

Committee Matters:

What governors need to know to ensure
their committees work well

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Section One - The Purpose of Committees

Introduction

What the law says:

The committee structure is a matter for each individual governing body. The law gives governing bodies considerable discretion. The School Governance (Procedures) Regulations 2003 require governing bodies to review the following matters **annually**.

- Committee Constitution
- Membership
- Terms of reference

The annual review can take place at any time of the year. Most governing bodies opt to do it in the autumn. There are advantages to doing it at the end of the summer so that the governing body is fully functioning at the start of the new academic year.

Whenever you undertake the review, make sure it is an item on your agenda and that sufficient time is allocated for all governors to consider these matters.

Why have committees?

Committees exist to help governing bodies manage their business more effectively. There is no absolute requirement for a governing body to have committees, but we would strongly recommend a sound committee structure that lessens the workload of full governing body meetings.

When committees work well, they provide:

- Opportunities for issues to be debated fully and in detail
- More effective decision-making
- Opportunities for governors to develop skills and knowledge in specific areas
- A strengthened partnership between governors and staff who may attend committees in an advisory capacity
- Opportunities for governors to develop relationships, build trust and enhance team-work outside the full meetings.

They work less well when:

- they operate as closed groups and alternative power bases to the full governing body
- they limit opportunities for governors to be informed on key issues, especially issues related to teaching and learning
- there is a greater risk of agendas and minutes not being given proper attention, if committees are not properly clerked and organised
- there is a risk that discussion of committee business is duplicated at full governing body meetings.

How are Committees set up?

The governing body needs to decide which of the following options is likely to be most effective:

- a. The whole governing body debates and decides all policy and strategic matters
- b. Committees make recommendations but not final decisions. The full governing body takes final decisions
- c. Committees are given delegated powers to make policy and take all decisions. These are reported back to the full governing body, which remains responsible in law for the decisions made
- d. Committees are given delegated powers but the full governing body retains final authority in a few key agreed areas e.g.
 - Approval of the annual budget plan
 - Approval of statutory targets by 31 December deadline
 - Approval of the School Development Plan
 - Approval of a limited number of high profile school policies
 - Final approval of the OfSTED self-evaluation form (SEF).

Kirklees School Governor Service recommends the adoption of Option d.

Where the governing body has delegated functions to a committee, the law allows the governing body to amend or even overrule committee decisions. However, in order to avoid any potential conflict between a particular committee and the whole governing body, careful attention should be given to the terms of reference of each committee. These should set out in simple English precisely what each committee is responsible for and how it should operate.

Decisions for the Governing Body

1. What is the best time of year for the governing body to review its committee structure, membership, terms of reference?
2. Does the whole governing body:
 - a. deal with everything itself?
 - b. set up committees and require them to report back with recommendations?
 - c. set up committees and delegate all powers to them?
 - d. set up committees with delegated powers, whilst retaining final authority?

Section Two – The Structure

Committee Membership

Committee membership is a matter for the whole governing body. The strength of a governing body is the extent to which it is able to call on a range of people from different backgrounds and with different interests. The most effective committees are composed of individuals with commitment and enthusiasm who are not afraid to ask questions and seek clarification.

Some governing bodies allow new governors to attend all committees as observers before deciding which committee/s they wish to join. Allocating someone to a committee does not mean they remain on that committee for an indefinite period. Many governing bodies rotate their committee membership every two or three years.

Chairs of Committees

The governing body should decide whether it wishes to nominate people to serve as chairs of its committees or whether to leave the committees to elect their own chairs. Staff who work at the school are entitled to serve as chairs and vice chairs of committees. Associate members may also serve as chairs. However, this does not apply to the performance management committee as regulations do not permit employees to be present at the discussion of a colleague's pay or performance.

Associate Members

Since September 2003, governing bodies have been entitled to appoint associate members (non-governors) to committees, if they wish. The definition of an associate member is wide. It may include pupils, staff or people in the community with specific areas of expertise useful to a school.

Associate members can be appointed to any committee (with the exception of the Performance Management Committee *) for between one and four years. They are not governors and do not appear on the Instrument of Government which is the legal document specifying the governing body's composition. They can be removed from office by the governing body at any time.

Associate members may be granted voting rights by the governing body providing they are aged 18 or over but they cannot vote on the following matters:

- Admission of pupils
- Pupil discipline issues
- Election and appointment of governors
- The budget and financial commitments of the governing body
- Performance Management

* An Associate Member cannot be on the Performance Management Committee: firstly, because they are not a governor and secondly, because as an Associate Member they cannot take part in discussions regarding the pay or performance of a member of staff.

Chair and head teacher's attendance at committees

The headteacher is entitled to attend all committee meetings. In secondary schools, it is more common for members of the Leadership Group to be attached to different committees in an advisory capacity. This allows senior staff and governors to develop working relationships and has the advantage of reducing the headteacher's workload in relation to governance.

The most effective governing bodies practise a shared leadership approach that allows other governors to manage committee business without the chair of governors always having to be present.

Rights of others to attend committees

The governing body should decide if members of staff, parents or anyone else may attend committees as observers. The same rule should apply for attendance by others at full governing body meetings. The governing body should decide how it will deal with requests from non governors to attend its meetings, when it undertakes its annual review.

The rights of staff governors

Staff governors have the same status and rights as other governors. They only have to withdraw from meetings where their interest in a matter is greater than that of other staff at the school. In other words, they have a personal interest in the matter under discussion. They are allowed to take part in staff appointments or sit on pupil exclusion panels, providing they have had no involvement in the particular issue or that they do not stand to gain.

There is an important exception to the above rule, as mentioned in relation to chairing committees. No one paid to work at the school, other than the head teacher, should be involved in making decisions or voting on the pay or performance of any other member of staff. This does not apply to discussions about general policy.

The head teacher must withdraw and cannot vote in relation to their own pay or performance management.

Conflict of interest

The law restricts the right of anyone to take part in governing body meetings or committees where there is a conflict of interests between that person and the interests of the governing body. That person should withdraw from the meeting and not vote.

