

GOVERNING BODY CONSTITUTION AND TERMS OF REFERENCE

Updated and approved at Governors meeting on Thursday 29th September 2016

Authorisation: Chair of Governors on behalf of Governors and all other Chairs of Committees

Date Thursday 29th September 2016

GOVERNORS' RESPONSIBILITIES

1. The Full Governing Body decides all policy matters concerning the management of the school, taking into account the requirements of legislation. The Governing Body may delegate any of its statutory functions to a committee, a Governor or to the Headteacher, subject to prescribed restrictions. The following functions may be delegated to a committee, but cannot be delegated to an individual.
 - # Functions relating to the alteration, closure or change of category of maintained school.
 - # Functions relating to the approval of the first formal budget plan of the financial year.
 - # Functions relating to school discipline policies
 - # Functions relating to the exclusion of pupils - except in an emergency when the Chairman has the power to exercise these functions.
 - # Functions relating to admissions.
 - # Functions relating to the annual School Profile.

The Governing Body will review the delegation of functions annually. The Governing Body will remain accountable for any decisions taken, including those relating to functions delegated to a committee or individual. Any decisions or actions taken must be reported back to the Governing Body.

2. The Governing Body must decide on the following:
 - # Election or removal of Chairman or Vice-Chairman
 - # Appointment of Clerk
 - # Suspension of Governors
 - # Establishment of committees
 - # Delegation of functions
 - # Constitutional decisions

COMMITTEE STRUCTURE

There will be committees to cover the following areas:

**FINANCE, STAFF & ENVIROMENT
STANDARDS & CURRICULUM
SCHOOL IMPROVEMENT GROUP**

DELEGATED POWERS AND RESPONSIBILITIES

Each Committee will have full delegated powers to implement the decisions of the Full Governing Body without further reference to the Full Governing Body except when legislation demands. In such cases the Committee will make recommendations to the Full Governing Body.

In exceptional circumstances the Chair may appoint a Clerk without reference to the Full Governing Body.

CHAIRMAN AND VICE CHAIRMAN

In the interest of transparency elections for the role of Chairman and Vice Chairman will take place annually during the first meeting of the Full Governing Body of the autumn term, to meet best practice the Chairman and the Vice Chairman can be re-elected however will only serve a maximum of 4 consecutive years.

COMMITTEE MEMBERSHIP

- # Each committee shall consist of a minimum of four Governors (but preferably five).
- # The Chairman of Governors and the Head Teacher shall be ex-officio members of each committee.
- # Membership of the committee shall be by election of the Governing Body.
- # Each committee shall have the power to co-op or invite additional members from within the Governing Body to serve on the committee and to consult expert advisors, e.g. senior members of staff. Such co-opted or invited members may take full part in the discussions of the committee but shall not be entitled to vote and may be asked to withdraw when certain items are discussed.
- # The members of each committee will elect the Chairman of each committee. Chairs of Committee may serve for a maximum of three years.

MEETINGS

The Full Governing Body will meet at least five times each year and each committee shall meet at least once a term but may meet more frequently as necessary. Seven clear days' notice must be given of a meeting; however shorter notice may be given provided that all persons entitled to attend and vote at the meeting agree to such short notice.

QUORUM

A quorum of three members of the committee is required at each meeting of which the majority are not employed by the school. Voting may not take place unless a quorum of Governor Members of the committee entitled to vote is present at the meeting.

MINUTES

Minutes of each committee meeting, detailing those present, topics discussed, decisions taken and action recommended, shall be produced by the Clerk or Clerk to the committee and circulated to all members of

the Governing Body normally within ten working days of the meeting. The agenda and documents for meetings will be circulated seven days in advance.

REVIEW ARRANGEMENTS

All Terms of Reference will be reviewed annually in the summer term and approved at the first Full Governing Body meeting of the Academic Year.

PECUNIARY INTEREST

Each governor will have to complete an annual written declaration of interests form stating any business and/or other interests they or their family or close acquaintances may have with the school. All committees will ensure that at the commencement of any meeting any interest is declared and recorded in the minutes.

SCHOOL POLICIES

In addition to specific policies mentioned in Terms of Reference, the delegated committee will have full responsibility and delegated power to review policies in line with the Policy Index.

FINANCE, STAFF & ENVIRONMENT TERMS OF REFERENCE

INTRODUCTION

These Terms of Reference have been produced to enable the Governors and the school to have a clear policy statement that identifies financial procedures and the financial management structure operating in Stower Provost Primary School. These procedures are located in this one reference document, which is available to view should the need arise during an external audit, or OFSTED inspection of the school.

