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SECTION ONE INTRODUCTION

The rules governing the establishment of governors' committees are set out in the School Governance (Procedures) (England) Regulations 2003. A copy of these regulations is reproduced in full in the revised **Guide to the Law for School Governors** (issued to schools in March 2004).

What the Law Says

The committee structure is a matter for each individual governing body to consider, and the regulations provide great flexibility. The School Governance (Procedures) Regulations 2003, however, 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 term. There are advantages to doing it at the end of the summer term so that the governing body is fully functioning at the start of the new academic year.

When undertaking the annual review, make sure it is an item on the 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 statutory requirement for a governing body to have committees. It is a way of managing governor workload. An alternative might be an informal working party that could enable governors to focus on one issue such as the preparation of the annual report.

Governing bodies with a membership of 14 or more will generally find it easier to operate with a committee structure, while smaller governing bodies may prefer not to have committees but to meet more often as a whole governing body to fulfil their responsibilities. The alternative is to have one or two committees only and for most of the curriculum focused work to be undertaken at whole governing body meetings.

The traditional committee structure looks like this:

- Finance;
- Premises, including Health and Safety;
- Curriculum;
- Staffing.

Increasingly, governing bodies are combining these committees. For example, a governing body could have the following committee structure:

- **Resources** for finance, premises and human resources (staffing)
- **Quality and Standards** for curriculum

Some governing bodies have established a **Strategic Planning Committee** comprised of the chair, vice chair and chairs of committees. The purpose of this type of committee is to enable governors to consider their strategic role within the wider context of the school's development. It also provides an opportunity for the governing body to monitor its own effectiveness.

Advantages of a Committee Structure:

- It allows opportunities for issues to be debated fully and in detail;
- It can promote more effective decision-making;
- It provides opportunities for governors to develop skills and knowledge in specific areas;
- It can encourage a strengthened partnership between governors and staff who may attend committees in an advisory capacity;
- It creates further opportunities for governors to develop relationships, build trust and enhance team work outside the full meetings.

Disadvantages of a Committee Structure:

- Committees can be perceived as closed groups and alternative power bases to the full governing body;
- It could diminish opportunities for governors to be informed on key issues, especially those relating to teaching and learning;
- Levels of accountability may be less clear;
- There is a greater risk of agendas and minutes not being given sufficient attention.

How are Committees Set up?

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

- The whole governing body debates and decides all policy and strategic matters;
- Committees make recommendations but not final decisions. Final decisions are taken by the full governing body;
- 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 the 31 December deadline; approval of the Ofsted action plan following an inspection;
- Committees with delegated powers make policy and take decisions. These are reported back to the full governing body which remains responsible in law for all decisions made.

Where a committee has delegated functions, the law allows the governing body to amend or even overrule its decisions. One way of avoiding any potential conflict between a particular committee and the whole governing body is to pay careful attention to the terms of reference for each committee.

Review Checklist

Does the Governing Body wish to:

- deal with everything itself and not delegate more than is required by law?
- set up committees to undertake specific tasks and report back with recommendations?
- set up committees with some delegated powers?
- set up committees with delegated powers to make policy and take decisions?

SECTION TWO MEMBERSHIP OF COMMITTEES

Governing bodies are required by law to review their committee membership on an annual basis, together with constitution and terms of reference.

The following guidance covers a range of issues relating to membership of committees.

Committee Membership

Committee membership is a matter for the whole governing body. The strength of a governing body lies in 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, enthusiasm and the confidence to ask questions and seek clarification.

Some governing bodies invite 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.

Chairs of Committees

The governing body should decide whether chairs of committees should be appointed by the governing body or the committees themselves. Staff governors, apart from the headteacher, are entitled to serve as chairs and vice chairs of committees. Associate members may also serve as chairs.