If there is any doubt about a governor's ability to act impartially, in a situation where the principles of natural justice require a fair hearing, s/he should also withdraw from the meeting and not vote.

If there is a dispute about whether a governor present has a conflict of interest, the matter must be resolved by the governors present at the meeting.

Examples of cases where a fair hearing must be given include decisions about staff or pupil discipline or admission of pupils. There is nothing to prevent individuals, staff or governors, giving evidence about a particular case, but they may not be involved in discussions or decision-making if there is any doubt about their ability to act impartially.

Decisions for the governing body:

1. Which governors are to be members of which committees?
2. How will new governors be allocated to committees?
3. Should chairs of committees be appointed by the full governing body or by the committees themselves?
4. Should committees have associate members?
5. What, if any, voting rights should associate members be given?
6. What is the governing body's policy on observers attending committee and full governing meetings?

Section Three – The Organisation

The Operation of Committees

The following important rules relate to **committees with delegated powers**. Committees with delegated powers are conducting the business of the governing body and their working practices should mirror those of the governing body. They are therefore required to work within the appropriate legal framework. See **Appendix One** for a model committee constitution with delegated powers.

If the governing body decides not to delegate authority to committees it should take account of these rules, which provide a sound basis for good practice.

Quorum

The quorum for any committee meeting with delegated powers is three or more governors. If your committees are large the quorum could be increased. The quorum must be specified in each committee's constitution.

Voting

Decisions must be agreed by a majority of votes of governors and associate members present and voting. If there is an equal number of votes, the chair – providing they are a governor – may use a second or casting vote, however, it is always preferable for the members to continue the debate until there is agreement. The committee can only vote if the majority of committee members present are governors.

Clerks to committees

The governing body must appoint a clerk to each committee, who may be a governor or an externally appointed clerk. Head teachers cannot clerk committees.

The clerking service SLA does not cover the clerking of committees. A committee clerk or a clerking service for committees can be arranged by contacting the School Governor Service, however this will be dependent on availability and subject to further charges to the school.

See **Appendix 2** for a model clerk's job description.

The role of the committee chair

Chairs of committees are responsible for drafting the agenda, in consultation with the headteacher and where relevant, clerk to the committee. See Job Description for chairs of committees, **Appendix 3**.

The rules about agendas and minutes of committees:

- Agendas and papers to be considered at the meeting must be sent out at least seven days before a meeting.
- Minutes must be signed by the committee chair after approval at the next meeting of the committee.
- Agendas, signed minutes and reports or papers must be made available to anyone who wants to see them as soon as reasonably practicable.
- Confidential minutes relating to a named person or any other matter the committee considers highly sensitive, should be made available to all governors but not to others ie parents, the staff, the public. The same rules apply here as apply to the removal of a minute from the public copy of governing body minutes.
- Decisions must be clearly and accurately recorded and reported to the full governing body.

Copies of agendas and approved minutes of committees and full governing body meetings should be available to anyone who wants to see them. Many schools incorporate these documents on the school website or on Digital brain.

Reporting back on committee business to the full governing body

Committees with delegated powers have a duty to report to the full governing body on key decisions made and important issues arising out of major discussions. As the full governing body remains accountable for all decisions taken, including those which are delegated, it is recommended that the minutes of all committee meetings are made available to all governors. This should reduce the need for time to be spent at full governing body meetings going over matters which have been dealt with at committee level, whilst ensuring everyone remains fully informed.

The chair of governors should not allow committee business to dominate proceedings. The whole point of delegation is that it allows committees to get on with their business, thereby freeing up time for the full governing body to focus discussion on important whole school issues.

Delegation of power to committees is only effective if governors are empowered to fulfil their role. If this does not happen, delegation ceases to be effective.

If the governing body has retained final authority in a few key areas e.g. approval of the final budget plan, approval of statutory pupil performance targets, approval of certain key policies, approval of the final version of the OfSTED self evaluation form, these matters can still be considered in detail at committee level but appropriate time should be allocated at main governing body meetings for closer scrutiny of recommendations from these committees.

Linking committee business with the main governing body meetings

Committee meetings should dovetail with those of the full governing body. This ensures that key decisions made by committees are reported to the main governing body, soon after they are made. An annual schedule of meetings should be devised which allow committees to meet before the main governing body but also provide sufficient time for committee decisions to be recorded so that they can be circulated to all governors.

Issues of confidentiality

The majority of a governing body's business is not confidential. Schools are public institutions funded with public money. The Freedom of Information Act requires that where a valid request for information is made, the enquirer is entitled to know whether the school holds the information and, if so, to have access to it. Access can include providing extracts of documents or a summary of the information sought, or access to the original document. Very broadly, information cannot be withheld unless the request is considered vexatious or repeated; the cost of compliance is prohibitive; or the release of information would jeopardise on-going disciplinary or grievance proceedings.

Regulations specify that the following matters may be treated as confidential:

Matters related to:

- a named teacher or person employed at the school
- a named pupil or candidate for admission to the school
- any matter which, by reason of its nature, the governing body is satisfied should be dealt with on a confidential basis.

Minutes and papers relating to confidential matters are not made public. Whenever possible, names should not be used and only initials used where absolutely essential. The detail of the discussion should not be shared with anyone outside the committee.

However, all categories of governor are entitled to see confidential minutes, which should be brief and succinct. Confidential minutes and supporting papers should be kept separate from other minutes.

Decisions for the governing body:

1. What is the agreed quorum for committees?
2. Does the governing body agree to give the chair of a committee a casting vote?
3. Who is responsible for preparing agendas?
4. Does the annual schedule of meetings provide adequate time for committee business to be properly recorded and circulated to all governors in time for main meetings?
5. How are committee decisions reported to the governing body?

Section Four – The Procedures

Understanding Delegation

The rules on what can and cannot be delegated to committees changed in September 2003.

