

## GOVERNING BOARD MEETINGS – AUTUMN TERM 2015

### DELEGATION OF FUNCTIONS AND ESTABLISHMENT/REVIEW OF COMMITTEE ARRANGEMENTS

#### Guidance

There is a requirement for Governing Boards to annually review, update and approve the establishment, terms of reference, constitution and membership of any committee at the first meeting of the academic year.

There is no statutory requirement to establish committees. However, it is recommended that Governing Boards consider establishing committees in order that they may use their time more effectively at Governing Board meetings.

One way to overcome the potential difficulty of named individuals being available for Staff Dismissal or Pupil Discipline Committee meetings is to determine the membership as follows; any 3 non Staff Governors without a declaration of interest, or in the case of an appeals committee any 3 non Staff Governors without a declaration of interest and not involved in the deliberations of the original committee. This will ensure that meetings are quorate and will not have to be postponed or cancelled.

#### Delegation of Functions to a Committee

The Governing Board cannot delegate any functions relating to;

- The constitution of the Governing Board (unless otherwise provided by the Constitution Regulations)
- The appointment or removal of the Chair, Vice Chair and Clerk
- The suspension of a Governor
- The delegation of functions to a committee or individual
- The establishment of committees
- Approval of the Whole School Pay Policy

The following can be delegated to a committee but not an individual;

- The alteration, discontinuance or change of category of maintained schools
- The approval of the first formal budget plan of the financial year
- School discipline policies
- The exclusion of pupils (except in an emergency when the Chair has the power to exercise this function)
- Admissions

The decision to establish a committee and its delegated powers must be recorded in the minutes of the Governing Board.

The terms of reference of each committee should be included as an appendix to the minutes of the Governing Board.

Any individual or committee to whom a decision has been delegated must report to the Governing Board in respect of any action taken or decision made. The Governing Board can still perform functions it has delegated.

### **Regulations Relating to the Establishment of Committees**

Each committee must have a Chair, who is either appointed by the Governing Board or elected by the Committee annually at the first meeting of the academic year.

The Chair of a committee must be a voting member of the Governing Board.

The membership of any committee may include Associate Members, provided that the majority of the committee members are Governors.

The Governing Board can give limited voting rights to Associate Members on Committees. However, Associate Members may not vote on decisions relating to;

- Admissions
- Pupil discipline
- Election or appointment of Governors
- The budget and financial commitments of the Governing Board

### **Clerking of Committees**

The Governing Board must appoint a clerk to each committee. The Headteacher/Principal cannot be appointed as clerk to a committee.

The Governing Board can appoint a Governor to clerk one or more committees.

### **Functions of the Clerk**

It is the responsibility of the clerk to a committee to:

- Convene meetings of the committee
- Attend meetings of the committee and ensure minutes are taken

The convening, conduct and minuting of committee meetings must comply with the same regulations as those applying to meetings of the full Governing Board. The clerk to the committee must circulate an agenda, giving written notice of a meeting and any papers to be considered at the meeting at least seven days before the meeting.

The clerk must ensure that minutes are drawn up and signed by the Chair, following approval at the next meeting of the committee. The committee must make available for inspection, to any interested person, a copy of the agenda, signed minutes and reports or

papers considered at the meeting as soon as reasonably practicable. Information relating to a named person or any other matter that the committee considers confidential does not have to be made available for inspection.

Minutes relating to decisions regarding expenditure, should contain details of all quotations/tenders namely, contractors, contract period (including start date), total amount of the contract and, if necessary, the reason for not selecting the lowest quotation/tender in accordance with the requirements of the Scheme for Financing Schools and associated Contracts and Financial Procedure Rules for Maintained Schools with Delegated Budgets.

### **Quorum and Declaration of Interest**

The quorum for any committee meeting and for any vote must be three governors who are members of the committee (or more) as determined by the committee.

Governors should withdraw from any meeting where they have a direct or indirect pecuniary interest or where there is reasonable doubt about a Governor's ability to act impartially. If a Governor has a declaration of interest and has to withdraw from a meeting this should be recorded in the minutes. The Governor may not discuss the item further, may not vote on it, and ceases to be counted toward the quorum necessary for taking a decision on the matter under discussion.