Associate Members

Since September 2003, governing bodies have been entitled to appoint associate members to committees. Associate members 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 for between one and four years, as determined by the governing body. They are not governors and do not appear on the Instrument of Government which is the legal document specifying the governing body's composition.

Associate members may have voting rights 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.

Chair and Headteacher Attendance at Committees

The headteacher is entitled to attend all committee meetings. In large schools, it is more common for members of the leadership team to be attached to different committees. This allows senior staff and governors to develop their working relationships.

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

Rights of Others to Attend Committees

The governing body should decide if members of staff, parents or others may attend full governing body meetings or committees as observers. This ensures that the governing body deals efficiently with any ad hoc requests that may arise during the year.

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 interest 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.

The Rights of Paid Staff

Staff paid to work at the school are not regarded in law as having any conflict of interest merely because of their employment status. Providing the interests of a member of staff are no greater than those of other persons paid to work at a school, they do not have to withdraw from meetings. In practice, this means that staff governors can be allowed to sit on staff appointment panels or pupil exclusion panels. However, an individual should not take part if they have had some involvement in the matter or stand to gain following an appointment.

There is an important exception to the above rule. No one paid to work at the school, other than the headteacher, should be involved in making decisions or voting on the pay or performance of any other member of staff.

Review Checklist

- Which governors are to be members of what committees?
- Are chairs of committees to be appointed by the governing body or the committees themselves?
- Should the committee have associate members?
- What, if any, voting rights should associate members be given?
- What is the governing body's policy on observers at full governing body and committee meetings?

SECTION THREE OPERATION OF COMMITTEES

Governing bodies are required by law to review the way in which their committees operate. The following important rules relate to **committees with delegated authority**. If the governing body, however, decides not to delegate authority to committees, it should still take account of these rules that provide a sound basis for good practice.

Quorum

The quorum for any committee meeting with delegated authority is three or more governors. If the committees are large the quorum could be increased, in which case this should be stated in the committees' constitutions.

Voting

Decisions must be agreed by the majority of governors. If necessary, a vote should be taken. If there are an equal number of votes, the chair – providing s/he is a governor – has a second or casting vote. The committee can only vote if the majority of committee members present are governors.

Clerks to Committee

The governing body must appoint a clerk to each committee. That clerk may be any governor except the headteacher. Increasing numbers of governing bodies are choosing to appoint independent clerks. The clerk is responsible for sending out agendas, ensuring minutes are taken and circulated and liaising with the relevant governors to prepare agendas.

Agendas and Minutes of Committees

Committees with delegated authority are required to operate efficiently since they are entrusted with taking decisions on behalf of the governing body. Any failure to follow requirements could result in a challenge which might lead to the meeting being declared invalid. The following points must be carefully adhered to:

- Agendas 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 the public;
- Any decisions made by the committee should be clearly and accurately recorded.

Copies of agendas and approved minutes of both the full governing body and committees' meetings are increasingly being displayed in staff rooms for information. Governing bodies should ensure their minutes reflect how the governing body operates since they are a key source of evidence used by OFSTED inspectors to assess the effectiveness of the governing body.

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.

It is good practice to circulate committee minutes prior to the full governing body meeting and to report back key issues in a succinct manner, either verbally or in a brief written report. This allows the full governing body to focus on whole school issues. Delegation of authority to committees is only effective if governors are empowered to fulfil their role. If this does not happen, delegation ceases to be effective.

In order for the committees to operate efficiently and effectively, therefore, dates of meetings should dovetail with those of the full governing body.

There may be certain key strategic issues where the governing body wishes to retain final authority in terms of giving its approval. Examples of this include the approval of the final budget or the OFSTED Action Plan. Such 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.

Issues of Confidentiality

The majority of a governing body's business is not confidential as schools are public institutions funded with public money. There may, however, be occasions when it is necessary either for the governing body or a committee to consider confidential matters.