Committees now have authority to take decisions on most issues. There are very few matters that the full governing body must approve. However, the governing body remains responsible in law for all decisions taken by committees acting with delegated powers.

Decisions by the whole governing body are only valid if 50% (rounded up) of the governors in post are present. For example, a governing body with a composition of 16 but with only 12 governors in post, must have six governors present for decisions to be legally valid.

Issues that must be decided by the whole governing body and cannot be delegated to committees or to individuals:

1. The establishing of a selection panel to appoint a head or deputy head teacher.
2. Ratification of the appointment of the head and deputy head teacher.
3. The size and membership of the whole governing body.
4. Appointment and removal of chair and vice chair of governors and the length of their terms of office.
5. Appointment and removal of community governors and Associate Members
6. Appointment and removal of the clerk to the governing body.
7. Suspension of a governor for up to six months.
8. The structure of committees – their size, membership and extent of delegation.

Issues which can be delegated to committees but not to individuals

1. The alteration, closure or change of category of a maintained school
2. The approval of the first formal budget plan of the financial year
3. Responsibility relating to school discipline policies
4. The exclusion of pupils
5. Responsibility relating to admissions which includes establishing a governors' admissions panel (VA schools only).

Delegation of Staffing Issues

The governing body has overall responsibility for all staff appointments and dismissals. With the exception of the appointment of heads and deputies and the dismissal of heads, it may delegate these responsibilities to:

- the head teacher;
- an individual governor;
- a group of governors, with or without the head teacher.

If the governing body delegates any of these functions to one or more governors, the headteacher is entitled to attend all proceedings and to offer advice, which must be considered by the governors concerned. However, Kirklees advice when appointing a new headteacher is that the out-going head takes no part in the selection of their replacement.

In all schools, the **head teacher** is expected to **lead** on the following:

- Appointing staff outside the **leadership group**.
- Making **initial** staff dismissal decisions (with the exception of the head teacher).

Staffing guidance from the Department for Children Families and Schools (DCSF) requires governors to delegate these functions to the headteacher unless there are very good reasons for not doing so. However, Kirklees governing bodies have, in the main, preferred to maintain a Staff Discipline and Grievance Committee.

In all schools, governors lead the process of:

- making appointments to the leadership group;
- hearing appeals against dismissals and hearing appeals under locally agreed disciplinary and grievance procedures;
- dismissal of the headteacher.

The appointment of head teachers and deputy head teachers

Please remember that when appointing a head teacher, the serving head teacher is not part of the process, even if they are still in post. Therefore, the designated School Improvement Officer who is supporting governors takes the lead in organising the process. Kirklees believes that it is unreasonable to expect governors to bear this load. A guidance pack is available on Ednet: <http://www.kirklees-ednet.org.uk/management/governors/documents> or from the School Governor Service, Room 15, The Deighton Centre, Deighton Road, Huddersfield, HD2 1JP.

First of all, there **must** be a full governing body meeting that starts the process. This enables all governors to have a say on the type of person, specific requirements, characteristics, experience etc. that they believe their school needs. The SIO(s) is present at this meeting at which a selection panel is decided. The panel is given the responsibility to select the head/deputy head. When the process is complete, the panel present their selection to a meeting of the full governing body for ratification, usually on the same evening as the final interviews. It is not often that a governing body is advised that they are only formally “rubber stamping” the panel’s selection but this is one of those occasions. Unless there has been a flaw in the process, the governing body may not refuse to ratify the panel’s selection.

Decisions for the governing body:

1. Does the governing body intend to maintain a Staff Discipline and Grievance Committee?

Appendix 1

Model committee constitution

1. A committee shall consist of not less than three members of the governing body.
2. The governing body shall determine the membership and proceedings of any committee. The governing body must also review the establishment, terms of reference, constitution and membership of any committee annually.
3. The establishment of any committee with delegated authority shall be decided by a quorum of 50% of governor places filled on the whole governing body.
4. The membership of a committee may include associate members, (non governors) appointed by the governing body, provided that a majority of members are governors.
5. The governing body shall decide whether associate members may vote.
6. The head teacher is entitled to attend any meeting of a committee.
7. Each committee must have a chair, appointed by the governing body or elected by the committee. The governing body may remove the chair of a committee from office at any time.
8. The chair of a committee has the casting (or second) vote, except where the chair is an associate member.
9. Other members of the governing body may attend any meeting of any committee.
10. Where there is a conflict between the interests of an individual member of the committee and the interests of the governing body, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about the person's ability to act impartially, s/he should withdraw from the meeting and not vote.
11. The governing body may abolish a committee or withdraw its delegated powers.
12. Each committee must have a clerk appointed by the governing body (the headteacher cannot clerk meetings of the governing body, including committees).
13. Members of a committee are entitled to seven days notice of a meeting and to receive an agenda and papers to be considered at the meeting. A shorter timescale may be given if a committee chair decides the issue needs urgent attention.
14. The chair must sign minutes of all committee meetings, after approval at the next meeting of the committee. All governors are entitled to a copy of the minutes, including any confidential items.
15. The committee must make available for inspection, to anyone interested, a copy of the agenda, signed minutes and any reports and papers. Information of a confidential nature does not have to be made available for inspection.
16. The committee will report (recommendations and/or decisions) to the full governing body.

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| <ol style="list-style-type: none">1. If the governing body decides to adopt or adapt this model constitution, it is important that the committees follow the principles laid down.2. If the governing body decides not to have a written constitution, they must agree basic principles and procedures for each of their committees. |
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Appendix 2

Model Clerk's Job Description

The majority of schools in Kirklees buy into the Clerking Service SLA and appoint the Director of Children and Young People Service to be their Clerk to the Governors (this SLA covers them for governing body meetings only). This role is fulfilled by the **School Governor Service** who appoint "Minute Clerks" to undertake the minute taking.

The clerk to the Governing Body will be accountable to the Governing Body, working effectively with the chair of governors, and with the head teacher and other governors. The minute clerk will be responsible for advising the Governing Body on constitutional matters, duties and powers, at the meeting, and will work within the broad current legislative framework. He/she will secure the continuity of Governing Body business and observe confidentiality requirements.

