and stakeholders. The responses indicated that Federation will secure the future of both schools. Each school will retain its current identity. There will be a new governing body for the Federation of Darlington nursery Schools. The new governing body will initiate the savings necessary to balance the budgets by reviewing senior leadership.
13. 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 requires maintained school Governing Bodies to reconstitute when a Federation of schools is agreed.
14. The Federation of Darlington Nursery Schools, Borough Road Nursery School and George Dent Nursery School have undertaken the reconstitution process and have drafted a new Instrument of Government that ensure their establishment and composition meet the requirement of the Regulations.

15. The new establishment is detailed on the draft Instrument of Government which is submitted to the Local Authority for confirmation and sealing.
16. The Governor Development Manager has checked and formatted the draft instruments as received. The Instrument of Government is attached as **Appendix 1**. The full guidance can be found in the statutory guidance for governing bodies of maintained schools and local authorities in England <https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools>.

Instrument of Government for The Federation of Darlington Nursery Schools

1. The name of the school is The Federation of Darlington Nursery Schools (comprising Borough Road Nursery School and George Dent Nursery School).
2. The school is a Nursery school.
3. The name of the governing body is "The Governing Body of The Federation of Darlington Nursery Schools (Borough Road Nursery School and George Dent Nursery School)".
4. The governing body shall consist of:
 - a. Two Parent Governors
 - b. One LA Governor
 - c. One Staff Governor
 - d. One Executive Headteacher
 - e. One Ex Officio Governor
 - f. Six Co-opted Governors.
5. Total number of governors 12.
6. The term of office of parent governors is two years. All other governors will serve a four year period of office.
7. This Instrument of Government comes into effect on 1 November 2017.
8. This instrument was made by order of Darlington Borough Council Local Authority on 7 November 2017.

A copy of the instrument must be supplied to every member of the governor body.