



Birchwood School

Terms of Reference and

Standing Orders

Circle Model
2021 - 2022

The Governing Board will always operate in accordance with the requirements of the Education Act; the School Governance Regulations; the Local Authorities Scheme for Financing Schools; the Local Authorities Financial Regulations and Procedures and all other relevant legislation. These Terms and Standing Orders will be reviewed at least annually.

For Academy Trusts the Trust Board will always operate in accordance with the requirements of the Education Act; the Academy Trust Handbook; Funding agreements; the Articles of Association and all other relevant ESFA updates and legislation.

Local Governance Structures will always operate in accordance with the requirements within the Articles of Association; Academy Trust Handbook; Scheme of Delegation; any Trust Financial Handbook/manual.

Date: September 2021

Review Date: September 2022

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Circle Model – Whole Governing Board Approach

Outline

The governing board (known as the board) works collectively as a 'whole team', meeting six times per year, once in each term, without any separate committees. An annual planner and agenda for each meeting will include all the tasks which the board is required to consider, and the board may 'commission' assignments or activities arising from the business of the meeting, which will be recorded in the minutes. Any 'commissioned' working groups will have board drafted agreed terms of reference (which will be incorporated within this document) and will report any findings actions, or recommended decisions to the board at its next meeting. These reports will in turn inform collective strategic decision making by the board.

In addition to 'commissioning' activities or actions on their behalf. The board, to ensure its core functions are fulfilled, will delegate monitoring responsibilities to 'monitoring pairs' or 'individuals'. These include the Department for Education (DfE) identified as should have (unless you have a very good reason not to) individual roles and those focused on the priorities of the School Plan. The board recognises the delegated monitoring individuals/pairs are replacing committees in terms of challenge, responsibility and accountability when undertaking their monitoring and reporting back to the board, the board recognises that *all decisions* are made by the full board and no financial delegated authority is given to monitoring pairs. Meetings of the board and delegated individuals/pairs will be considerate of the wellbeing of staff and executive lead/headteacher by referring to the DfE teacher workload reduction toolkit.

In each case where a function has been delegated there is a statutory duty for the delegated governor/s to report, by written monitoring reports, any findings, action or recommended decision making.

The board meets at least six times a year, considers monitoring reports and recommendations, makes decisions, and conducts routine business.

1. Terms of Reference - The Board
2. Terms of Reference - Governance Professional
3. Terms of Reference - Headteacher
4. Terms of Reference - Monitoring Pairs
5. Monitoring this policy for a Circle model 2021-2022 (separate document)
6. Model Code of Conduct 2021-2022 (separate document)
7. Terms of Reference - Monitoring the School Budget
8. Terms of Reference - Panel Hearing
9. Terms of Reference - Headteacher Performance Management Group
10. Terms of Reference - Pay Committee
11. Standing Order - for Board Meetings
12. Standing Order - Election of the Chair and Vice Chair
13. Standing Order - Appointment of Co-opted Governors
14. Standing Order - Appointment of Partnership Governors
15. Standing Order - Virtual Governance Meetings

Birchwood School

Terms of Reference for the Board

The purpose of governance is to provide confident, strategic leadership and to create robust accountability, oversight, and assurance for educational and financial performance. The board has resolved to conduct *all* its business as a board, and to work collectively without committees. The board will appoint the DfE identified individual delegated governor roles of safeguarding, special educational needs and disability (SEND), careers guidance (secondary) and for Kent County Council (KCC) maintained schools, finance and health and safety, to report back on their findings, as well as the delegated monitoring pairs to focus and report back in replacement of a committee, on the school improvement priorities. In addition, boards may consider it important from a best practice perspective, although not statutory, the addition of delegated/link governors for whole school wellbeing culture and early years (if appropriate).

The board has three strategic core functions:

- ensuring clarity of vision, ethos, and strategic direction
- holding executive leaders/headteacher to account for the educational performance of the organisation/school and its pupils, and the effective and efficient performance management of staff
- overseeing the financial performance of the organisation/school and making sure its money is well spent.

The main responsibilities to be managed by the board are outlined below:

Items in bold within each section may be delegated and reported back to the board.