The clerk will:

- convene meetings of the committee: at least 7 days in advance of the meeting provide notice in writing, together with a copy of the agenda for the meeting and any reports or other papers to be considered at the meeting
- record the attendance of governors at the meeting
- advise the Governing Body on governance legislation and procedural matters where necessary during the meeting
- take notes of the Governing Body meetings to prepare minutes, including indicating who is responsible for any agreed action
- record all decisions accurately and objectively with timescales for actions
- following the approval of the minutes at the next meeting forward a copy to the LA, and inform the Governing Body of any changes to its membership
- chair that part of the meeting at which the chair is elected
- have access to appropriate legal advice, support and guidance.

Please contact the School Governor Service if you would like to discuss clerking arrangements for committees.

Appendix 3

Model Job Description for chair of a committee with delegated powers

1. To be responsible for drafting agendas in consultation with head teacher/ senior manager/ head of department/ and clerk.
2. To chair committee meetings.
3. To ensure the committee is quorate (minimum 3 members).
4. To lead motivate and support committee members.
5. To ensure new members are properly inducted.
6. To ensure the committee's work links appropriately with the school improvement priorities.
7. To sign approved minutes.
8. To be responsible for ensuring the governing body is informed of decisions made.
9. To respect confidentiality.
10. To ensure committee minutes and supporting documents are available to anyone who wants to see them.
11. To ensure that the committee's work adheres to the agreed terms of reference and that the terms of reference are agreed annually by the full governing body.

Appendix 4

Committee Clerking Check List

Calling the meeting

Membership checked
Notice of meeting, agenda and papers sent with 7 **clear** days notice

The meeting

Quorate
Acting within agreed terms of reference
Clerk appointed, if the clerk is absent (not the head teacher)

Minutes

Correct committee name
Committee members listed as present
Non-committee members listed as in attendance
Chair indicated
Decisions recorded
Confidential items on separate page (marked part B)

NB: Meetings of working parties do not require formal minutes. A report on their recommendations to the governing body is sufficient.

Appendix 5

Governing Body Decision Planner

This planner shows to which level the governing body may legally delegate functions.

KEY

Level 1: Full governing body

Level 2: A committee of the governing body

Level 3: An individual governor

Level 4: Head teacher.

Column blank: Action could be undertaken by this level.

Column blocked off: Function cannot be legally carried out at this level.

Although decisions may be delegated, the governing body as a whole remains responsible for any decision made under delegation

Key Function	No	Tasks	Decision Level			
			1	2	3	4
Budgets	1	To approve the first formal budget plan each financial year				
	2	To monitor monthly expenditure				
	3	To establish a charging and remissions policy				
	4	Miscellaneous financial decisions				
	5	To enter into contracts (GB may wish to agree financial limits)				
	6	To make payments				
Staffing	7	Headteacher appointments (selection panel)				
	8	Deputy appointments (selection panel)				
	9	Appoint other teachers				
	10	Appoint non teaching staff				
	11	Agree a pay policy				
	12	Pay discretions				
	13	Establishing disciplinary/capability procedures				
	14	Dismissal of head teacher				
	15	Dismissal of other staff				
	16	Suspending head				
	17	Suspending staff (except head)				

Key Function	No	Tasks	Decision Level			
			1	2	3	4
	18	Ending suspension (head)				
	19	Ending suspension (except head)				
	20	Determining staff complement				
	21	In voluntary and foundation schools to agree whether or not the Chief Education Officer/diocesan authority should have advisory rights				
	22	Determining dismissal payments/early retirement				
Curriculum	23	Ensure National Curriculum (NC) taught to all pupils and to consider any disapplication for pupil(s)				
	24	To establish a curriculum policy				
	25	To implement curriculum policy				
	26	To agree or reject and monitor curriculum policy				
	27	Responsible for standards of teaching				
	28	To decide which subject options should be taught having regard to resources, and implement provision for flexibility in the curriculum (including activities outside school day)				
	29	Responsibility for individual child's education				
	30	Provision of sex education – to establish and keep up to date a written policy				
	31	To prohibit political indoctrination and ensuring the balanced treatment of political issues				
	32	To establish a charging and remissions policy for activities (non NC based)				

Key Function	No	Tasks	Decision Level			
			1	2	3	4
Performance Management	33	To formulate a performance management policy				
	34	To establish a performance management policy				
	35	To implement the performance management policy				
	36	To review annually the performance management policy				
Target Setting	37	To set and publish targets for pupil Achievement				
Discipline/Exclusions	38	To establish a discipline policy				
	39	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair in cases of urgency)				
	40	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)				
Admissions	41	To consult annually before setting an admissions policy (but in community and controlled schools only where the LA has delegated this power to the governing body)				
	42	To consult annually before setting an admissions policy (VA and Foundation schools)				
	43	To establish an admissions policy (special schools where pupils do not have a statement) acting with LA				
	44	Admissions: application decisions (but in community and controlled schools only where the LA has delegated this power to the governing body)				
	45	Admissions: application decisions (VA, Foundation and special schools)				
	46	To appeal against LA directions to admit pupil(s) (Voluntary, Foundation and special schools; also community and VC schools where LA is the admissions authority)				