The regulations specify that any consideration of the following matters may be treated as confidential:

- Matters relating to a named teacher or other person employed at, or proposed to be 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. They should be brief and succinctly state the subject discussed together with any resulting decision or recommendation. The detail of the discussion should not be reported. Whenever possible, names should not be used and only initials used where it is absolutely essential.

All governors are entitled to see the minutes. These should be marked 'strictly confidential' and kept in a separate, clearly labelled minute book used specifically for the purpose of filing confidential minutes and related papers.

Review Checklist

- **Has the number for a quorum been agreed and minuted bearing in mind the minimum for each committee should be three?**
- **What are the clerking arrangements?**
- **Who is responsible for calling meetings, preparing agendas and taking minutes?**
- **Does the timing of committees link efficiently with full governing body meetings?**
- **What procedures will apply to the submission of reports and minutes to the full governing body?**

SECTION FOUR UNDERSTANDING DELEGATION

The rules on what can and cannot be delegated to committees changed in September 2003. In other words, committees may be given the authority to take decisions on most issues. There are now very few matters that the full governing body must approve.

Decisions by the whole governing body are only valid if one half of the complete membership of the governing body (rounded up to a whole number) is in attendance, excluding any governor vacancies. E.g. Constituted governing body consists of 14 governors including 4 vacancies; therefore the quorum will be 5, i.e. half of the 10 filled places.

Issues which cannot be Delegated to Committees or Individuals:

- Appointment of the head and deputy headteacher;
- The size and membership of the whole governing body;
- Appointment and removal of chair and vice chair of governors, and the length of their terms of office;
- Appointment and removal of a clerk to the governing body;
- Suspension of a governor for up to six months;
- The structure of committees – their size, membership and extent of delegation;
- Appointment of Associate Members;
- The alteration or closure of a school.

Issues which can be Delegated to Committees but not to Individuals:

- Approval of the first formal budget plan of the financial year;
- Functions relating to school discipline policies which includes establishing a Pupil Discipline Committee;
- Functions relating to admissions which includes establishing an Admissions Panel;
- Approval of the statutory targets.

SECTION FIVE COMMITTEE CONSTITUTION

Model Committee Constitution

The following is a **model** of a committee constitution. **It may be adapted and added to** in order to meet the requirements of the individual governing body.

1. A committee shall consist of at least three members of the governing body.
2. The membership and terms of reference of the committee shall be determined by at least half (rounded up to a whole number) of the complete membership of the governing body; excluding vacancies.
3. The membership of the committee may include associate members provided that the majority of committee members are governors. Voting rights for associate members shall be determined by the governing body at their first meeting in the school year.
4. The Headteacher is entitled to attend all committee meetings and, if a governor, may vote.
5. The chair of the committee, providing s/he is a governor, has a casting (or second) vote.
6. Other members of the governing body may attend any meeting of any committee, but they may not vote.
7. The committee can only vote if the majority of committee members present are governors.
8. The governing body may abolish a committee or withdraw or amend its delegated powers.
9. At the start of each school year the committee shall elect a chair from among their members. In the absence of the elected chair they may also elect a temporary chair for that meeting. The headteacher cannot chair a committee.
10. Members of the committee are entitled to seven days' notice of a meeting and a copy of the agenda. A shorter timescale may be given if the committee chair decides an issue needs urgent attention.
11. Minutes of all committee meetings shall be kept, including the names of those present.
12. Where there is a conflict of interest between an individual member of the committee and the governing body, or where the principles of natural justice require a fair hearing and there is reasonable doubt about the person's ability to act impartially, s/he should withdraw from the meeting and not vote.
13. The signed minutes shall be open to inspection to anyone who wants to see them, after they have been approved by the committee chair.
14. The committee shall ensure its key decisions are reported to the full governing body at their next meeting.

SECTION SIX TERMS OF REFERENCE

Committees in Action

The following model terms of reference for the more common committees are for guidance only. There are many permutations and they need to be tailored to the aims and requirements of the governing body and the school.