Governing Board Operational Business

- To ensure focus on the three strategic core functions.
- To draw up the Instrument of Government/recommend changes to the articles of association/draw up the scheme of delegation and any amendments thereafter.
- To review the standing order for election of the chair and vice chair including the length of the term of office - the end of term of office dates *must* be recorded in the full governing body (FGB) minutes.
- Elect (or remove) the chair and vice chair.
- To appoint (or dismiss) the governance professional.
- To hold at least six board meetings each year for school business
- To appoint co-opted governors.
- To appoint partnership governors (maintained schools, where this category of governor is listed on the Instrument of Government)
- To appoint the Local Authority (LA) nominated governor
- To suspend or remove/recommend removal of a governor. LA and foundation governors can only be removed by their appointing body or approval body.
- To decide which functions of the board will be delegated to individuals or monitoring pairs in replacement of a committee, based on school priorities, and to appoint into the roles.
- To appoint the DfE identified individual required roles of safeguarding, SEND, careers (secondary) and for KCC maintained schools finance and health and safety based on skill set and expertise.
- To receive reports from any pair or individual to whom a delegation has been made (this is a statutory duty) and to consider whether any further action or decision by the board is necessary.
- To review the delegation arrangements annually.

- To annually review and approve the board monitoring visits policy and monitoring schedule.
- Appoint a recruitment selection panel for executive leader/headteacher/deputy headteacher and ensure at least one of the panel has completed safer recruitment training.
- To approve decisions of appointed selection panel
- **To recruit, for board approval, new governors as vacancies arise ensuring the board has all the necessary skills to be effective.**
- To set up and publish on the school's website a register of Governors' Business Interests and ensure this is kept up to date and declared at relevant meetings.
- To ensure that statutory requirements for information are published on the school website, including details of governance arrangements, are met and updated as necessary.
- To ensure the information required for the national database (GIAS) is collected, uploaded, amended as necessary and is accurate (for academies within 14 days of any change) with the details published on the school website.
- To ensure all governors have an enhanced DBS and section 128 check
- To approve the Board Code of Conduct and ensure all governors abide by its principles.
- To approve and set up a Governors' Allowances Scheme.
- To regulate and agree the board procedures where not set out in law and record these as Standing Orders.
- To delegate to the headteacher the functions as described in the Delegation of Functions to Headteacher Standing Order.
- To agree and **arrange a suitable induction process and mentoring for newly appointed or elected governors.**
- To consider the DfE recommended appointment of a training and development governor to audit individual and collective development needs and from evaluation, promote appropriate training.
- **To regularly audit and evaluate the impact of governance to inform the structure of the board**
- To ensure the headteacher provides such reports as requested by the board to enable it to undertake its role.
- Regularly review the vision and values of the school and ensure that these are shared with all stakeholders.
- To take an active role in school self-evaluation identifying success and areas requiring improvement.
- To annually approve the School Improvement Plan for priority accuracy; regularly holding the leaders to account against the milestones; monitoring against an agreed board monitoring schedule.
- To determine whether to publish a home-school agreement (no longer a statutory requirement).
- To review regularly how the school is regarded by pupils and parents.
- To ensure the school has in place all *statutory policies* and to keep these under regular review, consulting with representative stakeholders as appropriate. **Some policies may be delegated for review to delegation individuals/pairs for recommendation to board for approval.**
- To collectively approve *all statutory policies*, ensuring their impact and compliance.
- To ensure there is a school process and procedure in place for approval and ensuring the safety and welfare of the pupils, staff, and volunteers for school visits.
- To approve any school trips overseas; trips involving travel by air or by sea and trips involving one night's absence or more.

- To ensure the school has an up-to-date board approved complaints procedure, published on the school website with parents knowing how to raise concerns and make a complaint.
- To have regard to the professional advice given by the governance professional
- To ensure that the board complies with all other legal duties placed upon them as shown and updated within the Governance Handbook.
- From a best practice perspective, although not statutory, the board should consider the whole school wellbeing culture and early years (if appropriate).

Inclusion and Equality

- To establish and approve a special educational needs (SEND) policy.
- To publish and update at least annually a SEND information report (meeting requirements set out in the Special Educational Needs and Disability Regulations 2014, modified 2017).
- To comply with statutory duties from the SEND code of practice and most recent edition of Keeping Children Safe in Education (KCSIE) in respect of pupils with special needs by appointing a SEND governor.
- To abide by the Equality Act 2010
- To ensure that the school does not discriminate against pupils, job applicants or staff on the basis of race, religion, gender, age disability or sexual orientation. VA schools are entitled to identify the post of some staff as open to practicing members of their denomination only.
- To receive reports on bullying, homophobic and racial incidents.