Key Function	No	Tasks	Decision Level			
			1	2	3	4
Religious Education	47	Responsibility for ensuring provision of RE in line with school's basic curriculum (all schools) NB this must fall into line with locally agreed syllabus				
	48	Decision to revert to previous RE syllabus (Foundation Schools except VA of religious character)				
	49	Decision to provide RE according to trust deed/specified denomination in VA schools with religious character (Foundation and VC schools of religious character at request of parents)				
	50	Decision to provide RE in line with locally agreed syllabus (VA schools – only if parents request it. All other schools not covered in 49 above)				
Collective Worship	51	In all maintained schools to ensure that all pupils take part in a daily act of collective worship (after consulting GB)				
	52	To make application to the advisory councils, SACRE, concerning the requirements for collective worship (schools without a religious character) to disapply (after consulting GB)				
	53	Arrangements for collective worship (schools without religious character (after consulting GB)				
	54	Arrangements for collective worshipping Foundation schools of religious character, VC or VA schools (after consulting head)				
Premises & Insurance	55	Buildings insurance and personal liability– GB to seek advice from LA, diocese or trustees where appropriate (it is suggested that the GB as a whole should be involved in this decision)				
	56	Developing school buildings strategy or master plan and contributing as required to LA Asset Management Planning arrangements (it is suggested that the GB as a whole should undertake this decision)				
	57	Procuring and maintaining buildings, including developing properly funded maintenance plan				
Health & Safety	58	To institute a health and safety policy (in community and VC schools this would be the LA)				
	59	To ensure that health and safety regulations are followed				

Key Function	No	Tasks	Decision Level			
			1	2	3	4
School Organisation	60	To publish proposals to change category of school				
	61	Proposal to alter or discontinue voluntary foundation or foundation special school				
	62	To set the times of school sessions and the dates of school terms and holidays except in community and VC schools where it is the LA				
	63	To ensure that the school meets for 380 sessions in a school year				
	64	To ensure that school lunch nutritional standards are met where provided by the governing body				
Information For Parents	65	To prepare and publish the school Prospectus				
	66	To prepare and publish the school Profile				
	67	To ensure provision of free school meals to those pupils meeting the criteria				
	68	Adoption and review of home-school agreements				
GB Procedures	69	To draw up instrument of government and any amendments thereafter				
	70	To appoint (and remove) the chair and vice-chair of a permanent or a temporary governing body				
	71	To appoint and dismiss the clerk to the governors				
	72	To hold a full governing body meeting at least three times in a school year or a meeting of the temporary governing body as often may require				
	73	To appoint and remove community or sponsor governors				
	74	To set up a Register of Governors' Business Interests				
	75	To approve and set up a Governors Expenses Scheme				
	76	To discharge duties in respect of pupils with special needs by appointing a "responsible person" in community, voluntary and Foundation Schools				

Key Function	No	Tasks	Decision Level			
			1	2	3	4
	77	To consider whether or not to exercise delegation of functions to individuals or committees				
	78	To regulate the GB procedures (where not set out in law)				
Federations	79	To consider forming a federation or joining an existing federation				
	80	To consider requests from other schools to join the federation				
	81	To leave a federation				
Extended Schools	82*	To decide to offer additional activities and to what form these should take				
	83	To put into place the additional services provided				
	84	To ensure delivery of services provided				
	85*	To cease providing extended school provision				

*Although these tasks are open to delegation under the Education Regulations 2000 (School Government - Terms of Reference - England), the expectation would be that these decisions would be undertaken by the full Governing Body.

Appendix 6

Complaints Committee Guidance

Schools are required by law to have, and publicise, their complaints procedures.

We recommend the following guidance to governing bodies.

The constitution of a complaints committee

In appointing members to the complaints committee, consideration must be given to the possible need for further action by the disciplinary/dismissal committees with regard to the issue of tainting other committees. With that in mind, the complaints committee should be small and constituted as follows:

- That the committee, when it meets, includes at least one parent governor
- That governors who are employed to work at the school and who may have a direct involvement, are precluded from membership
- That the committee has delegated powers. As such it needs formal notice, an agenda and brief minutes (care needs to be taken about the content of minutes re: tainting, when reporting back to the full governing body)
- If the governing body has not appointed a chair, or the chair is not available, the committee shall appoint one of their number to be chair.

The terms of reference of the complaints committee

It is assumed that, unless the complaint is about the head teacher personally, the head teacher will always be expected to be the person to initially resolve a complaint. The suggested terms of reference are:

- To review the headteacher's decision where a complainant is dissatisfied
- To allow the complainant to present his/her case personally
- To allow the complainant to be accompanied by a friend
- At the Committee's discretion, to allow a pupil to be heard
- Following a tribunal format, the complainant and the head teacher will only be heard in each other's presence.

Decisions to be taken

Firstly –

- To confirm or not that the complaints process has been followed fully and fairly.

Secondly, one of the following –

- To confirm the head teacher's decision
- To ask the head teacher to reconsider certain aspects of the complaint
- To ask the LA to investigate the complaint, if either party is not satisfied.

Procedures to be followed by the complaints committee

- The complaints committee should have received all the complainant's and the head teacher's correspondence about the complaint. There must be writing from both 'sides'. The complaints committee is a review body and not an initial investigation.
- The chair of the committee should write to the complainant to inform him/her about the meeting. The complainant should be offered every accommodation regarding the timing of the meeting.

- Brief minutes, regarding the date, time and place of the meeting; people present; a brief account of the complaint; a brief account of the head teacher's decision; a record of the committee's decisions.
- The minutes should not refer to people by name but by initials and will be resolved to be 'not available to the public at the school'.

Please note:

The complaints committee does not deal with complaints against the head teacher because the head cannot investigate her/himself. These must be referred to the chair of governors (who may decide to involve the LA as investigator).

We strongly recommend that the chair contact the LA for advice and support.

Further guidance and a Model Complaints Policy are available on Ednet:

<http://www.kirklees-ednet.org.uk/management/complaints.htm> schools are recommended to adopt the LA model policy.

MODEL TERMS OF REFERENCE

Name of School GB

Name of Committee: Strategic Planning Group/Chair of Governors and Chairs of Committee Group

Purpose statement: To ensure the activities of the governing body are coordinated, efficient and productive.

Terms of Reference

1. To plan the work of the governing body and its committees.
2. To draft an annual programme of meetings for the full governing body and the committees.
3. To identify the key priorities from the school improvement plan for consideration at full governing body meetings.
4. To identify priorities for discussion at the governing body committees.
5. To ensure governor consideration of key priorities dovetails with the relevant timescales in the school improvement plan.
6. To ensure an effective distribution of the governance workload.
7. To evaluate the effectiveness of the governing body processes.
8. *Additional items the governing body may wish to include.*

Reviewed:

Name of School GB

Name of Committee: Curriculum, or relevant name agreed by the governing body.