FULL GOVERNING BODY RESPONSIBILITIES

In addition to the constitution set out in the first four pages of this document, the Governing Body is given their powers and duties as an incorporated body. The full statutory responsibilities of the Governing Body are detailed in Section 21 of the Education Act 2002.

The Governing Body is the body ultimately responsible for the overall financial affairs of Stower Provost Primary School. It exercises this responsibility by establishing clear levels of delegation to the Finance, Staff and Environment Committee, to other committees and to the Headteacher. The Headteacher and the Finance, Staff and Environment Committee may, in turn, authorise delegation to other members of staff to ensure sufficient clarity of responsibility and separation of duties to secure the effective and efficient administration of the school's financial affairs.

The Governing Body has a strategic role in the financial management of schools and its key responsibilities include:

- # Approval of Annual Budget.
- # Authorisation of the Three-Year Financial Plan.
- # Setting financial priorities through the School Improvement Plan.
- # Authorisation of the Statement of Internal Control of the Budget.
- # Appointment and salary range of the Headteacher.
- # Determination of the staffing and pay policy for the school.
- # Authorisation of Terms of Reference for all committees.
- # Approval of Best Value Statement.
- # Authorisation of non-budgeted expenditure and virements subject to the limits set out in Section 2 of this document.
- # To approve financial regulations and procedures on an annual basis.
- # Act as a critical friend to the school on all financial matters.

Where there are serious concerns over the school's finances the Governing Body will report these to the Director of Corporate Services and the Director of Children Schools and Families

Role of the FPP Committee

Membership, Quorum and Meetings: A quorum of three members of the committee is required at each meeting of which the majority are not employed by the school. Voting may not take place unless a quorum of Governor Members of the committee entitled to vote is present at the meeting.

Disqualification: Any relevant person employed to work at the school other than as the Headteacher, when the subject consideration is the performance and review of any other person employed to work at the School.

Clerk: Rachel Gale

Reporting: The committee shall present a report of its activity to the Full Governing Body at the next Governing Body meeting each term, to include:

- # All decisions taken under delegated powers.
- # An update on the significant financial, staffing or premises issues.

Review Arrangement: Terms of Reference and Committee Members will be reviewed annually in the summer term and approved at the first Full Governing Body meeting of the Academic Year.

The FPP Committee has responsibility for the following:

1. Continuation (or cessation) of contracts, including local authority sourced services.
2. Ensuring that the school maintains compliance with relevant statutory financial regulations.
3. Monitor and review School Policies designated to the committee in the School policy Index
4. Providing a report on the school's finances at Full Governing Body meetings.
5. The preparation and reporting upon a three-year financial plan to be presented to a full meeting of Governors.
6. The preparation and reporting upon an annual budget of income and expenditure to be presented to a full meeting of Governors before the year end and such supplementary estimates as may be required by the Governors.
7. The provision of guidance and assistance to the Headteacher and Governors in all matters relating to budgeting and Finance, and to clearly define financial responsibilities.
8. To abide by the School Whistleblowing Policy.
9. To advise the Governing Body on priorities, including Health and Safety, for the maintenance and development of the school's premises in conjunction with pupil learning priorities, the Property Condition Survey, Asset Management Plan and other legal requirements.
10. To review annually Governors' allowances.
11. To appoint an independent auditor for non-public (school) funds and ensure this is audited and presented to the Governing Body annually.
12. To approve and monitor the use of school premises by outside users.
13. To approve any debts written off. The Governors should have a written policy on the action to be taken with regard to chasing arrears and write-offs.
14. To approve the costs and arrangements for maintenance, repair and redecoration within the allocated budget.
15. To authorise expenditure in line with the limits set out in Section 2 (page 12).
16. To be fully informed about the link between performance and pay and implement pay policy as appropriate.
17. To consider and approve a Statement of Internal Control and recommend it to the Full Governing Body for approval.
18. To consider evidence presented by the Headteacher prior to approving and signing the Best Value Statement for submission to the local authority.