### **Performance Management**

Reference should be made to the School's/Academy's Appraisal and Pay Policy that should determine current arrangements.

### **Matters for Consideration**

Whilst there are is no legal requirement to establish committees the Governing Board may wish to establish;

- Finance and General Purposes Committee
- Curriculum and Standards Committee
- Site Management Committee
- Pay/Personnel Committee
- Pay Appeal Committee
- Staff Dismissal Committee
- Dismissal Appeal Committee
- Pupil Discipline Committee
- Admissions Committee (where applicable)

In view of the current concerns regarding security, risk management and the wealth of legislation with regard to health and safety, Governors may also wish to establish a separate committee with responsibility for these issues, or to extend the remit of the Site

Management Committee to include specific reference to health and safety and security, not only relating to site management but within all areas of the School's activities.

Attached are suggested terms of reference for Committees

These are issued for guidance only and are not prescriptive

Governors must decide what powers they wish to delegate and should define the terms of reference appropriate to the level of delegation.

**For any additional committees you wish to establish please ensure you have relevant terms of reference.**

## Suggested Terms of Reference

### Finance and General Purposes Committee

(General Purposes include those matters relating to personnel, the \*site, premises, maintenance, buildings and environment which are delegated by the Governing Board but are not dealt with by any other Committee).

Following the delegation of such powers by the Governing Board, the Committee is responsible for regulating and controlling the financial affairs of the School and all policy matters relating to personnel functions within the context that the Authority remains the employer of the school-based staff and with the exception of:

- The appointment of staff which is to be determined annually

\*subject to there being no Site Management Committee

The Committee is responsible for setting the School's annual budget in the light of:

The School's Development Plan should include the use which the School intends to make of any balances of funding (including contingencies) for the year which has just ended.

Where a school has an approved licensed deficit, the Committee should be receiving deficit progress reports that are requested by the authority to be submitted at the same time as the original and autumn term budget plans.

Action plans arising from Ofsted inspections

The School's delegated budget share and other funding sources.

Actual levels of expenditure in the previous year and an estimated balance of funds to be carried forward.

Information on future budget predictions, particularly trends in pupil numbers.

Obtaining best value by considering quality, economy and efficiency when making agreements for the purchase of supplies, goods, equipment or services.

The Committee should present to the Governing Board a detailed three year budget plan, including an analysis across the appropriate expenditure and incomes headings. In accordance with The Scheme for Financing Schools, the approved budget plan shall then be notified to the LA by 31 May or within one calendar month of the School's budget share being notified, whichever is the later.

The School is also required to submit revised budget plans by 31 October each year.

The Headteacher is responsible to the Committee for the management of the delegated budget. In particular, he/she has authority to order, commit and incur expenditure in accordance with the approved budget. In accordance with Financial Procedure Rules this includes the maintenance of an approved signatories list.

To conduct an annual review of the School's financial management arrangements using the Schools' Financial Value Standard (SFVS) (effective from April 2012). The Committee/Governing Board should formally discuss the questions with the Headteacher and senior leaders. Schools must send a signed copy of the Standard to the Local Authority's Audit department by 31 March.

To annually complete a Statement of Internal Control (not statutory but highly recommended).

To receive and respond to any report issued by the Audit Department following a School Audit.

The Committee is responsible for controlling and monitoring virement during the year between cost centres. The Headteacher has delegated power to exercise virement between costs centres for items of expenditure costing up to (enter amount) £..... including the application of contingency or unallocated funds.

All virements outside these limits are to be submitted to the Committee for approval. In addition, the Headteacher is to submit regular reports to the Committee on all virements exercised under delegated authority.

The Headteacher has authority to incur expenditure up to a limit of (enter amount) £..... excluding VAT, as long as the relevant transaction is carried out in accordance with Financial/Contracts Procedure Rules.

For virement and expenditure in excess of these limits, the matter must be referred to the Committee, or in the case of an extreme emergency, the Chair of Governors or the Chair of the Finance and General Purposes Committee.

Transactions must not be artificially sub-divided in order to circumvent the limits set out above.

Day to day control and monitoring of expenditure and income is the responsibility of the Headteacher, who must submit termly reports to the Committee.

The Headteacher may delegate responsibility for managing specific elements of the delegated budget to designated school staff, subject to the agreement of the Committee.