There is no requirement to have the committees as outlined in this booklet. However, governors are **strongly** advised to have procedures in place to call on governors who may be required to sit on the following committees as and when appropriate:

- **Pupil Discipline**
- **Staff Dismissal and Staff Dismissal Appeal**
- **Pupil Admissions (for voluntary aided and foundation schools only)**

Finance Committee

Model Terms of Reference

The Finance Committee will:

- Oversee the preparation of the annual budget plan and ensure it links to the school development plan priorities agreed by the governing body;
- Approve the final budget OR recommend it for approval to the full governing body;
- Notify the approved budget to the LEA by the agreed deadline of 30 June;
- Agree the level of delegation to the headteacher for the day-to-day financial management of the school;
- Monitor expenditure and ensure corrective action is taken where necessary;
- Evaluate spending to ensure the budget provides value for money in terms of raising standards of education;
- Monitor income and expenditure of all public funds according to an agreed timescale i.e. budget share and any other funds devolved by the LEA;
- Approve transfer between budget headings (virement) within agreed limits;
- Ensure accurate accounts are kept;
- Ensure key financial decisions are properly recorded;

- Ensure the school adheres to the LEA's conditions of the 'Scheme for Financing Schools';
- Authorise signatories for the school bank account for notification to the County Treasurer;
- Ensure the audit of all non-public (voluntary) funds, including school funds, trading accounts, subscription funds, charity funds as well as club and society accounts which must be run in accordance with LEA regulations;
- Ensure recommendations arising from school audits are properly implemented;
- Prepare information on income and expenditure, including a separate statement for SEN, for the governors' annual report to parents;
- Establish procedures for governors to claim expenses;
- Ensure a register of pecuniary and business interests for governors and staff is kept and is open to inspection.

Curriculum Committee

Model Terms of Reference

The Curriculum Committee will:

- Ensure that the school curriculum is broad and balanced and relevant to the needs of all children;
- Ensure that the National Curriculum and Religious Education is delivered in accordance with the legal framework;
- Monitor, keep under review and report on student progress and achievement particularly in relation to agreed pupil performance targets;
- Ensure appropriate arrangements are made for pupils with special educational needs;
- Monitor and review the provision for gifted and talented pupils;
- Monitor and review all curriculum related policies in line with an agreed policy review timetable;
- Contribute as appropriate to the School Development Planning process;
- Monitor and review the progress of selected key school improvement/development priorities;
- Ensure that statutory and non-statutory targets for pupil performance are agreed, reported to the Local Education Authority and published in the governors' annual report;

- Ensure that the results of the annual categorisation of the school by the Local Education Authority are reported to the governing body;
- Receive an analysis of the PANDA and LEA School Profile data in order to consider the school's performance in relation to all schools and similar schools nationally and within West Sussex;
- Prepare school performance information for inclusion in the governors' annual report.
- Review and agree the School Prospectus;
- Prepare, in partnership with the headteacher and leadership team, for an OFSTED inspection. Contribute to the post-OFSTED action plan. Approve the final action plan;
- Ensure parents are kept informed about key developments relating to the curriculum and provided with the necessary information on their children's progress in line with legal requirements;
- Establish school session times i.e. the start and finish of morning and afternoon sessions;
- Ensure school INSET days are linked to the school development plan priorities;
- Approve and selectively monitor off-site visits and activities of more than 24 hours involving a potential hazard. This could be the responsibility of the staffing committee.