Safeguarding

- To ensure statutory compliance with the most recent edition of KCSIE and its associated policies including adopting and reviewing annually the most recent edition of the KCC child protection policy and relevant procedures
- To comply with duties from the most recent edition of KCSIE by appointing DfE identified safeguarding, and SEND governors
- To ensure all governors have read at least part two of the most recent edition of KCSIE
- To ensure every governor has understood at least the most recent edition of KCSIE part 2
- To receive confirmation that every member of school staff has read and understood the most recent edition of KCSIE part 1
- To have due regard to the need to prevent people from being drawn into terrorism and to oversee the incorporation of the necessary procedures and practices outlined in the Prevent duty within the child protection policy
- To ensure all governors have undertaken Prevent training
- To receive the safeguarding annual report to the board (see [Education Safeguarding Service](#) on The Education People website)
- **To annually review and evaluate the completed Safeguarding Review (see [Education Safeguarding Service](#) on The Education People website) ensuring any follow up actions are monitored and completed.**

Curriculum

- Ensure national curriculum is taught to all pupils
- To ensure the curriculum is ambitious and designed for all learners particularly the most disadvantaged and those with SEND or high needs to give them the knowledge and cultural capital they need to succeed in life.
- **To ensure the curriculum is broad and balanced by understanding the intent, implementation and impact.**

- To ensure a full curriculum is delivered.
- To establish a charging and remissions policy for activities.
- To ensure the British values are embedded within the curriculum, preparing pupils for life in modern Britain
- **Ensure statutory provision of career guidance for Years 8-13 by ensuring arrangements are in place to allow a range of education and training providers access all pupils in Years 8-13 to inform them about approved technical education qualifications and apprenticeships (secondary)**
- A policy statement setting out the career guidance arrangements is published on the school website (secondary)
- To consider recommendations from external reviews of the school (e.g., Ofsted, school improvement advisers, Governor Services), reviewing and evaluating any agreed actions to ensure impact.

Budget

- To ensure all financial decisions above those delegated by the board to the headteacher are agreed at board meetings
- To ensure compliance with the LA scheme for financing local authority schools
- To operate within the LA's Financial Regulations and Procedures
- **To analyse and recommend the annual budget**
- To approve the first formal budget plan each financial year.
- **To analyse and recommend a three-year budget which shows clear links to the School Improvement Plan.**
- To approve a three-year budget which shows clear links to the School Improvement Plan.
- To engage in strategic decision making.
- To approve, **monitor** and submit to the LA a recovery plan where revenue deficit rises above 5% at 31 March of any year
- To approve and **review** for impact and delivery, a costed school improvement plan
- To annually in the autumn term, approve and then regularly **review** the financial risk register (template on Kelsi)
- To **annually review** and approve the Finance Policy and KCC recommended levels of delegation.
Please note monitoring pairs should not approve spending - this must be a full board decision
- **To undertake financial benchmarking and report back to the board.**
- To **annually review** and approve the Charging and Remissions policy.
- To enter into contracts following agreed financial limits and processes with board approval over amounts as agreed in the finance policy (£8000 primary and special and £25,000 secondary) ensuring three submitted quotations for any purchase/contract, and document in FGB minutes.
- To enter into contracts following agreed financial limits and processes with board approval (in finance policy); for contracts and purchases greater than £8,000 (primary) £25,000 (secondary); less than £50,000, *three written quotations must be obtained*. For contracts and purchases £50,000 and over, *no fewer than three competitive tenders* must be sought and document in minutes.
- To approve virement criteria and financial limits above which the approval of the governing body is required.
- To approve virements above limits as set out in the agreed finance policy (insert amount here) and document in FGB minutes
- To approve any assets to be written off and disposed of, at a board meeting and document within the FGB minutes.

- To approve debts up to £1000, which are required to be written off, after every effort has been made by the headteacher and governors to recoup the monies, with the decision made and documented in minutes.
- To make decisions in respect of service agreements following agreed delegation of financial limits and insurance limits and document in FGB minutes (scheme for financing schools, p35)
- **To draft**, approve and submit the SFVS by 31 March and ensure remedial actions are cleared within specific deadlines.
- To receive six budget monitoring reports (maintained schools) at board meetings with commentary, from the operational business lead, which will include the impact of any change, both positive and negative to the three-year budget plan
- For the chair to receive monthly budget reports.
- To effectively manage and review resources for financial efficiencies and maximise pupil outcomes ensuring value for money.
- **To monitor, audit and evaluate all school policies and procedures related to fraud** and document compliance in board minutes.
- To agree the annual strategic action plan for the pupil premium spend and **monitor how all specialist funding is spent (i.e. PE and sports premium, and the pupil premium and COVID-19 catch up premium).**
- **To ensure financial succession planning within the board.**
- To review and take account of any consultations to change the LA Scheme for Financing Maintained Schools.

