

Committees and Delegation



Helping GOVERNORS get it right!



Revised January 2010

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Introduction

The purpose of this guidance is to assist the governing bodies in establishing committees to undertake functions on behalf of the governing body.

It is recommended good practice that all schools have committees; the number of which will depend upon the size of the school. The number of committees should be kept to a minimum whilst ensuring the functions of the governing body can be carried out. Most primary schools should be able to meet their responsibilities through the establishment of two committees, whereas secondary schools will probably require more than two in order to manage their business.

Each individual governing body must decide their own committee structure to meet their individual needs.

It is important to recognise that Parliament has given a range of duties and powers to governing bodies under the Education Acts. The Acts and associated Regulations set out the requirements for constitution and procedures and thus it is not necessary for governing bodies to have terms of reference in the same way as do committees.

Governors should be familiar with the DCSF document : Guide to the Law; which can be found at www.governor.net.co.uk.

Delegation of Functions

A governing body can delegate many of its statutory functions to a committee, individual governor or the headteacher.

Exceptions are set out below.

Functions that can be delegated to a committee but cannot be delegated to an individual include those that relate to:

- 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 chairperson has the power to exercise these functions);
- admissions.

The governing body cannot delegate any functions relating to:

- the constitution of the governing body (unless otherwise provided by the Constitution Regulations);
- the appointment or removal of the chairperson and vice-chairperson;
- the appointment of the clerk;
- the suspension of governors;
- the delegation of functions;
- the establishment of committees.

In order for any function to be delegated to a committee or individual the governing body must make a resolution to that effect.

The definition of a committee is a committee established by the governing body to which the governing body has delegated any of its statutory functions. Thus a group of governors formed to consider a particular issue without any delegated functions is a working group.

If there is no resolution there is no delegation.

This is why a governing body is required to approve the Constitution and Terms of Reference of all committees before they become operational.

It is good practice at all committee meetings to have a copy of the Terms of Reference available to ensure that the committee do not make a resolution on a matter which has not been delegated to them.

Note : The legislation on School Governance refers only to Committees not Sub-Committees. Hence the term Sub-Committee is incorrect in the context of delegated functions. Sub-committees can only be created from an existing committee.

Delegation – Finance

An Approved Scheme of Delegation for the management of the school's budget is a requirement of the Fair Funding Scheme and the Financial Management Standard in schools.

The School's Scheme will set out the delegated functions to:

- (a) committee; and
- (b) individuals.

The Terms of Reference for the committee dealing with finance must include the delegated committee functions under the scheme.

Virement levels which have been delegated to individuals/committee are determined by the governing body on advice from the Local Authority.

Where functions have been delegated to an individual this should be reflected in the post holder's job description and employee specification.

An example of an Approved Scheme of Delegation is provided at Annex 3.

Delegation of Functions in the case of an Emergency

This is the item on the agenda:

EMERGENCY/DELEGATED POWERS

The Chairperson, or in his absence, the Vice-Chairperson has the power to carry out functions of the governing body if a delay in exercising that function is likely to be seriously detrimental to the interests of the school, a pupil, or his parent, or a person who works at the

school. (See page 4 for functions which cannot be delegated therefore cannot be dealt with as an emergency power).

Meaning of “delay”

Delay means a period longer than that required to call a meeting of the governing body or committee for them to take the decision.

The period for calling a meeting is 7 clear days (unless in an emergency where the period can be shorter). If there is insufficient time to call a meeting then the chairperson/vice-person can take the decision.

Review of Delegated Functions

The legislation requires that the governing body must review its delegation of functions each year. This appears on the model agenda for each termly meeting so governing bodies can review the establishment, terms of reference, constitution and membership of the committees of the governing body. Normally governing bodies undertake the review at the Autumn Term meeting for that school year. At subsequent meetings governing bodies normally only amend the membership of committees to reflect changes in membership of the governing body.

The Procedure for Establishing Committees

This is a step by step procedure which a governing body must follow.

- 1 Governing Body pass a resolution setting out which Committees are to be established

RESOLVED

That the Committees listed below be established

(a)

(b)

(c) etc

- 2 Governors can either prepare their own Terms of Reference and Constitution or request copies of the Local Authority models.
- 3 Until the Terms of Reference and Constitution have been approved by the Governing Body the Committee has no power to operate.
- 4 Terms of Reference and Constitution can be agreed/reviewed by two routes:
 - (a) by consideration, discussion and approval by resolution at the Governing Body; or

- (b) by consideration of the respective committee with a recommendation to the Governing Body;
 - (c) by a Working Group considering, discussing and making a recommendation to a Governing Body meeting for a resolution that the Terms of Reference and Constitution be adopted.
- 5 Governing Body pass a resolution appointing governors to the Committees.
 - 6 Governing Body pass a resolution which appoints Chairperson and Vice-Chairperson of each Committee where the appointment is not delegated to the committee in the constitution.
 - 7 Determine what the clerking arrangements for the Committees will be.
 - 8 Determine a programme of meetings linked to the date of the Governing Body meeting. Minutes of Committee meetings will either be approved or received at the Governing Body meeting.

Reporting Back Delegated Functions

The legislation requires that where any function of the governing body has been delegated and a decision or decisions taken they must be reported back to the governing body.

This is done in the following ways:

- (i) where it is a decision of a committee the minutes of the meeting are presented at the governing body meeting;
- (ii) where an individual has taken a decision, or the chairperson/vice-chairperson has exercised emergency powers, it is reported orally.

In each case the governing body will be make a resolution :

- (i) **RESOLVED**
That the minutes of the XXXX Committee be received or approved.

(Received minutes are only for information purposes).
- (ii) **RESOLVED**
That the actions/decisions of the chairperson/vice-person be approved.

Quorum for Committee Meetings

The quorum for any meeting of a committee is determined by the committee, however the Regulations state that the minimum number is three governors who are members of that committee.

Committee Procedure

The governing body must appoint a clerk to each committee. Under no circumstances can the Headteacher act as the clerk for a committee meeting. In the event that the clerk fails to attend the meeting the committee can appoint a governor to act a clerk.

Functions of the clerk :

- convene the meeting;
- prepare the agenda including any documents;
- have available at the meeting a copy of the Terms of Reference;
- take the minutes of the meeting;
- write-up the minutes (word process)
- send draft minutes to the chairperson of the committee for checking.

When attending a committee meeting the Clerk must understand that they are doing so in the role of Clerk. This is particularly important if they are employed at the school.

Where the Clerk is invited to attend the committee meeting in their school role they should not clerk the meeting.