19. To contribute to the School Development Plan.
20. To determine and review the Admissions Policy for the school:
21. To ensure that a recovery plan is put into place where a budget has gone into a deficit position or that there is a plan to spend surpluses.
 - a. To ensure the school continues to serve the needs of the whole community within the area served by the school.
 - b. To establish a procedure by which admission appeals can be heard.
22. To establish and keep under review plans relating to Buildings and Premises
23. To participate in any consultation with the local authority on funding reviews and amendments to the Scheme for Financing Schools and to make recommendations to the Governing Body, on an annual basis as to the formal approval and adoption of the Scheme for Financing Schools.
24. To review periodically and authorise the extent of specific delegated powers to the Headteacher and others for the administration of finances.
25. To prepare, monitor, review and evaluate a Health and Safety Policy in line with health and safety legislation on behalf of the Governing Body.
26. To receive requests for authorisation to vire expenditure between budget headings in line with the limits set out in Section 2.
27. To recommend and oversee on behalf of the Governing Body contracts relating to premises, cleaning and grounds maintenance.
28. To review and make recommendations to the Governing Body, on an annual basis as to the formal approval and adoption of the school's financial procedures (e.g. purchasing and petty cash).
29. To review Audit reports and comment to the full Governors meetings on recommendations and to ensure full implementation of audit action plan and recommendations.
30. To review budget monitoring reports which contain detailed statements of income and expenditure, detailed to departmental budgets and other evidence of delegated financial control, ensuring that full explanations are available. These reports must include original system data.
31. To review charges for outside lettings on an annual basis and to review the school's letting policy.
32. To review tenders received for contracts, up to the limits in Section 2. Agree on which contractors are to be awarded contracts and where appropriate, to make recommendations to the full Governors meeting.
 - a. To review the impact of all aspects of the school's admission policy and practice.
33. To review the school's inventory on an annual basis
34. Undertaking reviews, in conjunction with the Headteacher, from time to time of the management organisation, accountancy systems and financial procedures of the school and their effectiveness including access to the computer systems.

Role of the Headteacher

The Headteacher has responsibility for the overall supervision of the day today running of the financial affairs of the school in addition to this the Headteacher should:

1. Delegate specific responsibilities to members of staff as appropriate to their job descriptions ensuring adequate separation of duties in both manual tasks and financial systems.
2. Monitor the financial position of the school on a regular (not less than monthly) basis.

3. Be responsible for the preparation and presentation to the Finance and Staffing Committee and to the Full Governing Body of Reports on the School's Finances in Accordance with a predetermined timetable as well as on an ad hoc basis.
4. Be responsible for initiating consultations with the Chair of Governors and the Chair of the Finance and Staffing Committee on any significant and exceptional financial circumstances or any financial matter that is causing concern.
5. Report to the Chair of Governors:
 - # Any failure in any material respect of any member of the school staff to comply with these procedures.
 - # Any circumstances which could adversely affect the school's finances.
 - # Any matter of serious concern in relation to the school's finances.
6. Amend the agreed budget by virement between any budget heading up to the limits set out in Section 2.

Role of the Deputy Head

The Deputy Head will have the authority of the Headteacher to continue the day-to-day running of the school's financial affairs when the Headteacher is unable to do so.

Role of the School Administration Officer

1. Responsibility for monitoring all day to day records of the school and reconciling them with the records of the local authority as appropriate.
2. Responsibility for the regular preparation, from the school's accounting system, of reports that will show the position of the school's finances as may be required by the Headteacher and the Governors.
3. Responsibility for ensuring on a day-to-day basis that the financial procedures as set out in this document and following guidance issued by the local authority, are followed by all who may be involved in any way in the school's finances.
4. Responsibility for reporting to the Headteacher any failure in any material respect of any member of the school staff to comply with these procedures, any circumstances which could adversely affect the school's finances and any matter of serious concern in relation to the school's finances.
5. Responsibility for the management of staff appointed to undertake duties involving any aspect of the school's finances.
6. Authorise orders not exceeding the limits set out in Section 2
7. Duties commensurate with the current job description.

Administration

1. Keys to the safe held by: School Administration Officer and Secretary and removed from the premises each evening.
2. Cheque signatories are Senior Leaders
3. The petty cash imprest level is authorised at £100.

References

These terms of reference follow and agree with:

- Dorset Council Children's Services School's Financial Regulations
- A Guide to the Law for School Governors, Published by the Department for Children's Schools and Families

STAFFING TERMS OF REFERENCE

1. To draft and keep under review the staffing structure in consultation with the Headteacher and related job descriptions.
2. To ensure the school follows best practice in regard to 'Safer Recruitment' procedures.
3. To oversee the appointment procedure for all teaching staff.
4. To establish a pay policy for all categories of staff and be responsible for its administration and review.
5. To establish and review Performance Management policies for all staff.
6. To establish and review all adopted local authority policies with reference to personnel including competency, grievance procedure and attendance at work.
7. To oversee the process leading to any necessary staff reductions.
8. To keep under review staff work/life balance, working conditions and wellbeing, including the monitoring of absence.
9. To make recommendations to the Governing Body on personnel related expenditure.