Premises Committee

Model Terms of Reference:

The Premises Committee will:

- Organise the preparation and implementation of a premises development plan which details the annual programme of repairs, maintenance and improvements, in liaison with the LEA and, where relevant, the Diocesan Board;
- Report on the financial implications and monitor the implementation of the plan;
- Agree the level of delegation to the headteacher for the day to day responsibility for the premises;
- Agree major capital works and improvements. (*Aided schools must consult with the relevant Diocesan Authority*);
- Ensure self-help procedures are followed for mechanical, electrical, new build and improvement works. (*If there is any doubt, refer to your school's building surveyor*);
- Ensure that whenever maintenance or improvement work is carried out, investigations are undertaken to check for asbestos containing materials in the area of work;

- Consider, approve or propose amendments to the LEA's annual consultation with schools on asset management plans, local policy statement and statement of priorities;
- In accordance with Special Educational and Disability Act 2001 ensure the preparation, regular review and revision, where necessary, of a written Accessibility Plan to:
 - Increase the extent to which disabled pupils can participate in the curriculum;
 - Improve the physical environment of the school to increase participation of disabled pupils;
 - Improve the delivery of information;
- Receive reports on the necessary risk assessments for health and safety, security and fire by ensuring they comply with West Sussex procedures;
- Monitor the use of on-site environmental facilities and their impact on teaching and learning;
- Set the level of maintenance service the school is able to purchase from service providers;
- Oversee the letting of contracts for maintenance and improvement works in accordance with the LEA's Standing Orders, within agreed budgetary limits;
- Ensure the security of the school premises and fire safety measures, including the alarm systems and fire drill;
- Ensure the school complies with health and safety regulations;
- Receive reports on the monitoring of gas, water, electricity services;
- Ensure adequate premises insurance;
- Determine a policy and scale of charges for the letting of premises outside school hours (in consultation with the Finance Committee). Monitor and review the implementation of that policy. Ensure all statutory requirements for letting premises are satisfied.

Staffing / Personnel Committee

Model Terms of Reference

The Staffing/Personnel Committee will:

- Monitor the implementation of the school's Performance Management Policy;
- Monitor the school's compliance with the phased workforce reforms set out in the National Agreement on Workforce Remodelling;
- Decide arrangements for all staff appointments, except for the

appointment of the head and deputy headteacher which is the responsibility of the full governing body;

- In relation to staff appointments, including internal promotions, agree the appropriate level of delegation to the headteacher. *(These are now specified in new Staffing Regulations effective from Sept 2003);*
- Ensure all procedures relating to the recruitment, selection and appointment of staff comply with the law and take account of equal opportunities;
- Ensure there are proper policies and procedures in place for dealing with staff discipline, grievance, capability, redundancy, pay and staff absence, including sickness. Where West Sussex County Council model policies and procedures are not adopted, carry out consultation with staff and unions;
- Review the staffing structure on a regular basis, especially following a resignation, taking into account the needs of the school development plan;
- Monitor the use of the school's In-Service Training (INSET) budget for staff training and review its effectiveness;
- Ensure school INSET days are linked to school development plan priorities. *(This could be the responsibility of the curriculum committee).*

Voluntary Aided and Foundation Schools:

- Consider whether to agree advisory rights to the LEA in relation to the appointment and dismissal of teaching staff.

Pay and Performance Review

The Pay Panel should be appointed with fully delegated powers. Any governor/s employed in the school are not entitled to be members of the Pay Panel. The headteacher will attend Pay Panel meetings in an advisory capacity only.

Model Terms of Reference

The Pay Panel will:

- Meet the aims of the whole school pay policy and apply its criteria;
- Ensure that all staff receive their full contractual and statutory entitlements;
- Review the whole school pay policy annually, taking account of national and local developments;
- Consider recommendations from the headteacher about what awards should be given on the basis of policy and budget;
- Ensure that awards are made fairly, taking full account of equal opportunities;

- Review the School Group Size and Individual School Range and record in writing the reasons;
- Recommend to the Finance Committee what amount should be set aside from the school's budget for the discretionary pay awards;
- Establish the criteria to be used for performance review which may lead to the award of additional points for teaching staff;
- Establish the criteria for the award of honorarium payments to non-teaching staff;
- Ensure that the review of the Leadership Group's salaries, including the headteacher, is informed by the outcomes of their performance review and that the outcome of the review is made known to the members of the Leadership Group;
- Receive the recommendations of the headteacher in relation to teachers on the upper pay spine and take appropriate action in line with the agreed criteria;
- Ensure that all members of the teaching staff receive annual statements of salary.