Example

If the Clerk is the School's Finance Officer and they normally clerk the Finance Committee, but are invited to attend to give a presentation on the School's budget and respond to questions they should not clerk the meeting. In this case there is a conflict between their School role and that of an independent Clerk.

The draft minutes need to be sent to the next meeting of the Governing Body.

There are two ways to do this.

Email or post to Governor Services

The minutes will be printed on green paper and included in the agenda pack for all governors.

The deadline for this is 3-4 weeks prior to the date of the Governing Body meeting.

Send to Headteacher to present at the Governing Body meeting

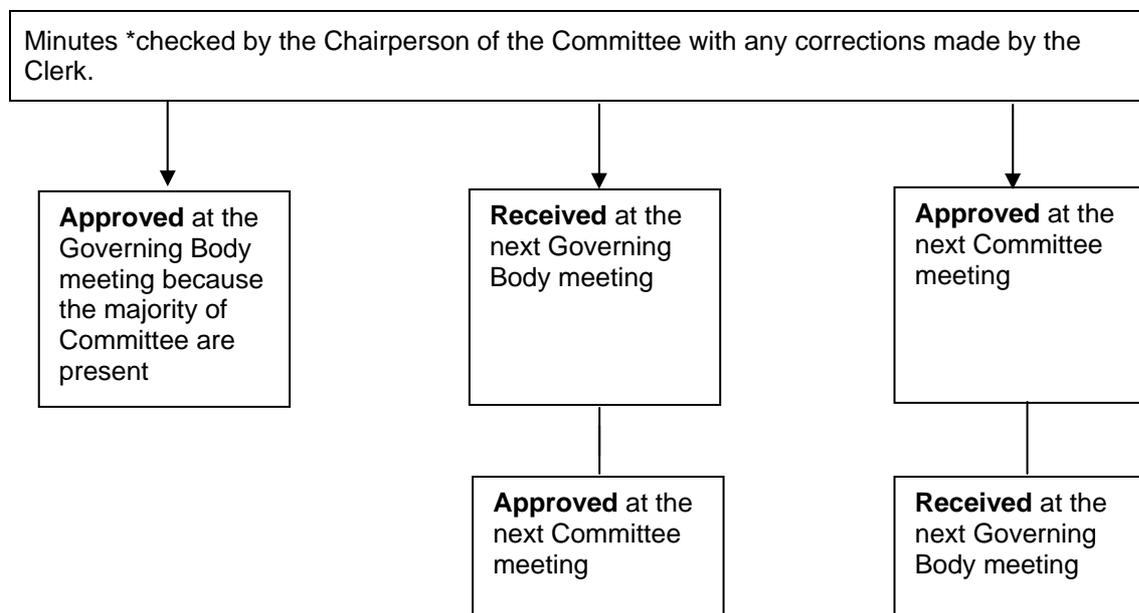
This happens when there is insufficient time to send to Governor Services.

Sufficient copies must be made on green paper for all Governors and the Clerk.

Where a governing body produce all there own committee minutes it is up to them to determine on what coloured paper they are printed.

Approving the Committee minutes.

All minutes are “draft” until they are approved by a resolution and signed by the Chairperson of the Committee/Governing Body.



It is good practice for the Committee Clerk to maintain a file of the minutes of the meetings and have it available at the meeting.

Decisions

Where the governing body have delegated a function to a committee, that committee can make a resolution on that function. However, where they have not got that delegated function on a specific matter the committee will make a recommendation to the governing body.

It is important that the minutes of committee meetings should whether a decision is : RESOLVED or RECOMMENDED.

Where a committee make a recommendation the governing body must make a resolution on the item.

** It is for each governing body to determine the timescale for this.*

Associate Members

The governing body may appoint Associate Member(s) to committees and must determine their period of office (Maximum period 4 years). If the governing body determine that the quorum for a committee meeting includes an associate member the number of governors present for the meeting to be quorate is three.

Thus, a meeting where there are :

- (i) 2 governors; and

- (ii) 1 or more associate members present;
is not quorate.

If a school appoints more than one associate member to a committee and they all attend a meeting, then no vote can be taken on any matter unless the majority of committee members present are governors.

An Associate Member cannot vote on :

- (a) admissions (in the case of a voluntary aided school);
- (b) pupil discipline;
- (c) election or appointment of governors;
- (d) the budget and financial commitments of the governing body.

Associate Members cannot be given voting rights if they have not reached the age of 18 at the time of their appointment.

Established

The number of committees established by a governing body will depend upon:

- (i) the size of the governing body
- (ii) the range and functions which the governing body wish to delegate.

It is recommended that the number of individual committees be kept to minimum whilst ensuring the range of delegated functions are achieved by widening the terms of reference of the committees.

The term: constitution; means which governors are members of the committee and how they will undertake their duties.

The phrase: terms of reference; means what the committee will actually do in the name of the governing body.

A committee cannot exercise any power or authority unless that function has been specifically delegated to them by the governing body.

In determining how many committees should be established a practical starting point is to consider the major areas of school governance most frequently undertaken by the governing body and the extent to which there are clear links.

Area 1	Finance Resources Facilities Management
Area 2	Curriculum Teaching Learning
Area 3	Employees Pupils

and for the larger schools

Area 4 Strategy
 Quality assurance
 (Tends to be Chairpersons of the committees)

Thus as a minimum a governing body would establish a committee for each of the areas (1) to (3). Schools need to consider whether there is sufficient work for three separate committees, where not a suggested structure is two committees :

Main Committee 1 : To deal with finance/facilities and related issues

Main Committee 2 : Employees, curriculum, teaching and learning.

The committee dealing with pupils is essentially one considering the exclusion of pupils. A governing body therefore has two options :

- (a) include the Terms of Reference for the Pupil Discipline committee into Committee 1 or Committee 2; or
- (b) establish a separate Pupil Discipline Committee as a permanent committee or establish the committee when it is required.

In both cases it is important to consider which category of governors will either be members of the Pupil Discipline Committee or be drawn from an existing committee for the purposes of hearing the parent's representation against the exclusion of their child. Normally parent and staff governors do not participate in pupil discipline meetings.

For other functions (listed a to e) that can be delegated, the governing body could establish a separate committee but it would be more sensible to incorporate these functions into one of the main committees :

- (a) health and safety
- (b) premises
- (c) complaints
- (d) extended school provision
- (e) barring parents from the premises

There are other functions relating to staffing matters that need to be delegated to committee :

- staff dismissal
- dismissal appeal
- redundancy
- redundancy appeal

See pages 16 to 25.

These need to be separate committees and only established when required.