To review comparative financial statistics presented by the Local Authority and obtained from the DfE benchmarking website.

For those schools which operate bank accounts, the Committee may wish to define signatory arrangements and authorise individual payments in excess of a specified value.

The Committee is responsible for entering into Service Level Agreements and contracts for execution of works and the supply of goods and services (including support services) on behalf of the Governing Board, and for monitoring contract performance. Procurement decisions should be supported by appropriate evidence of compliance with Financial/Contracts Procedure Rules.

The Governing Board does not have the automatic power to enter into any leasing or deferred payment arrangements. In accordance with Financial Procedure Rules and in each case the Governing Board must seek the prior written opinion of the Local Authority before entering into any potential leasing agreement. Written approval should be sought utilising the appropriate procedures as established by the LA.

The Committee is responsible for reviewing the Schools' own financial procedures on an annual basis.

The Committee is responsible for reviewing any charges that the School makes on an annual basis e.g. lettings, and for ensuring that they comply with the statutory limitations when charging for school activities in line with the Charging and Remissions Policy.

The Committee is responsible for receiving at least an annual report detailing all discrepancies arising from checking inventory records.

The Governing Board shall determine the procedures for the appointment of Chair, Vice Chair and Clerk for the meetings of the Committee.

The Committee may invite non-Governors to attend their meetings, but they may not vote.

The Governing Board remains responsible for any decisions taken on its behalf by the Committee.

## **Curriculum & Standards Committee**

To review the School's Curriculum Policy on a regular basis to ensure that it complies with the National Curriculum, the legal requirements in relation to the daily act of collective worship, the delivery of an agreed RE syllabus and the provision of sex and relationship education.

To advise the Governing Board on curriculum information that needs to be uploaded onto the School's website.

To contribute towards, and monitor, the School Development Plan/Post-Ofsted Action Plan in respect of the curriculum.

To assist with ensuring that the requirements of pupils with additional and special educational needs are met, including those identified as gifted and talented

To promote and support curriculum development within the financial limitations set out by the Finance/Finance and General Purposes Committee.

To monitor assessment and testing arrangements.

To carefully monitor pupil performance (attainment and achievement) including a review of RAISEonline and other performance data, and recommend actions required to ensure the highest level of pupil performance.

To monitor the impact of pupil premium funding.

To monitor the achievement and progress of identified groups.

To consider all matters related to safeguarding.

To consider all matters related to extended schools.

Any other function deemed appropriate by the Governing Board.

The Governing Board shall determine the procedures for the appointment of Chair, Vice Chair and Clerk for the meetings of the Committee.

The Committee may invite non-Governors to attend their meetings, but they may not vote.

The Governing Board remains responsible for any decisions taken on its behalf by the Committee.



## **Pay/Personnel Committee**

The Committee in the light of advice from the Headteacher (when appropriate) and the Local Authority will;

Consider a staffing structure for the School which conforms to the School's Development Plan.

Consider the financial implications of the structure on an annual basis and the extent to which it can be achieved within the School's budget.

In light of the above considerations, determine an operable staffing structure for the School.

Determine the staffing arrangements which are to be made to achieve that structure consistent with the criteria and appointment procedures approved by the Governing Board.

Consider pay and associated staffing matters including making discretionary payments, carrying out regradings, enhancing, accelerating or withholding pay progression and the criteria for making such determinations, together with any delegation of powers and responsibilities to the Headteacher.

The Headteacher is to submit regular reports to the Committee on all decisions taken under his/her delegated powers.

Carry out an annual review of staff salaries as required by legislation including the Appraisal of all teaching staff including the Headteacher.

Minute, in detail, the reasons/calculations whenever the salary point of the Headteacher/Deputy Headteacher is revised.

Consider and advise the Governing Board, as necessary, with regard to the operation of the Whole School Pay Policy. Note that the Committee can make recommendations with regard to the Pay Policy; however, the policy itself must be approved by the full Governing Board and cannot be delegated to committee level.

To hear formal grievances where they have not been resolved previously.

Ensure that the Local Authority is notified, in writing, of any significant changes to the pay of staff in the School.

The Governing Board shall determine the procedures for the appointment of Chair, Vice Chair and Clerk for meetings of the Committee.