Headteacher's Performance Review

Review governors are appointed by the governing body with fully delegated powers and have certain statutory responsibilities.

Model Terms of Reference

Review Governors must:

- Seek advice from the appointed external adviser when setting objectives and reviewing the performance of the headteacher;
- Meet with the headteacher and adviser at the start of the performance review cycle to plan and prepare for the performance review, and set and record headteacher objectives relating to school leadership and management and pupil progress;
- Agree arrangements for monitoring the progress of the performance objectives during the year;
- Meet with the headteacher and adviser 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;
- Decide whether they wish the adviser to draft the review statement and the statement of objectives following the formal review meeting;
- Ensure a copy of the performance review statement is given to the headteacher within 10 days of the review meeting, and allow 10 days for the headteacher to add written comments;

- Provide the headteacher and chair of the governing body with a copy of the headteacher's performance review statement;
- On request, provide a copy of the headteacher'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.

Pupil Admissions Committee (Voluntary Aided or Foundation Schools)

School admissions must be managed according to the Code of Practice published by DfES in February 2003.

The admission of pupils to community and voluntary controlled schools is the responsibility of the local education authority. In these schools, the governing body is not required to establish a pupil admissions committee.

The governing body of a voluntary aided or foundation school, however, is responsible for pupil admissions and therefore must set up such a committee.

The governing body may delegate this responsibility to a committee and, if it does so, the headteacher should be a member of the committee. Responsibility cannot be delegated to an individual. **Headteachers may not take decisions to refuse a pupil admission on their own.**

(Code of Practice para 7.32)

The committee should be properly clerked. The quorum for the committee is three.

Model Terms of Reference

The Pupil Admissions Committee will:

- Review the school admissions policy, which includes the admission criteria;
- Consult the Diocesan Board of Education before all other organizations;
- Consult the LEA and all relevant organisations according to the Code of Practice within the relevant area (family group);
- Approve the final policy OR recommend its approval to the full governing body;
- Determine whether any child should be admitted to the school.

Pupil Discipline Committee

The committee's role is to review, as the need arises, the headteacher's exclusion decisions.

The governing body should establish a pupil discipline committee of three or five members. The headteacher may not be a member. The governing body may nominate a pool of named governors from which three or five will serve as the committee for a particular exclusion. No governor should serve on a committee if s/he has a connection with the pupil or the incident which could affect their ability to act impartially.

The committee should be properly clerked. The quorum for the committee is three.

The committee **must** meet for exclusions:

- Totalling more than 5 school days and less than 16 school days (or ten lunchtimes) in any one term, *where the parent expresses a wish to make representations to the governing body*. The meeting must be held between the 6th and 15th school day following notice of the exclusion;
- Totalling more than 15 school days a term and for permanent exclusions and fixed term exclusions converted to permanent exclusions. The meeting must be held between the 6th and 15th school day following notice of the exclusion;
- Which could result in the loss of an opportunity to take a public examination.

Model Terms of Reference

The Pupil Discipline Committee will:

- Consider the circumstances of any pupil excluded permanently or for more than five days in a term or who will be unable to sit a public examination as a result of exclusion;
- Consider representations from the LEA or from parents whose child has been excluded for any period;
- Ensure the school adheres to the legal procedures and guidance on use of exclusions;
- Decide whether to direct re-instatement of any pupil excluded;
- Review the use of exclusions within the school.

In cases of a fixed-period exclusion which would result in the pupil being excluded from the school **for a total of five days or less in any one term**, the committee must meet to consider any representations made by the parent. In such cases the governing body cannot direct reinstatement of the pupil.