Grievances

Where an employee brings forward a grievance this can be heard by the committee with delegated responsibility for staffing. The appeal can be heard by any other committee.

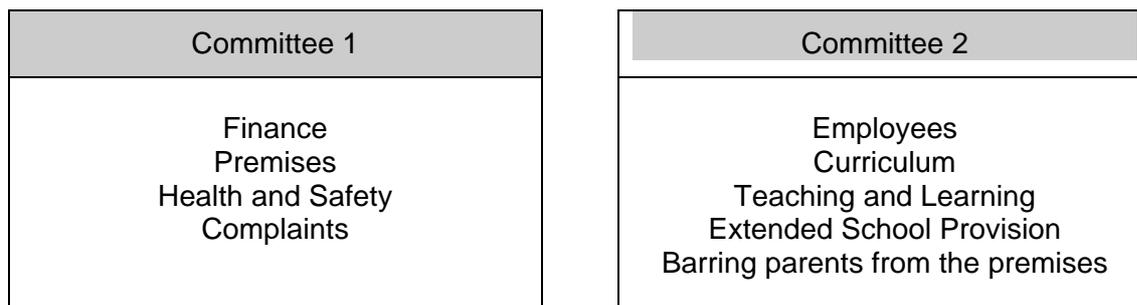
The terms of reference must include this delegated function:

To hear and consider any grievance brought forward by an employee

To hear and consider a appeal arising from the decision of the
_____ Committee.

Simple two committee model

Permanently established



and when required any other committee.

Whilst this represents the simplest structure it is for the governing body to determine what arrangements serve their particular needs. Consequently the committee structure for a secondary school will be greater than two committees.

Where a committee has not met during the course of the school year consideration needs to be given as to whether it needs to be permanently established.

A suggested table for recording committee membership is provided at Annex 1.

Creating a Committee

If the governing body have existing arrangements for dealing with the matters the new committee is to address which will no longer be used, then all previous resolutions to the former committee must be rescinded.

Eg

The Governing Body intend to establish a committee to manage Extended Services.

RESOLVED

That all previous resolutions and decisions referring to the establishment of the Extended Services Committee be rescinded.

The governing body has now a “clean sheet” to put new arrangements in place.

The following steps must be followed when establishing a committee.

In some cases it is necessary under point (1) above to specify which governors are not to be a member of the committee e.g. Pupil Discipline Committee : The Headteacher.

The number of governors appointed to a committee must be greater than the quorum of 3 to ensure there is always the possibility of a quorum.

Terms of Reference

This will be a list of functions the committee are to carry out as delegated by the governing body.

Annex 2 provides a number of examples from a range of committees. By selecting from the functions in each example a governing body should be able to create a committee to meet the governing body's particular needs.

Appointment of Headteacher or Deputy Headteacher

The appointment of a headteacher and deputy headteacher of a school are covered by the same Regulations.

The recruitment and selection procedure is carried out by a specially appointed Selection Panel. It cannot be called an Appointment Panel because the Panel do not have the authority to appoint to the post.

The Selection Panel is drawn from all members of the governing body and the Regulations do not prevent staff governors from being a member of the Selection Panel. However, the governing body should consider whether it is appropriate for a member of staff to be on the Selection Panel.

Where a governing body are starting the recruitment and selection procedure the following three resolutions need to be made.

RESOLVED

That a Selection Panel be established for the purpose of recruiting and selecting to the post of Headteacher/Deputy Headteacher.

RESOLVED

That the following Governors be appointed to the Selection Panel for the post of Headteacher/Deputy Headteacher.

1 _____

2 _____

3 _____

etc

RESOLVED

That the ISR for the post of Headteacher/Deputy Headteacher be from _____ to _____

(ISR – Individual School Range. The salary points for the post).

Following the interview process the Selection Panel will recommend a candidate for approval by the Governing Body.

The date of the governing body meeting will have been determined as part of the appointment process.

At the governing body meeting the following resolution will be made:

RESOLVED

That upon the recommendation of the Selection Panel
_____ be appointed to the post of Headteacher/
Deputy Headteacher from _____ (date)

STAFF DISMISSAL AND REDUNDANCY

The purpose of this section is to help Governing Bodies implement the correct governance procedures for managing staff dismissal and redundancy.

Dismissal and redundancy are two separate functions involving separate processes. In both cases the Governing body must delegate to the appropriate committee these functions and not deal with them in any way, including discussion at a Governing Body meeting.

This section contains 3 sub-sections:

- Sub-Section 1 - Staff Dismissal
- Sub-Section 2 - Redundancy
- Sub-Section 3 - Model Constitution and Terms of Reference for Committees.

SUB-SECTION 1 – STAFF DISMISSAL

All cases of dismissal which require a dismissal meeting (formerly known as a dismissal hearing) by members of the Governing Body should be heard by the Staff Dismissal Committee. It must be recognised that the Staff Dismissal Committee has the delegated responsibility to dismiss an employee in accordance with the school's procedures.

This committee should hear cases brought under Policies and Procedures which could lead to dismissal in relation to:

- Disciplinary
- Long Term Ill Health
- Short Term Ill Health (Managing Attendance)
- Fixed-Term / Temporary Contracts
- Performance in Employment (Capability)
- Probationary Period Review (Support Staff).

The situation may have arisen where the Governing Body are uncertain of the delegation they have put in place. It is therefore recommended that the Governing Body make the following resolution:

RESOLVED

That

- (a) all previous resolutions/decisions relating to the arrangements for the dismissal of staff and subsequent appeal be rescinded; and
- (b) any references in any Terms of Reference of a Committee to dismissal and appeal be deleted.

The effect of this resolution is to put the Governing Body back to "square one" ie no arrangements for dealing with dismissals/appeals.

Having reverted back to having no delegation in place for managing staff dismissal the Governing Body have two options:

Option 1 - Establishing separate committees for staff dismissal and staff dismissal appeal.(**Recommended option**)

Option 2 - Incorporating the delegated functions into existing committees.

In both options the Governing Body must have adopted the relevant policies and procedures.

Therefore the Governing Body MUST make the following resolution.

RESOLVED

That the school adopt policies relating to:

- Disciplinary
- Long Term Ill Health
- Short Term Ill Health (Managing Attendance)
- Fixed - Term / Temporary Contracts
- Capability for both Teachers and Support Staff
- Probationary Period

The Governing Body must then decide which option they are going to follow for managing a staff dismissal.

Option 1 - Separate Committees

The Governing Body need to make the following resolutions.

RESOLVED

That a Staff Dismissal Committee and a Staff Dismissal Appeal Committee be established.

