

## **GOVERNING BOARD MEETINGS**

### **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. Functions can be delegated either to a committee or, in some cases, to an individual, however, the Governing Board remains ultimately accountable for the decisions made on their behalf as a corporate body.

It is recommended that Governing Boards consider establishing committees in order that they may use their time more effectively at Governing Board meetings. The Competency Framework for Governance (Jan 2017) highlights that Governing Boards should assess their effectiveness and efficiency and ensure ongoing compliance with its statutory and legal duties.

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, Safeguarding Policy and SEND 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**

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

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

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.

### **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

### **Appeals Committee**

To consider any appeal arising from the decision of the Pay Committee (or equivalent) or 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.**

### **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

### **Complaints Panel**

To consider any formal complaint for which the complainant has not received a satisfactory resolution having gone through the previous stages of the complaints procedure, including raising the matter with the Headteacher.

The Headteacher, Chair of Governors and Staff Governors cannot sit as members of this Committee.

**Membership:** At least three Governors who have had no prior involvement in the matter that is the subject of the complaint.

### **Admissions Committee**

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

To decide whether any child should be admitted to the School.

To approve admission arrangements for the School on an annual basis.

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