Appeals by parents against the decision of the Pupil Discipline Committee are dealt with by an independent panel established by the local authority.

Governors serving on discipline committees should take great care to ensure that they follow legal procedures since their decisions are open to scrutiny by an independent panel.

Staff Dismissal and Staff Appeal Committee

Decisions about initial staff dismissal should normally be taken by the headteacher.

Where the headteacher is not exercising delegated responsibility for dismissal, the decision should be delegated to a staff dismissal committee of at least three governors.

In the event of an appeal the committee should comprise at least three governors who have not been involved in any previous action or decision connected with the dismissal. The appeal may be heard by two governors but there should be no fewer than the number that made the initial decision.

WSSC revised model staffing procedures were sent to all schools in early 2004. Governors are advised to adopt these procedures as they stand.

The committee should be properly clerked.

Model Terms of Reference

The Staff Dismissal Committee will:

- take any initial decision that any person employed to work at the school should cease to work there.

The Staff Dismissal Appeal Committee will :

- hear and decide any appeal following the outcome of the staff dismissal committee.

Voluntary Aided and Foundation Schools will :

Consider whether to agree advisory rights to the LEA in relation to the dismissal of teaching staff.

APPENDIX ONE

Statutory Policies / Publications

There are certain school policies / publications for which the governing body is accountable in law. These are:

- **Action Plan following school inspection;**
- **Admissions (Foundation and Voluntary Aided Schools);**
- **Attendance Targets;**
- **Charging Policy;**
- **Child Protection Policy;**
- **Policy on Collective Worship;**
- **Complaints Procedure;**
- **Curriculum Policy;**
- **Health and Safety Policy;**
- **Home/School Agreement;**
- **Instrument of Government;**
- **Minutes of and papers considered at meetings of the Governing Body;**
- **Performance Management Policy;**
- **Pupil Discipline (including anti-bullying) Policy;**
- **Race Equality Policy;**
- **Register of Pupils;**
- **Register of Business Interests of Headteacher and Governors;**
- **Risk Assessments (see Health and Safety Policy above);**
- **Schemes for Paying Governors' Allowances (for all schools where the Governing Body agrees to pay expenses);**
- **Sex Education Policy;**
- **Special Educational Needs Policy;**
- **Staff Appraisal Policy;**
- **Procedures for addressing Staff Discipline, Conduct and Grievance;**
- **Target-setting.**

OFSTED seeks information about whether most of these policies are in place immediately before an inspection in your school. OFSTED Form S3, which the headteacher and governing body must complete and return to the lead inspector before an inspection, is a useful checklist of governors' statutory responsibilities.

Governing Bodies are also responsible for:

- **The annual report to parents;**
- **The prospectus;**
- **Ensuring that under the disability provisions of the Special Educational Needs and Disability Act 2001 (SENDA) they prepare, keep under review and revise, if necessary, a written Accessibility Plan.**

The Accessibility Plan is written to:

- **Increase the extent to which disabled pupils can participate in the curriculum;**
- **Improve the physical environment of the school to increase participation of disabled pupils;**
- **Improve the delivery of information.**

(The school must have regard of the need to allocate adequate resources for implementing the plan.)

There are many other policies in addition to these e.g. subject specialist policies which the governing body does not necessarily have to be consulted about. Headteachers may want to keep governors informed about changes to any such policies but there is no requirement for governors to play a role in shaping them.

Appendix Two

Useful References:

- **A Guide to the Law for School Governors** issued to schools by the Department for Education and Skills;
- **School Staffing Regulations 2003:** / www.governor.net.co.uk/staffing;
- **WSSC Staffing Guidance** – to be read in conjunction with the staffing regulations;
- **School Governance (Procedures) Regulations 2003:** www.governor.net.co.uk/publications;
- **National GovernorLine** (0800 722 181) 9am to 10pm weekdays; 11am to 4pm Saturday and Sunday.