RESOLVED

That the Constitution and Terms of Reference of the Staff Dismissal Committee and the Staff Dismissal Appeal Committee be adopted and attached at the Appendix to these minutes.

RESOLVED

That the following Governors be appointed to serve on the Committees set out below:

Staff Dismissal Committee

1

2

3

4

Staff Dismissal Appeal Committee

- 1
- 2
- 3
- 4

*(The minimum number of Governors appointed should be four to ensure a quorum of 3).
The number of Governors on an Appeal Panel should not be less than those at a Dismissal Meeting.*

Option 2 - Incorporating the delegation to existing committees

Where the Governing Body decide staff dismissal and staff dismissal appeal will be dealt with by existing committees they need to make the following resolutions.

Staff Dismissal -

RESOLVED

That the Terms of Reference of the _____ Committee be amended to include the following:

Staff Dismissal

- 1 To hear representations from the Headteacher that any person employed by the * Local Authority to work at the School has:
 - (a) been subject to the Discipline Procedure; or
 - (b) been subject to the Long Term Ill Health Procedure and has been deemed unfit to carry out the duties of their post; or
 - (c) been subject to the Short Term Ill Health Procedure (Managing Attendance); or
 - (d) not had their Fixed – Term / Temporary Contract renewed; or
 - (e) been subject to The Teachers' Capability Procedure or Performance in Employment (Capability) Procedure for School Support Staff and has not met the standards required of the post; or
 - (f) been subject to the Probationary Period Procedure and has failed to achieve the standards required of the post.
- 2 To determine an appropriate sanction in accordance with the relevant policy / procedure in point 1 (a) to (f) above; or
To determine that there is no case to answer.
- 3 To advise the Local Authority of the determination and the reasons for it.

*Notes (1) The Committee must always meet with an odd number of Governors.
(2) For voluntary aided schools replace Local Authority with Governing Body

Staff Dismissal Appeal

RESOLVED

That the Terms of Reference of the _____ Committee be amended to include the following

Staff Dismissal Appeal

- 1 To hear an appeal arising from the decision of the Staff Dismissal Committee to dismiss the employee in accordance with 1 (a) to (f) as set out in the terms of reference of the Staff Dismissal Committee.
- 2 To hear an appeal from an employee against a sanction in accordance with the relevant policy and procedure
or
To determine that there is no case to answer.
- 3 To advise the Local Authority of the determination and the reasons for it.

(Note: There must always be an odd number of Governors.)

Where the functions are delegated to an existing Committee the following applies:

- (a) Governors paid to work at the school must not sit on the Staff Dismissal and Staff Dismissal Appeal Committees; and**
- (b) no Governor can sit on both committees.**

SUB-SECTION 2 – REDUNDANCY

Redundancy should not be delegated to existing committees of the Governing Body.

Separate Redundancy and Redundancy Appeal Committees need only be established where a school faces a potential redundancy.

The Governing Body must follow the procedure set out below:

RESOLVED

That the Managing Change – Model Redundancy Policy for Schools be adopted.

RESOLVED

That a Redundancy Committee and Redundancy Appeal Committee be established.

RESOLVED

That the Terms of Reference and Constitution of the Committees below be adopted and copies attached at the Appendix to these minutes.

- (a) Redundancy Committee; and
- (b) Redundancy Appeal Committee

RESOLVED

That the following Governors be appointed to the Redundancy Committee:

- 1
- 2
- 3
- 4

RESOLVED

That the following Governors be appointed to the Redundancy Appeal Committee:

- 1
- 2
- 3
- 4

Governors paid to work at the school must not be members of these committees and no governor can sit on both committees

If the situation arises that a school has insufficient governors to sit on a committee dealing with dismissal, redundancy or an appeal who have not had any involvement, then it will be necessary to use governors from another school. Where this needs to be implemented Governor Services must be contacted in order to make the necessary arrangements.

SECTION 3 – MODEL CONSTITUTION AND TERMS OF REFERENCE FOR THE FOLLOWING COMMITTEES:

- Staff Dismissal Committee
- Staff Dismissal Appeal Committee
- Redundancy Committee
- Redundancy Appeal Committee

**SUB-SECTION 3 –
MODEL CONSTITUTION AND TERMS OF REFERENCE FOR COMMITTEE**

BARNSELY METROPOLITAN BOROUGH COUNCIL

SCHOOL GOVERNING BODY

STAFF DISMISSAL COMMITTEE

CONSTITUTION

- 1 The Committee shall consist of 4 Governors appointed by Governing Body excluding the Headteacher and Staff Governors.
- 2 The Chairperson shall be elected by the Committee.
- 3 A quorum shall consist of 3 members of the Committee. * See note below.
- 4 The Governing Body shall appoint a Clerk to the Committee.
- 5 The clerk will ensure:
 - (i) a minimum of 7 clear days notice of a meeting is given in writing to each committee member

along with the agenda:
 - (ii) the minutes and decisions of the Committee are recorded and made available for inclusion in the agenda papers of the next Committee meeting.
- 6 The Committee is authorised to make decisions on behalf of the Governing Body only in respect of those powers specifically within the Terms of Reference.

TERMS OF REFERENCE

- 1 To hear representations from the Headteacher that any person employed by the * Local Authority to work at the School has:
 - (a) been subject to the Discipline Procedure; or
 - (b) been subject to the Long Term Ill Health Procedure and has been deemed unfit to carry out the duties of their post; or
 - (c) been subject to the Short Term Ill Health Procedure (Managing Attendance); or
 - (d) not had their Fixed – Term / Temporary Contract renewed; or
 - (e) been subject to The Teachers' Capability Procedure or Performance in Employment (Capability) Procedure for School Support Staff and has not met the standards required of the post; or
 - (f) been subject to the Probationary Period Procedure and has failed to achieve the standards required of the post.

2 To determine an appropriate sanction in accordance with the relevant policy / procedure in point 1 (a) to (f) above; or

To determine that there is no case to answer.

3 To advise the Local Authority of the determination and the reasons for it.

*Notes (1) The Committee must always meet with an odd number of Governors.

(2) For voluntary aided schools replace Local Authority with Governing Body.