PAY COMMITTEE TERMS OF REFERENCE

The Pay Committee will operate within the Finance, Staff and Environment Committee

Purpose: To exercise statutory duties and powers delegated by the Full Governing Body to the committee with reference to the pay of the Headteacher and Members of Staff on the Leadership Pay Spine based on a review of Performance Management Membership:

Membership: Three named Governors. No member of staff employed by Stower Provost Primary School may be a member.

Chair: This will be the Chair of the Finance Committee.

Quorum: A quorum of three members of the committee is required at each meeting. Voting may not take place unless a quorum of Governor Members of the committee entitled to vote is present at the meeting.

Meetings: The Committee shall meet at least once in each academic year as required and report outcomes to the Full Governing Body annually. Decisions to be made at meetings of the Committee will be determined by a majority of the votes of members present and voting. Where there is an equal division of votes, the Chairman shall have a second or casting vote

Minutes: Minutes of each committee meeting, detailing those present, decisions taken and action recommended, shall be produced by the Clerk or Clerk to the committee and circulated to all members of the Governing Body normally within ten days of the meeting. The agenda and documents for meetings will be circulated seven days in advance.

COMPLAINTS COMMITTEE TERMS OF REFERENCE

Delegated Power: To hear representations concerning an appeal against the decision of the Headteacher and Governor (investigating officer) and determine whether or not to uphold that appeal

Purpose: To hear representations concerning an appeal against decisions of the Headteacher and Governor (investigating officer) regarding general complaints not covered by any other standing committee and to determine an appropriate outcome within the range of their delegated powers.

Membership: Three named members of the Governing Body aged 18 or over at the date of appointment (will be drawn from a pool, named and numbered, asked in turn). The committee cannot include the Headteacher.

Chair: The committee members must appoint a member of the committee to chair proceedings. The chair must be a member of the Governing Body and cannot be the Headteacher, a pupil of the school or a member of staff employed to work at the school.

Meetings: As required when an appeal is registered against a decision of the Headteacher and Governor Investigating officer.

Reporting: Report the decision to the next full meeting of the Governing Body following the committee decision. The report will be restricted to the outcome of proceedings and is excluded from the usual rules concerning publication of Governing Body proceedings because it may refer to an individual member of the public.

Clerk: The Governing Body or chair of the committee should appoint a Clerk to take notes of the proceedings. The Clerk cannot be a member of the Governing Body, or the Headteacher or a member of the committee. The Clerk to the committee shall keep notes of the proceedings of the hearing. Once the notes have been agreed they will be signed by the chair of the committee at the earliest possible opportunity and retained on file in the usual way. These notes are excluded from the usual rules concerning publication of Governing Body proceedings as they may relate to an individual member of the public.

Quorum: A quorum of three members of the committee is required at each meeting. Voting may not take place unless a quorum of Governor Members of the committee entitled to vote is present at the meeting.

Meetings: The Committee shall meet as required and report outcomes to the Full Governing Body annually. Decisions to be made at meetings of the Committee will be determined by a majority of the votes of members present and voting. Where there is an equal division of votes, the Chairman shall have a second or casting vote.

Minutes: Minutes of each committee meeting, detailing those present, decisions taken and action recommended, shall be produced by the Clerk or Clerk to the committee and circulated to all members of the Governing Body normally within ten days of the meeting. The agenda and documents for meetings will be circulated seven days in advance.

PUPIL DISCIPLINE COMMITTEE TERMS OF REFERENCE

Purpose: The Pupil Discipline Committee will deal with matters related to the exclusion of pupils from the school. In discharging their duties the Pupil Discipline Committee will follow the procedures and advice of the LA in relation to their statutory duties. The Committee will also act in accordance with the relevant statutory and non-statutory guidance from the DFE.

The Committee will:

1. Review all fixed term exclusions of over 15 days in any one term and all permanent exclusions to ensure that the Headteacher has followed the correct procedure and that due regard has been given to the relevant guidance. The Committee will also review all exclusions under 15 days where requested by the parents or carers of the pupil concerned.
2. Invite and receive any representations made by the parents of an excluded pupil, orally or in writing.
3. Consider all representations within accordance with the statutory or non- statutory requirements. All hearings will be conducted fairly, objectively and consistently and according to the law and DFE guidance.