The Committee may invite non-Governors to attend their meetings, but they may not vote.

The Governing Board remains responsible for any decisions taken on its behalf by the Committee.

## **Site Management Committee**

Prepare a Building Development Plan that maps out the spending priorities for the School over the next 1-5 years within the School Development Plan.

Target the devolved capital resources to address issues identified in the Asset Management Plan and address issues of condition, suitability and sufficiency. The resources should be linked to the School Development Plan priorities and make the maximum contribution to school improvement.

Prepare a planned maintenance programme to include planned external painting projects to maintain the fabric of the building. Ideally the planned maintenance programme should represent 50% of the repairs and maintenance budget included in the approved budget plan.

Ensure that current and new legislation, guidance and policies are complied with e.g. Construction (Design and Management) (CDM) and Fire Safety Regulations and that relevant staff are trained.

To ensure that buildings are: functional with a suitable layout for the appropriate teaching activity; environmentally acceptable, secure but accessible and have adequate heating and lighting.

To ensure that all teaching facilities are cleaned adequately in order to ensure that they comply with accepted standards for hygiene and health and safety purposes.

To ensure that sites and surrounds are maintained adequately: that they (in particular grassed areas) comply with the Environmental Protection Act, that pathways and hard surfaced areas are free of potholes or other indentations and to maintain a safe environment.

To ensure that premises comply with health, safety and hygiene requirements and that there is appropriate provision within the School's budget to achieve these standards.

To ensure that the School provides a safe and secure environment for teaching and learning, with particular reference to the control of access by people other than pupils and staff.

To ensure that there is an appropriate management system which includes regular inspections of the building for the maintenance of the premises.

To liaise with the Local Authority on any complex building issues.

To ensure that furniture is inspected regularly and, where necessary, taken out of use, repaired or replaced.

To review regularly the use of accommodation to ensure that maximum use and efficiency is being achieved and that, where accommodation is being used other than for school

activities, users are aware of their responsibilities in order to ensure that no liability falls to the School or the Governing Board in the event of an accident or damage to the buildings.

To ensure that site management aspects are discussed regularly when the full Governing Board or Finance/Finance and General Purposes Committee is setting the School's budget.

The Governing Board shall determine the procedures for the appointment of Chair, Vice Chair and Clerk for meetings of the Committee.

The Committee may invite non-Governors to attend their meetings, but they may not vote.

The Governing Board remains responsible for any decisions taken on its behalf by the Committee.

### **Staff Dismissal Committee**

To consider and make decisions related to the following staffing matters;

- Matters which may lead to the dismissal of a member of staff
- Redundancy and redeployment
- Matters related to the discipline of a member of staff

The Headteacher cannot sit as a member of this Committee

**Membership:** At least three non-staff Governors

### **Dismissal Appeal Committee**

To consider any appeal against a decision to dismiss a member of staff made by the Staff Dismissal Committee

To consider any appeal against a decision short of dismissal under the Governing Board's personnel procedures e.g. Disciplinary, Grievance, Capability

To consider any appeal against selection for redundancy

The Headteacher cannot sit as a member of this Committee

**Membership:** At least three non-staff Governors

**It is essential that the Appeal Committee has different membership and no fewer members than the original Committee.**

### **Pay Appeal Committee**

To consider any appeal arising from the decision of the Pay Committee.

The Headteacher cannot sit as a member of this Committee

**Membership:** At least three non-staff Governors

### **Pupil Discipline Committee**

To review the use of exclusion within the School

If parents make representations about a fixed term period exclusion the Committee must consider them.

A meeting must be held within 15 school days to review a permanent exclusion or a fixed term exclusion of more than 15 school days, whether or not the parents attend.

Any Committee meeting and vote must have a quorum of three Committee members. The Headteacher cannot sit as a member of this Committee

**Membership:** At least three non-staff Governors

### **Admissions Committee**

(for those Governing Boards which are responsible for their own Admissions)

To decide whether any child should be admitted to the School

It is considered good practice to appoint the Headteacher onto an Admissions Committee, but Headteachers cannot act in place of the Governing Board in determining the School's Admissions Policy, or in deciding the admission of any individual child.

**Membership:** The Headteacher together with at least two other Governors