BARNSELY METROPOLITAN BOROUGH COUNCIL

SCHOOL GOVERNING BODY

STAFF DISMISSAL APPEAL COMMITTEE

CONSTITUTION

- 1 The Committee shall consist of 4 Governors appointed by the Governing Body excluding the Headteacher and Staff Governors.
- 2 No member of the Staff Dismissal Committee whose decision is subject to appeal shall take part in the proceedings of the Staff Dismissal Appeal Committee.
- 3 In the event of an appeal the Staff Dismissal Appeal Committee shall consist of no fewer members of the Governing Body than the Staff Dismissal Committee.
- 4 The Chairperson shall be elected by the Committee.
- 5 A quorum shall consist of 3 members of the Committee. * See note below.
- 6 The Governing Body shall appoint a Clerk to the Committee.
- 7 The Clerk will ensure:
 - (i) a minimum of 7 clear days notice of a meeting is given in writing to each committee member along with the agenda;
 - (ii) the minutes and decisions of the Committee are recorded and made available for inclusion in the agenda papers of the next Committee meeting.
- 8 The Committee is authorised to make decisions on behalf of the Governing Body only in respect of those powers specifically within the Terms of Reference.

TERMS OF REFERENCE

- 1 To hear an appeal arising from the decision of the Staff Dismissal Committee in accordance with 1 (a) to (f) as set out in the terms of reference of the Staff Dismissal Committee.
- 2 To hear an appeal against a sanction in accordance with the relevant policy and procedure

or

To determine that there is no case to answer.
- 3 To advise the Local Authority of the determination and the reasons for it.

*Note – The Committee must always meet with an odd number of Governors.

REDUNDANCY COMMITTEE

CONSTITUTION

- 1 The Committee shall consist of 4 Governors appointed by the Governing Body excluding the Headteacher and Staff Governors.
- 2 The Chairperson shall be elected by the Committee.
- 3 A quorum shall consist of 3 members of the Committee. *See note below.
- 4 The Governing Body shall appoint a Clerk to the Committee.
- 5 The Clerk will ensure:
 - (i) a minimum of 7 clear days notice of a meeting is given in writing to each committee member along with the agenda;
 - (ii) the minutes and decisions of the Committee are recorded and made available for inclusion in the agenda papers of the next Committee meeting.
- 6 The Committee is authorised to make decisions on behalf of the Governing Body only in respect of those powers specifically within the Terms of Reference.

TERMS OF REFERENCE

- 1 To acknowledge and discuss the proposals set out by the Headteacher.
- 2 To notify the Executive Director (Children, Young People and Families), relevant Trade Unions and Human Resources Providers at the earliest opportunity of potential redundancies.
- 3 To issue Section 188 Notice.
- 4 To determine appropriate selection criteria in consultation with recognised Trade Unions.
- 5 To agree the redundancy timetable.
- 6 To consider proposals put forward during the consultation process and formally respond.
- 7 At the end of the consultation period, consider the information provided by the Headteacher on the staff skills and experience summary sheet and make the final decision on which post(s) are to be declared redundant based on the agreed criteria.
- 8 Subsequently hear representations from the employee(s) whose post(s) are selected for redundancy where the employee exercises their right to such a hearing.
- 9 At appeal meetings the Headteacher and Chair of the Redundancy Committee will present the case to the Appeal Committee.
- 10 To notify in writing to employees the outcome of the hearing and rights to appeal if applicable.
- 11 To notify the Executive Director (Children, Young People and Families) requiring dismissal notices to be issued giving reasons (if no appeal).

*Note – The Committee must always meet with an odd number of Governors.

BARNSELY METROPOLITAN BOROUGH COUNCIL

SCHOOL GOVERNING BODY

REDUNDANCY APPEAL COMMITTEE

CONSTITUTION

- 1 The Committee shall consist of 4 Governors appointed by the Governing Body excluding the Headteacher and Staff Governors.
- 2 No member of the Redundancy Committee whose decision is subject to appeal shall take part in the proceedings of the Redundancy Appeal Committee.
- 3 In the event of an appeal the Redundancy Appeal Committee shall consist of no fewer members of the Governing Body than the Redundancy Committee.
- 4 The Chairperson shall be elected by the Committee.
- 5 A quorum shall consist of 3 members of the Committee. *See note below.
- 6 The Governing Body shall appoint a Clerk to the Committee.
- 7 The Clerk will ensure:
 - (i) a minimum of 7 clear days notice of a meeting is given in writing to each committee member along with the agenda;
 - (ii) the minutes and decisions of the Committee are recorded and made available for inclusion in the agenda papers of the next Committee meeting.
- 8 The Committee is authorised to make decisions on behalf of the Governing Body only in respect of those powers specifically within the Terms of Reference.

TERMS OF REFERENCE

- 1 To hear any appeals from employees together with representations from the Headteacher and Chair of the Redundancy Committee.
- 2 To notify in writing to employees the outcome of the appeal.
- 3 To notify the Executive Director, Children, Young People & Families of the decision and requiring them to issue dismissal notices where applicable.

* Note – The Committee must always meet with an odd number of Governors.

Examples of Terms of Reference

Finance and Premises
Finance and Facilities Management
Premises
Health and Safety
Standards and Curriculum
Personnel
Learning and Teaching
Personnel and Curriculum
Curriculum and Community
Buildings
Strategy
Complaints
Pastoral
Pupil Discipline
Children's Centre
Pay Review
Strategy and Quality Assurance
Staff Grievance and Appeal

Notes

- 1 Where a committee determine the pay of an employee, the right of appeal must be included in the Terms of Reference of another committee.
- 2 All functions in the Scheme of Delegation relating to the committee dealing with Finance must be included in that committee's Terms of Reference.

FINANCE AND PREMISES

1. To approve the draft school budget in line with the priorities set out in the School Improvement Plan in time to meet the local authority's budget deadlines.
 2. To draft and approve the school's Financial Management Policy.
 3. To vire funds between different budget heads beyond the powers delegated to the Headteacher, to a limit of £ [REDACTED] per budget head.
 4. To approve the purchase of goods or services beyond the powers delegated to the Headteacher, up to the value of £ [REDACTED].
 5. To agree the extent of delegation of responsibilities to the Executive Headteacher for the management of the School Budget Share and other voluntary funds.
 6. To ensure that costing in the School Improvement Plan can be met from the school budget.
 7. To monitor the budget, receive regular financial reports from the Executive Headteacher and approve action when the actual shows variance from the agreed plan.
 8. To receive and consider Auditors' reports on the effectiveness of the school's procedures, the school budget and school fund.
 9. To ensure the school complies with the requirements of the Financial Management Standards.
 10. To ensure all financial information and reports are provided to the Local Authority in accordance with the requirements of the Fair Funding Scheme for Financing Schools.
 11. To authorise tendering arrangements in line with the Local Authority Finance Regulations policy.
 12. To monitor the conditions of the school buildings and grounds, and ensure that they are maintained so as to provide a suitable, healthy and safe environment.
 13. To ensure that health and safety regulations are followed.
 14. To monitor the expenditure of funds allocated to the Headteacher for day to day repairs, and the progress and quality of the work undertaken.
 15. To be responsible for all aspects of lettings, including levels of charging, approval, and action against bad debtors.
 16. To agree, monitor and annually review the school's policy on charges and remissions.
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17. To agree, monitor and annually review the school's policy on lettings of school premises and charging rates.
 18. To contribute to the School Improvement Plan.
 19. To contribute to the review of the Self Evaluation Form.
 20. To hear appeals on the pay of employees.