Membership: Three named members of the Governing Body aged 18 or over at the date of appointment (will be drawn from a pool, named and numbered, asked in turn. If a governor has a connection with the pupil, or knowledge of the incident that led to an exclusion they should make this known and be replaced.

Chair: The committee members must appoint a member of the committee to chair proceedings. The chair must be a member of the Governing Body and cannot be the Headteacher, a pupil of the school or a member of staff employed to work at the school.

Quorum: A quorum of three members of the committee is required at each meeting. Voting may not take place unless a quorum of Governor Members of the committee entitled to vote is present at the meeting.

Meetings: The Committee shall meet as required and report outcomes to the Full Governing Body annually. Decisions to be made at meetings of the Committee will be determined by a majority of the votes of members present and voting. Where there is an equal division of votes, the Chairman shall have a second or casting vote.

Minutes: Minutes of each committee meeting, detailing those present, decisions taken and action recommended, shall be produced by the Clerk or Clerk to the committee and circulated to all members of the Governing Body normally within ten days of the meeting. The agenda and documents for meetings will be circulated seven days in advance.

EMPLOYMENT APPEAL COMMITTEE TERMS OF REFERENCE

Delegated Powers: To hear representations concerning an employee's appeal against the decision of the Headteacher or Governor committee and determine whether or not to uphold that appeal, in accordance with the School Staffing (England) Regulations 2003. In cases of potential gross misconduct, where the appeal committee determines that the employee should continue to work at the school, the committee may impose a lesser sanction, provided that this is permissible within the terms of the contract.

Purpose: To hear representations concerning the employee's appeal against decisions of the Headteacher including potential dismissal, pay and grievances and to determine an appropriate outcome within the range of their delegated powers. The committee will notify the person whose employment is to be terminated of the committee's decision.

Membership: Three named members of the Governing Body aged 18 or over at the date of appointment (will be drawn from a pool, named and numbered, asked in turn). The committee cannot include Headteacher.

Chair: The committee members must appoint a member of the committee to chair proceedings. The chair must be a member of the Governing Body and cannot be the Headteacher, a pupil of the school or a member of staff employed to work at the school.

Meetings: As required when an employee registers an appeal against a decision by the Headteacher that a member of staff should cease to work at the school under formal employment procedures.

Reporting: Report the decision to the next full meeting of the Governing Body following the committee decision. The report will normally be restricted to the outcome of proceedings and is excluded from the usual rules concerning publication of Governing Body proceedings as it refers to a named member of staff.

Adviser: The Local Authority shall have the right to attend in an advisory capacity all hearings where the dismissal of a member of staff is to be contemplated. The appeals Committee will seek the advice and support of the LA Personnel Department and other such LA departments that are relevant, from the outset of the proceedings.

Clerk: The Governing Body or chair of the committee should appoint a Clerk to take notes of the proceedings. The Clerk cannot be a member of the Governing Body, or the Headteacher or a member of the committee.

Quorum: A quorum of three members of the committee is required at each meeting. Voting may not take place unless a quorum of Governor Members of the committee entitled to vote is present at the meeting.

The Clerk to the committee shall keep notes of the proceedings of the hearing. Once the notes have been agreed they will be signed by the chair of the committee at the earliest possible opportunity and retained on file in the usual way. These notes are excluded from the usual rules concerning publication of Governing Body proceedings as they relate to a named member of staff. However, once all processes concerning the individual case have been concluded, the notes may be accessed by other members of the Governing Body. Once the notes have been signed, a copy should be sent to Education Personnel Services.

Minutes: Minutes of each committee meeting, detailing those present, decisions taken and action recommended, shall be produced by the Clerk or Clerk to the committee and circulated to all members of the Governing Body normally within ten days of the meeting. The agenda and documents for meetings will be circulated seven days in advance.

SECTION 2

	FGB	FSE	Headteacher	Deputy Head	SAO
Approval of annual budget / 3 year plan	√				
Variations to budget heads (virement) over £5,000	√	√			
Variations to budget heads (virement) under £5,000		√			
Authorise expenditure over £25,000	√				
Authorise expenditure up to £25,000	√				
Authorise expenditure up to £10,000		√			
Authorise expenditure up to £3,000			√		
Authorise expenditure up to £1,000			√		√
Authorise petty cash to £300			√	√	√
Appointment and salary of all permanent staff		√	√		
Appointment and salary of all temporary staff		√	√		
Appointment and salary of all supplies staff			√	√	
Appointment and salary of Headteacher	√				