Purpose statement: To review and evaluate teaching and learning, pupil achievement and standards and the implementation of Every Child Matters.

Terms of Reference

1. To advise the governing body on standards and achievement, including statutory requirements and the every child matters agenda.
2. To contribute to the development of the school improvement plan and Self-Evaluation Form (SEF) and School Profile.
3. To monitor and review academic and pastoral arrangements to ensure the school delivers a broad and balanced curriculum in keeping with the ethos of the school and the requirements of the National Curriculum and Every Child Matters.
4. Ensure that statutory targets are agreed, reported to the governing body and the local authority and published in the school profile.
5. To ensure the promotion of healthy lifestyles including healthy eating, consumption of water and appropriate education and information on health related issues.
6. To ensure that there are effective and enforceable policies on child protection, bullying and racial issues and that all pupils have confidence that these issues will be dealt with in an appropriate manner.
7. To ensure that as far as possible school is a place of positive experience and enjoyment for pupils and that the Rewards system reflects this.
8. To ensure that regard is paid to pupils' spiritual, moral, social, emotional and cultural development.
9. To ensure that pupils develop their understanding of their rights and responsibilities and have appropriate opportunities to make a positive contribution to the local community.
10. To consider curriculum issues which have implications for finance and personnel decisions and to make recommendations to the relevant committees or the governing body.
11. To make arrangements for the governing body to be represented at school improvement discussions with the local authority and for reports to be received by the governing body.
12. To ensure arrangements for educational visits follow the guidance available from the local authority.
13. To ensure effective provision for students with Special Educational Needs (SEN).
14. Monitor and review curriculum related policies.
15. To consider any curricular and careers matters referred by staff, students, parents, or the governing body (Secondary only).
16. To evaluate and review the provision of extended school services.
17. To make recommendations to the governing body about school hours and the length of the school day.
18. *Additional items which individual governing bodies may wish to include*

Reviewed:

Name of School GB

Name of Committee: Finance or relevant name agreed by the governing body.

Purpose statement: To ensure the school has strategic plans in place to deliver effective teaching and learning within the school budget.

Terms of Reference

1. To ensure the school adheres to the local authority's conditions of the 'Scheme for Financing Schools.'
2. To oversee the longer-term strategic planning of the school's finances.
3. To oversee the preparation of the annual budget plan and ensure it links to the school development plan priorities agreed by the governing body.
4. To recommend the final budget for approval to the full governing body.
5. To monitor the budget and present a report to each scheduled meeting of the governing body.
6. To exercise virement between heads of expenditure of the budget up to a limit of £X,000.
7. To notify the approved budget to the local authority by the agreed deadline.
8. To agree the level of delegation to the headteacher for the day-to-day financial management of the school.
9. To monitor expenditure and ensure corrective action is taken where necessary.
10. To evaluate spending to ensure value for money in raising standards of education.
11. To monitor income and expenditure of all public funds.
12. To ensure accurate accounts are kept.
13. To ensure key financial decisions are properly recorded.
14. To authorise signatories for the school bank account for notification to the County Treasurer.
15. To ensure the audit of non-public (voluntary) funds.
16. To establish procedures for governors to claim expenses.
17. To ensure a register of pecuniary and business interests for governors and staff is kept and is open to inspection.
18. To make recommendations to the governing body about a policy on charges and remissions of charges.
19. To make decisions in respect of service agreements and contracts.
20. To determine whether sufficient funds are available for pay increments.
21. To ensure the school meets the relevant statutory deadline for Financial Management Standards in Schools.
22. *Additional items which individual governing bodies may wish to include*

Reviewed:

Name of School GB

Name of Committee: Premises and Health and Safety or relevant name agreed by the governing body.

Purpose statement: To ensure the school provides a safe, healthy and sustainable environment for pupils, staff and visitors.

Terms of Reference:

1. To advise the governing body on priorities, including Health and Safety, for the maintenance and development of the school's premises.
2. To ensure that the Health and Safety Policy meets statutory that these procedures are kept up-to-date and that positive arrangements are in place to ensure that all staff and students are aware of and comply with its contents.
3. To ensure that the policy contains rigorous and comprehensive systems for active monitoring (auditing health and safety management systems, inspections, risk assessments) and reactive monitoring (accident/incident investigation) and rectifying identified faults within the School.
4. To ensure there is adequate provision both in staffing, facilities and resources to allow the school to meet both its legal and moral obligations with respect to health, safety and welfare.
5. To oversee arrangements for repairs and maintenance.
6. In consultation with the headteacher and the Finance Committee, to oversee premises-related funding bids.
7. To oversee arrangements, including Health and Safety, for the use of school premises by outside users or for extended services, subject to governing body and local authority policy.
8. To establish and keep under review a Building Development Plan.
9. To establish and keep under review an Accessibility plan.
10. To monitor the impact on teaching and learning of the condition of the school site and buildings.
11. To ensure the security of school premises.
12. To monitor energy and utilities bills to support sustainability.
13. *Additional items which individual governing bodies may wish to include.*

Reviewed:

Name of School GB

Name of Committee: Performance Management

Purpose statement: to undertake the head teacher's annual performance review and ensure the school's performance management procedures are properly and appropriately conducted.