FINANCE AND FACILITIES MANAGEMENT

Budget Planning

1. To review and approve the first formal budget plan of the financial year in line with the priorities set out in the School Development Plan in time to meet the LA's budget deadlines.
2. To establish and maintain an up to date 3 year financial plan.
3. To monitor pupil number trends to assess the effect on the delegated budget allocation.
4. To make decisions in respect of service level agreements.
5. To plan for the financial implications of partnership arrangements with other providers.

Internal Control

6. To ensure that the school operates within the Financial Regulations of the LA.
7. To ensure requirements of the Financial Management Standard are met.
8. To set limits on the amounts delegated to the Headteacher and business Manager in respect of contracts, purchase orders etc.
9. To annually review charges and remissions policies and expenses policies.
10. To review Financial, Facilities Management and Health & Safety items in the School Improvement plan (SIP).
11. To make decisions on expenditure following recommendations from other committees and ensure that costs in the SIP can be met.
12. To embed continuous improvements in the schools financial management systems

Financial management

13. To consider a budget position statement including virement decisions at least termly and to report significant anomalies from the anticipated position to the Governing Body.
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14. To monitor expenditure of all voluntary funds (incl. the School Fund) kept on behalf of the Governing Body.
 15. To ensure financial statements are prepared for inclusion in the school profile.
 16. To determine whether sufficient funds are available for pay increments as recommended by the Headteacher or the Headteacher Performance Management Group.
 17. To receive auditor's reports as appropriate.

Facilities Management

18. To advise the Governing Body on priorities, including Health and Safety, for the maintenance and development of the school's premises.
19. To oversee arrangements for repairs and maintenance.
20. In consultation with the Headteacher, to oversee premises-related funding bids and premises- related expenditure.
21. To oversee arrangements, including Health and Safety, for the use of school premises by outside users, subject to governing body policy.
22. To establish and keep under review a Building Development Plan.
23. To establish and keep under review an Accessibility plan.
24. To review school's policy on charging for lettings of school buildings annually and consider, promote and monitor other revenue-related activities.
25. To consider and approve lettings and charging rates for the use of school premises.

Health & Safety

26. To keep the Health and Safety Policy and its practice under review and to make revisions where appropriate and to ensure the school is meeting its statutory duties for health and safety set out in the legislation, regulations, codes of practice and policies.
 27. To ensure, as far as is practical, that Health and Safety issues are appropriately prioritised.
 28. To receive reports from the Governor with responsibility for monitoring Health & Safety including compliance with LA guidance on school visits and journeys.
 29. To receive and consider audit reports undertaken by the Health, Safety and emergency Resilience Unit and make recommendations to the GB on improvements to address issues in the audit report.
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30. To monitor Health and Safety in the school
 - a) by considering accident and incident statistics
 - b) receiving reports from the safety Officer
 - c) ensuring compliance with advice and guidance provides by the LA bulletin system
 - d) monitoring safety committee minutes

Marketing

31. To assist the Headteacher in the production of the School Prospectus.
32. To plan towards harmonious links between pupils, staff the local neighbourhood, other schools and businesses and consider strategies that enhance the standing of the school in the community.

PREMISES

1. Monitor and report on the condition of the school building and school grounds at least annually to the governing body.
2. Monitor the expenditure of funds allocated to the Headteacher for day to day repairs, and the progress and quality of the work undertaken.
3. Prepare reports for the Governing Body on major work which will need special provision by the Governing Body, Local Authority or Diocese.
4. Contribute to the School Improvement Plan.

HEALTH AND SAFETY

1. The committee will normally meet once per term to ensure that the school is meeting its statutory duties for health and safety as set out in the legislation, regulations, codes of practice and polices.
2. To carry out monitoring of the arrangements set out in the schools health and safety policy.

or

2. To receive the report from the Governor with responsibility for monitoring health and safety.
 3. To receive and consider audit reports undertaken by the Health, Safety and Emergency Resilience Unit.
 4. To make recommendations to the Governing Body on improvements to address issues set out in the audit report.
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5. To monitor health and safety in the school:
 - a) by considering accident and incident statistics;
 - b) receiving reports that the Safety Representative may submit;
 - c) reviewing the instruction/training provided for employees;
 - d) ensuring compliance with advice and guidance issued by the Authority through the Bulletin system.
 6. To ensure that the school is complying with the Authority's guidance set out in: Organising Visits and Journeys for Pupils.
 7. To receive reports from the Education Visits Co-ordinator.

STANDARDS AND CURRICULUM

1. School Improvement Plan
 - Contribute to and monitor the implementation of the School Improvement Plan.
 2. Learning and Teaching
 - Maintain an overview of standards of attainment and achievement across the school
 - Maintain an overview of the quality and range of the teaching and learning in school
 - Monitor the use of curriculum expertise amongst staff
 3. Development of curriculum policies
 - Conduct regular reviews of curriculum policies
 - Commission and receive regular reports on the implementation and impact of curriculum policies
 4. The implementation of National Initiatives
 - Commission and receive reports on the implementation of National Initiatives
 5. Provision for pupils with SEN and the Gifted and Talented
 - Receive regular reports on the progress of all pupils on the SEN register
 - Ensure that policy and practice in the school meet statutory requirements for pupils with SEN
 - Receive regular reports on the progress of gifted and talented pupils and monitor the implementation of appropriate policies
 6. Contribute to the review of the Self Evaluation Form.
 7. Consider complaints against the Governing Body on curriculum matters.
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8. Hear appeals arising from decisions of other Committees.

PERSONNEL

1. Review the staffing complement of the school and make recommendations to the Governing Body.
2. Implement Governing Body policies.
3. Implement the Governing Body's Pay and Conditions Policy
 - Review and determine all staff pay annually
 - For teachers and support staff (where applicable) take account of the Headteacher's statement on the outcomes of performance management reviews.
 - For the Headteacher take account of the outcome of the performance management review carried out by Appointed Governors with advice from the School Improvement Partner (SIP)
4. Consider matters relating to compromise agreements.
5. Monitor and evaluate the impact of staff development activities on school improvement.
6. Contribute to the School Improvement Plan.
7. Consider an appeal from a parent/other adult being barred from the school premises.
8. Consider a complaint from a parent/other adult through the school's complaints policy.
9. Contribute to the review of the Self Evaluation Form.
10. Contribute to the review of the School Improvement Plan.

