

**RECONSTITUTING YOUR GOVERNING BODY**

*This guidance note has been written in conjunction with the NGA’s Guide on reconstitution.*

The Department for Education’s (DfE) aim in requiring governing bodies to reconstitute is to make all governing boards think about the three core functions (as set out in the regulations and the Governors’ Handbook) and focus on how best they can meet them. While the requirement is mandatory, there is still quite a lot of flexibility around size and composition

**What governor categories do you need?**

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| **Co-opted governors** | for the Governing Body (GB) to decide how many it wants but they must be appointed on the basis that they have the skills to contribute to effective governance. |
| **Foundation governors** | the existing foundation body retains the right to appoint foundation governors, but in future will need to appoint individuals who have the skills to contribute to effective governance. Where the foundation governors currently have to be in a majority, this will remain the case. |
| **LA governors** | there can be only one. The LA puts forward its proposed candidate but the governing body decides whether the candidate has the appropriate skills to contribute to effective governance and meets any other criteria it has specified. |
| **Parents**: | as a minimum you must have two elected parents, but you can have more. |
| **Staff governor** | you can only have one elected staff governor although you can appoint staff members as co-opted governors provided that the total number of staff members on the GB does not exceed one third of its total size. |
| **Headteacher** | retains the right to be a governor if s/he chooses. |
| ***Partnership / Associate governors*** | *continue to exist but must be put forward and appointed on the grounds that they have the skills to contribute to effective governance. They do not have voting rights on Full Governing Body matters. They maybe specifically given voting rights for the sub-committee they are placed on but this must be decided prior to appointment and minuted clearly.* |

**Questions to consider**

When did you last consider the structure of your board and committees?

Did you change anything when you converted? If not, then there’s no time like the present to give yourself a thorough going over.

Have things changed since you converted? You may now be sponsoring or considering sponsoring another school. In this case it is vital that you think about governance – how will that work in the future?

A self-evaluation is a good starting point. As with any strategic decision, you can’t decide what your governing board should look like in the future if you don’t know how effectively it operates now. While the ‘where do we want to be?’ may be driven by the requirement to reconstitute, it is up to you to decide what the new board looks like. If you haven’t recently undertaken a board self-evaluation then reconstitution provides an excellent opportunity to do so. There are a range of tools for self-evaluation: the APPG’s 20 questions, Governor Mark, or your LA or academy trust may have adapted one.

**Skills audit**

As part of that process you should undertake skills audit of your current governors. Most governing boards are now using these, but if you haven’t carried one out recently then it’s a good chance for a refresh. It is intended as a means to recognise the skills that currently exist within your governing board and identify where any significant skills gaps exist.

This will provide part of the picture to enable you to decide whether it would be better to have more co-opted governors, so that you can spread your recruitment net as wide as possible. It doesn’t necessarily mean that you reduce parent or staff representation on the governing body – parents and staff can be co-opted governors – so if someone from those groupings has the skills/experience the board is looking for you can still appoint them.

**Discussion on Constitution**

Managing change can be tricky and the chair of governors will have a vital role to play in ensuring that all members of the governing body are able to have an input into the process. In addition, you may reduce in size, or the changes in categories may mean that some existing governors will no longer have a seat. That needs to be made clear at the beginning of the process and handled as sensitively as possible.

It may be that you have some willing volunteers who have done sterling service to the governing board but decide that this is the right time to step away, either from governance or simply to seek a new governing challenge in another school.

For maintained schools, the governing body must include (in addition to any co-opted governors):

* At least 2 parent governors
* The Headteacher unless the Headteacher resigns as a governor.
* One local authority governor and one staff governor

The governing body may appoint as many additional co-opted governors as they consider necessary. However, the number of co-opted governors who are eligible to be elected or appointed as staff governors under Schedule 2 must not, when counted with the one staff governor and the headteacher, exceed one-third of the total membership of the governing body.   
  
There is no upper limit but governing bodies should have regard to statutory guidance in deciding their size. The minimum size of a governing body is 7. *Smaller governing bodies are generally considered to be more effective than larger ones*

You must have a minimum of two elected parents. If you currently struggle to recruit parent governors, reducing to the minimum might be the best option. Whether you have two or more it is important to remember that parents on the governing body are not a substitute for wider parental engagement. The governing board still needs to have mechanisms to gather the wider parental body’s views (positive and negative) on the school, just as you need to have an understanding of staff and pupils’ views.

Remember, the key aim is to make changes that will have the most impact in ensuring children and young people get the best education possible

**Instrument of Government**

Once you have discussed and clearly minuted your discussion at a Full Governing Body Meeting you need to advise the School Governance Co-ordinator of your intentions to reconstitute. You need to ensure that you supply a copy of the minutes outlining the discussion and reasons for the reconstitution, clearly stating how you are increasing/decreasing and the date from which you would like these changes to commence.

The School Governance Co-ordinator will consider whether it complies with the relevant legal requirements before processing your requested changes and gaining Cabinet approval by resubmitting your Instrument of Government formally. Once this has been approved a copy of the new Instrument of Government will be sent to each member of the Governing Body.

**Useful resources**

For more advice and guidance on reconstitution

DfE statutory guidance, The Constitution of Governing Bodies of Maintained Schools,

<https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools>

DfE, Governance Handbook and Competency Framework

<https://www.gov.uk/government/publications/governance-handbook>

School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014.

<https://www.legislation.gov.uk/uksi/2014/1257/contents/made>

NGA Website

<https://www.nga.org.uk/Home.aspx>

or contact:

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