Governors who are undertaking the Head Teacher's performance management are appointed by the governing body with fully delegated powers and have certain statutory responsibilities. The governing body decides whether the governors appointed to conduct the head teacher's performance review make the final decision on a pay award or refer back to a relevant committee, the latter is recommended. **Associate Members cannot sit on this committee.**

Governor reviewers must:

- Seek advice from the School Improvement Partner (SIP) when setting objectives and reviewing the performance of the head teacher.
- Meet with the head teacher and SIP at the start of the performance review cycle to plan and prepare for the performance review, and set and record head teacher objectives relating to school leadership and management and pupil progress.
- Agree arrangements for monitoring the progress of the performance objectives at least once during the year.
- Meet with the head teacher and SIP at the end of the review cycle to review the head's performance and identify achievements, including assessment of achievement against objectives, and to discuss and identify professional development needs/activities.
- Write a performance review statement and give a copy to the head teacher within 5 days of the review meeting, and allow 5 days for the head teacher to add written comments.
- Provide the head teacher and chair of the governing body with a copy of the head teacher's performance review statement.
- On request, provide a copy of the head teacher's statement to those governors who are responsible for taking decisions in relation to promotion and pay, who should take account of this when making such decisions.

There is no longer a requirement for a Review Officer. Any Performance Management appeal now falls under the remit of the Staff Dismissal Committee. It is therefore recommended that the membership of this committee be different to the Performance Management committee.

Reviewed:

Name of School GB

Name of Committee: Staffing or relevant name agreed by the governing body.

Purpose statement: To ensure the school staffing complement supports the schools aims and ethos and is affordable.

Terms of Reference:

1. To be responsible for the recruitment of all teaching and non-teaching staff. To devise job descriptions, personnel specifications, advertisements and arrange and conduct interviews, except:
 - (a) In respect of the head teacher and deputy head teacher whose recruitment is covered separately by legislation.
 - (b) In respect of those posts where the governing body have delegated the matter to the head teacher and a named governor acting together.
2. To make recommendations to the governing body on staffing levels and management structure.
3. To provide support, guidance and accountability for the headteacher on all personnel matters.
4. To consider the head teacher's recommendations on teachers salaries in line with the school pay policy.
5. To be responsible for the allocation of responsibility allowances and any consultation with staff groups about such matters as they see fit.
6. To review the School Pay Policy and its implementation in line with DCFS and local authority regulations and guidelines, refer any financial implications to the Finance Committee, and report back to the governing body.
7. To support strategic planning for internal promotions and permanent staffing posts.
8. To receive reports and monitor the decisions delegated to the headteacher on temporary appointments (in accordance with the local authority's general policy on the employment of schoolteachers on fixed term contracts).
9. To report to the governing body on decisions taken by the Committee in the exercise of any delegated powers.
10. To ensure that CRB, police and list 99 checks are completed satisfactorily.
11. Ensure policies are in place for staff discipline, grievance, capability, and redundancy based on local authority guidance.
12. To keep under review staff work/life balance, working conditions and well-being, including the monitoring of absence.
13. To ensure proper arrangements are in place to consider any appeal against a decision on pay issues.
14. To decide matters of early retirement.
15. To meet the governing body's responsibilities under the Disability Discrimination Act 1996 especially in the area of employment.
16. To contribute towards the School Improvement Plan regarding staffing and staff development.
17. To monitor the implementation of the School Improvement Plan regarding staffing and staff development.
18. *Additional items which individual governing bodies may wish to include.*

Reviewed:

Model terms of reference for Individual Staff Issues (ISI) Committees and the Pupil Discipline Committee

1. Staff Dismissal Committee

This committee is essential if the matter **has not** been delegated to the Head teacher. It is generally thought inappropriate for employees to be members of these committees.

Delegated powers:

Quorum: Three governors - not to include the head teacher.

To decide any matter relating to staff grievance (including performance management), staff disciplinary and staff competence procedures and issues involving dismissal, redeployment or redundancy.

To hear any Performance Management appeal

2. Appeals Committee (Staff Dismissal, Grievances and Complaints)

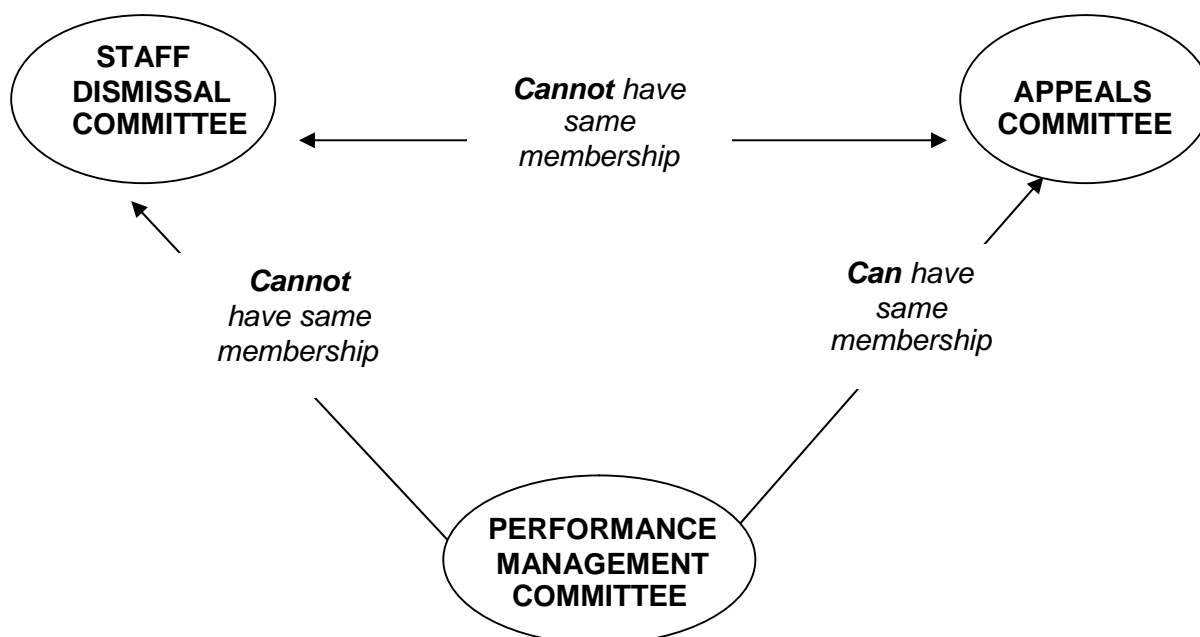
This committee is essential, even if dismissal powers have been delegated to the head teacher.