LEARNING AND TEACHING

1. To inform and advise the governing body on learning and teaching matters (for example, Every Child Matters, New Secondary Curriculum) relating to the school's curriculum, including statutory requirements and the School's Curriculum Policy.
 2. To review on a regular basis :
 - a) the school's curriculum policy (annually)
 - b) the school's policy and provision for sex education
 - c) the school's provision of daily collective worship
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- d) the school's Special Educational Needs (SEN) policy (annually)
 - e) the school's improvement plan and self review process – curriculum matters (annually)
 - f) the school's specialist status as a Business and Enterprise College.
3. To consider curricular issues which have implications for Finance & Human Resource decisions and to make recommendations to the relevant committees or the governing body.
 4. To receive full reports on all Departmental Reviews and have the opportunity to ask School Senior Management Team members to attend committee meetings.
 5. To be involved in the monitoring of achievement and assessment throughout the school, using Raise Online as a supportive tool. Regular development for committee governors to be provided on the use of this tool.
 6. To oversee arrangements for individual governors to take a leading role in specific areas of provision, (for example, Subject areas, Child Protection, SEN, Gifted and Talented). To receive regular reports from them and advise the governing body accordingly.
 7. To oversee arrangements for educational visits, including the appointment of a named co-ordinator and receive reports as appropriate.
 8. To agree the appropriate setting of statutory attainment targets (pupil achievement) and recommend their approval to the governing body.
 9. Support the role of the nominated governor for SEN and for Gifted and Talented in monitoring policy and provision as required by the governing body.
 10. To consider opportunities for partnership arrangements in curriculum developments at all key stages

PERSONNEL AND CURRICULUM

1. To determine, and keep under review, the staffing complement of the school.
 2. To recruit and select members of the Senior Leadership Team (excluding the Executive Headteacher and Deputies) and to end the suspension of any member of staff except the Executive Headteacher.
 3. To implement Governing Body personnel policies.
 4. To determine, implement and review annually the school's Pay and Conditions Policy and Performance Management Policy.
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- Review and determine all staff pay annually
 - For teachers and support staff (where applicable) take account of the Headteacher's statement on the outcomes of performance management reviews
 - For the Headteacher take account of the outcome of the performance management review carried out by Appointed Governors with advice from the School Improvement Partner (SIP)
5. To determine dismissal payments and consider matters relating to compromise agreements.
 6. To monitor and evaluate the impact of staff development activities on school improvement.
 7. To adopt and review the home-school agreement.
 8. To consider an appeal from a parent/other adult being barred from the school premises.
 9. To consider a complaint from a parent/other adult through the school's complaints policy.
 10. To set and publish targets for pupil achievement.
 11. To maintain an overview of standards of attainment and achievement across the school.
 12. To maintain an overview of the quality and range of the teaching and learning in school.
 13. To monitor the use of curriculum expertise amongst staff.
 14. To receive regular reports on the implementation and impact of curriculum policies.
 15. To receive regular reports on the implementation of National Initiatives.
 16. To receive regular reports on the progress of all pupils on the SEN register.
 17. To ensure that policy and practice in the school meet statutory requirements for pupils with SEN.
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18. To receive regular reports on the progress of gifted and talented pupils and monitor the implementation of appropriate policies.
 19. To consider complaints against the Governing Body on curriculum matters.
 20. To monitor and review the implementation of school policies in relation to pastoral care, attendance and behaviour.
 21. To establish a pupil discipline policy.
 22. To hear representations regarding the permanent exclusion, or fixed term exclusion over more than five school days, of pupils, having regard to and in accordance with the current statutory regulations in force.

CURRICULUM AND COMMUNITY

1. To determine performance targets for improvement and strategies in relation to them and consider public examination results (GCSE, SATs) on an annual basis.
 2. To discuss all issues relating to the curriculum and approve the curriculum plan for the forthcoming academic year in the light of option requirements and national curriculum needs.
 3. To ensure the school meets the statutory requirements in relation to the National Curriculum and other curriculum issues such as sex education, careers education, etc.
 4. To review the school's curriculum statement in relation to the Authority's published curriculum policy.
 5. To identify named Link Governors for each subject area, SEN, SLT, and for child protection.
 6. To identify methods that could be used to enhance the culture of learning within the school and its community, monitoring work to raise pupils' level of attainment and appropriate sections of the school's development plan.
 7. To hear any eligible complaints relating to the school's curriculum under S409 of the Education Act 1996 in accordance with the LA's agreed arrangements.
 8. To ensure staffing levels meet the curriculum requirements.
 9. To oversee all aspects of the appointment to posts on the Leadership Scale, and Senior Support Staff.
 10. To monitor the welfare of staff and welfare provision for pupils.
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11. To plan towards harmonious links between pupils, staff, the local neighbourhood, other schools and business and consider strategies that will enhance the standing of the school within its local community
 12. To monitor the staff development programme in relation to curriculum establishment and personal needs, within the particular context of Performance Management.
 13. To consider and approve the Headteacher's draft of the school prospectus.

BUILDINGS

1. Inspect and report to the Governing Body at least annually on the fabric of the building.
2. Allocate a sum to the Headteacher for day to day repairs. Receive reports on this expenditure and monitor the progress and quality of this work.
3. Prepare reports on major work which will need special provision by the Governing Body, LEA or Diocese.
4. To review reports from the other Committees of the Governing Body and working parties and prioritise in line with Governing Body policies and the School's Development Plan.

STRATEGY

1. Monitor the overall progress of the school in line with the School Improvement Plan.
 - Contribute to the preparation of the plan
 - Assess progress and consider the school's capacity to improve
 - Recommend appropriate action to the governing body.
 2. Every Child Matters

Monitor the implementation of the five outcomes:

be healthy, stay safe; enjoy and achieve; make a positive contribution;
achieve economic wellbeing.
 3. Monitor and review the Self Evaluation Form (SEF)
 - Contribute to the preparation of the SEF.
 4. Consider reports from Ofsted and/or the Local Authority or Diocese and, in response to these, recommend appropriate action to the full Governing Body.
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COMPLAINTS

1. To hear appeals from parents/others together with representations from the Headteacher and/or Chairperson.
2. To notify in writing, to the parents/others, the outcome of the appeal.