Delegated Powers:

To hear appeals from any member of staff who objects to a decision of the head teacher or Staff Dismissal Committee or unresolved issues rising from the complaints committee.

Quorum: Three governors, **not** the head teacher and **not** governors that were part of the initial decision.

The following diagram may help when deciding membership of these committees:



3. Pupil Discipline Committee

Delegated Powers:

To review the use of exclusion within the school, including considering the views of the parent of an excluded pupil, and deciding whether or not to confirm exclusions of more than five days or where a pupil would miss an opportunity to take a public examination.

Quorum: Three governors (Not to include the head teacher)

If any governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down.

The Chair has the casting vote in all cases where an even number of governors are considering the case.

If required there is separate Advice and Guidance available from the LA on “Managing Behaviour and Attendance: the legal framework for school discipline”.

The three committees above do not meet on a regular, planned basis unlike other governing body committees. In addition, there are restrictions on who can sit on these committees in order to ensure a fair hearing. It is, therefore recommended that when committees are established/reviewed by the governing body each year a ‘pool’ of eligible governors is identified to be drawn upon should the need arise. The criteria for selection from the ‘pool’ should also be agreed, e.g. alphabetically by surname; starting at a different point on the list each time; ensuring overlap of membership to ensure continuity and passing on of skills, knowledge and expertise.

SECTION 5: ALTERNATIVE COMMITTEE STRUCTURE

Although, the majority of governing bodies continue to use the above committee structure, a few are now trialling an alternative structure of having only 2 main committees (covering elements of all the above separate committees) alongside the Performance Management Committee, Staff Dismissal Committee and Staff Dismissal Appeals Committee.

These suggested 2 committees are a Resources Committee and a Standards and Effectiveness Committee; meetings of each committee are usually held termly and prior to the full governing body meeting on the same night (ie, Resources Committee meeting followed by the full governing body meeting in the first half of the term and the second half term to be Standards and Effectiveness Committee followed by the full governing body meeting).

The governing bodies who have trialled this have benefited from both meetings (committee and full governors) being clerked by their experienced minute clerk and matters raised by the committee can also then be brought to the full governing body immediately.

Model Terms of Reference: Alternative Committee Structure

RESOURCES COMMITTEE

The purpose of the Resources Committee is to plan the budget and monitor spending, to ensure that pupils receive the best possible education in the best possible environment. The Health & Safety designated governor will report termly to this committee. The committee will monitor:

- ◆ projected numbers of pupils in the coming years
- ◆ how will this affect the budget?
- ◆ how adequate resources are?
- ◆ what the lettings policy is and when it needs reviewing.
- ◆ the financial implications of the SDP and Post OFSTED Action Plan.
- ◆ the major expenses that school will be facing over the next 3 – 5 years
- ◆ the progress of the decorating programme

- ◆ any bids for additional funding
- ◆ the issues faced in regard to provision with regard to space/layout/decoration/vandalism etc
- ◆ the working conditions for the staff
- ◆ the staff we employ and how they are deployed
- ◆ the age / gender profile of staff
- ◆ the pay policy for all staff
- ◆ the effects of supply staff on lessons/the pupils and how we manage this
- ◆ which staff have responsibility points

Terms of Reference:

To consider the financial implications of the priorities in the School Improvement Plan.

To agree the level of delegation to the Head Teacher for the day to day financial management of the school.

To produce an annual budget and present a report to a scheduled meeting of the governing body termly.

To exercise virement between heads of expenditure of the budget up to a limit of £X,000.

To decide rates and make all other decisions relating to the hiring of School facilities.

To oversee any Lottery Bid.

To be responsible for the premises and the learning environment.

To deal with matters of school security.

To oversee Fundraising, the use of the School Fund and any gifts to the school and to arrange audit of the School Fund.

To recommend a pay policy to the governing body.

To implement the governing body's pay policy and determine pay and annual progression.

To manage the governing body's responsibilities for Health & Safety at Work.

To authorise emergency works up to a value of £Y,000 where the health and safety of a person or the security of the premises is concerned.

To make recommendations to the governing body about the salaries of the head teacher and the deputy head teacher(s).

STANDARDS & EFFECTIVENESS COMMITTEE (Including Staffing)

The purpose of the Standards & Effectiveness Committee is to monitor the curriculum, standards and quality of educational provision. Monitoring, in these terms, means asking questions and making visits, to learn more about the curriculum and its delivery.

It should oversee all staff related matters in the SDP, from staff development and Inset to staff morale and well-being – for support staff as well as teaching staff. The committee will monitor:

(a) The shape of the school day and the curriculum delivery:

- the time given to each subject.
- the progress of the literacy and numeracy action plans.
- what behaviour is like at lunchtime/break/in lessons.
- what is the impact of literacy and Numeracy on afternoon lessons.
- whether there is a rigid timetable in each class.
- whether boys react differently to girls.
- what policies need reviewing (make up a review cycle for all curriculum policies).

(b) Standards:

- which subjects do we do better in?
- what we have to do to improve?
- whether there are curriculum areas where we lack expertise.
- whether there are curriculum areas where we have great expertise.

(c) Resources:

- the role of the co-ordinators.
- the time we give them.
- progress towards targets.
- how much money is given to subjects for delivery of the NC

Terms of Reference:

The SEN, Child Protection and Looked After Children designated governors will report termly to this Committee.

To monitor the progress of the School Improvement Plan regarding curriculum developments.

To ensure the National Curriculum is delivered to a high standard.

To make all curriculum decisions other than those which are identified as non delegable by the Education School Government Regulations currently in force.

To monitor issues relating to the recruitment of pupils.

To devise and maintain a policy for educational visits and journeys.

To deal with curriculum complaints and exemptions to National Curriculum.

To contribute to a Whole School Drugs Policy.

If you would like to discuss the alternative committee structure, arrangement of a clerk for committees or any other matter regarding governing body committees please contact a member of the School Governor Service on: 01484 225010/11/12

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