PASTORAL

1. Monitor and review school policies:
 - Pastoral Care
 - Attendance
 - Behaviour
2. Receive regular reports from the Headteacher on the implementation of the policies.
3. Report termly to the Governing Body on the progress of the implementation of the policies and make recommendations on future developments or actions in line with the School Improvement Plan.
4. Contribute to the review of the Self Evaluation Form as required.

PUPIL DISCIPLINE

1. The Committee will hear representations regarding the exclusion of pupils, having regard to the current statutory regulations in force.
 - Relating to permanent and fixed term exclusion over more than five school days
 - If an exclusion for fewer than five school days should cause the pupil to miss sitting a public examination
 - To place a note of the Committee's views on the exclusion on the pupil's record with a copy of the headteacher's exclusion letter

Fixed Term Exclusion

RESOLVED	either:	that the pupil be reinstated	<i>If the pupil is still</i>
	or:	that the pupil be not reinstated	<i>excluded</i>
RESOLVED	either:	the headteacher's decision to exclude be upheld	<i>If the pupil has returned to school</i>
	or:	the headteacher's decision to exclude be not upheld	<i>before the meeting takes place</i>

NB If an exclusion is fewer than five days the Committee cannot direct reinstatement, but shall consider any statement from the parent and place their views on the pupil's record.

Permanent Exclusion

RESOLVED either: that the pupil be reinstated
or: that the pupil not be reinstated

CHILDREN'S CENTRE

1. Monitor implementation of the Business Plan.
2. Agree the budget for the Children's Centre and monitor spending.
3. Consider the staffing complement of the Children's Centre and make recommendations to the Governing Body.
4. Receive reports about the role of other contributors to the work of the Children's Centre e.g. Health Visitors, National Children's Homes, etc.

PAY REVIEW

1. To receive a report annually from the Governors appointed to review the performance of the Headteacher on that performance, and in the light of that report to make decisions about the Headteacher's pay;
2. To receive a report annually from the Headteacher following her review of the performance of the members of the Leadership Group, and in the light of that report to make decisions about the pay of those members;
3. To receive reports and recommendations from the Headteacher about the pay levels of any members of staff or employees of the school where the Governing Body has agreed that they be reviewed, and to make decisions about those pay levels.

STRATEGY AND QUALITY ASSURANCE

1. To meet soon after the LA's termly briefings for Chairs and Headteachers to agree the work of the Governing Body and its committees for that term and beyond.
 2. To agree, by early in the autumn term, the programme of work and calendar of meetings for the Governing Body and its committees for the school year, based on known cycles of school improvement, financial management, staffing issues and communicating with parents.
 3. To monitor the progress of work being undertaken by committees and individuals.
 4. To consider recommendations made by committees with regard to the working of the Governing Body.
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5. To establish and keep under review a protocol for the Governing Body.
 6. To establish and keep under review arrangements for Governors' visits to school.
 7. To oversee arrangements for Governor involvement in formulating and monitoring the School Improvement Plan.
 8. To make recommendations to the Governing Body to establish exceptional working arrangements where particular circumstances arise e.g. a joint committee to oversee a building project or a special committee to oversee an Ofsted inspection.
 9. To be available and respond to matters of particular difficulty, sensitivity or emergency and offer advice to the Headteacher.
 10. To undertake tasks delegated to them by the Governing Body.
 11. To develop systems to monitor the effectiveness of staff from other institutions who deliver programmes to PGS students.

STAFF GRIEVANCE AND APPEAL

Please see pages 11 to 12.

EXAMPLE BARNESLEY SCHOOL

**APPROVED SCHEME OF DELEGATION
FOR A PRIMARY SCHOOL**

FULL GOVERNING BODY:

- Can approve any item up to any value within Approved budget
- Enter contracts over £20,000 and up to £25,000 with 3 quotes
- Enter contracts over £25,000 and up to £75,000 subject to 4 tenders and a notice in the Official Journal of the European Community – opening by Chair of Finance & Premises Committee, together with 2 other governors
- May vire freely between budget heads within its delegated budget share
- Receive quarterly or termly report on finances

FINANCE & PREMISES COMMITTEE*1:

- Responsible for approving budget
- Provide permission for virement or more than £10,000, up to £50,000
- Approve orders over £10,000 up to £20,000 with 3 quotes
- Establish appropriate budget headings within CFR Format
- Determine the staffing establishment
- Determine charges for lettings
- Write off bad debts over £250
- Responsible for inventories and the write off of inventory items
- Approve continuation/cessation of contracts, including LA sourced services

HEADTEACHER/AUTHORISED SIGNATORIES:

- May subdivide budget on a department or other basis to help day to day administration
- Permit authorisation of orders up to £10,000
- May vire between budget headings up to £10,000
- Enter contracts from £2,500 - £10,000 without tendering with three written quotes
- Sign all orders/invoices or cheques
- Write off bad debts up to £250
- Report any gifts or hospitality to the Governing Body
- Ensure adequate arrangements for security and control of stores and equipment

*Note*1 : All the functions listed under this heading MUST be included in the Terms of Reference of the committee dealing with Finance.*

SENIOR FINANCE OFFICER:

- Monitoring and control of school budget and unofficial school funds
- Authorisation of Month End/Year End Returns
- Provision of Reports to Governors/Headteacher/SMT, as required
- Responsible for integrity of manual and computerised accounting systems and procedures within the school, ensuring an adequate separation of duties exists
- Ensuring compliance with Standing Orders and Financial Regulations
- Responsible for proper administration of school funds and ensuring an independent annual audit is undertaken and presented to governors
- Approve orders up to the value of £2,500
- Recording of Virements up to £10,000
- Maintaining financial records, providing an adequate audit trail

FINANCE DEPARTMENT:

- Responsible for processing all financial transactions relating to the school budget and unofficial school funds, in accordance with Standing Orders, Financial Regulations, Audit requirements and the approved Scheme of Delegation

LIMIT GUIDELINES

	PURCHASING	VIREMENTS
Full Governing Body	Can approve purchase of goods/services up to any value within delegated budget	May freely vire between budget heads within its delegated budget
Finance & Premises Committee	Can approve purchase of goods/service up to the value of £20,000	Can approve virements up to the value of £50,000
Headteacher	Can authorise orders up to the value of £10,000	Can approve virements up to the value of £10,000
Authorised Signatories	Can authorise orders up to the value of £10,000	N/A
Senior Finance Officer	Can authorise orders up to the value of £2,500	N/A

Approved by the Governing Body:

Signed Date