Staffing

- To consider structural solutions upon resignation/retirement of executive lead/headteacher. For LA schools seeking the advice and support of the LA prior to decision making.
- To approve executive leader/headteacher and deputy headteacher appointments and starting salary, subject to necessary checks, following recommendations from the board approved selection panel.
 - For LA maintained community and voluntary controlled schools, this action requires the consideration of LA advice from an LA external adviser.
 - For voluntary aided (VA) and foundation schools – governors should decide whether the director of education/diocesan authority and LA should have advisory rights.
- In VA schools, agree staffing policies which provide for governor involvement in the interests of preserving the school's religious character.
- To annually determine the staff complement.
- To annually agree a pay policy, which has been approved by the unions, and any pay discretions, following the STPCD (School Teacher's Pay and Conditions Document).
- To annually review the impact of and implementation of the pay and reward policy.
- To establish and review procedures for addressing staff discipline, conduct, grievance, bullying and harassment and pay.
- To establish a governor panel to hear staff appeals against dismissal, redundancy, grievances, bullying and harassment and pay.
- To dismiss the headteacher.
- To end the suspension of staff or headteacher as determined within the policy.
- To determine dismissal payments/early retirement.

Appraisal and Performance Management

- To establish and review and approve the appraisal and pay policies, ensuring they match the Terms of Reference, including the criteria and framework for pay decisions and review these provisions annually.
- To determine the annual budget for pay and any uplift to be applied to the school's pay scales for teachers and support staff.
- To determine which functions are to be delegated to the pay committee/headteacher.
- To determine the timing of the headteacher appraisal review cycle (best practice, before 31 December each year).
- To appoint the headteacher performance management panel (HTPM) following the best practice of three skilled and trained governors, to include the chair of the board. The chair of the board must not be appointed as the chair of the panel. The vice chair does not sit on this panel alongside side the chair.
- To appoint, in order to assist the panel, an external adviser for advice and support, on the headteacher's appraisal and to consult that adviser on setting objectives for the headteacher (statutory duty, governance handbook, p95)
- **To undertake the executive lead/headteacher appraisal.**
- **To take into account the Headteacher Standards for Excellence.**
- To appoint the pay panel of three skilled and knowledgeable governors; as best practice, ensuring different governors serve on the pay panel to those that serve on HTMP panel
- **To undertake the pay panel process**
- To agree total pay award following recommendation from pay panel.
- To agree any pay award for the headteacher/executive leader following recommendation from the headteacher performance management panel
- To monitor the application and effectiveness of the pay policy, ensuring pay decisions are linked to evidence of performance and the criteria for pay progression are applied consistently, fairly and objectively
- To ensure the school meets its statutory and contractual obligations with regards to pay

Discipline/Exclusions

- To establish a statement of behaviour principles on which the school can produce a behaviour policy.
- To review the use of exclusion and decide whether or not to confirm all permanent exclusions and fixed term exclusions where a pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public exam. (**This may be delegated to the chair/vice chair in cases of urgency** - see exclusion from maintained schools, academies and pupil referral units in England Guidance updated Sept 17 page 18 point 57).
- To direct the reinstatement of excluded pupils.
- To consider the findings of any independent review panel

Premises and Insurance

- To develop and approve a school buildings strategy or master plan and contribute to LA Asset Management Planning arrangements
- To procure and maintain buildings, including a properly funded maintenance plan.
- **To seek advice from the LA, diocese or trustees, where appropriate to ensure adequate levels of buildings insurance and personal liability To receive the annual site report.**

Health and Safety

- **To establish and** approve a health and safety policy

- To ensure that **health and safety regulations are followed and appropriately prioritised.**
- To receive the annual Health and Safety Inspection **report** and agree any actions
- **To receive the KCC required H&S inspection report three times and year**
- To appoint a health and safety governor
- To receive the written health and safety governor monitoring visit report for consideration three times a year

Admissions

- To follow The School Admissions Code statutory guidance when carrying out duties relating to school admissions.
 - For community and VC schools, the LA is the admission authority; for all other schools it is the board.
- To consult annually before setting an admissions policy, notify the LA and publish the arrangements on the school website in accordance with the paragraph 1.47 of the School Admissions Code. (VA, foundation schools and academies)*
- Admission authorities for schools with a sixth form must ensure they have determined and published admission arrangements for entry into the sixth form if they intend to admit external applicants (VA, foundation schools and academies)*
- Set a clear published admission number (PAN), which states the number of applicants they will admit where enough applications are received.
- A board of a community or VC school can object to the adjudicator if they disagree with their PAN (which will be set by the LA as admission authority).
- To establish an Admissions policy (special schools where pupils do not have a statement) in liaison with the LA*
- Admissions appeals: To set up independent panels in line with the School Admission Appeals Code. (VA, foundation, academies and special schools).*

** include as appropriate*

Collective Worship

- To ensure that the school provides teaching of religious education for all pupils in accordance with the agreed syllabus or has informed parents of their right to withdraw their child.
- To ensure the school provides an act of broadly Christian daily collective worship. In some maintained schools without a designated religious character, the family backgrounds of some or all pupils may lead the executive leader and board to conclude that broadly Christian collective worship is not appropriate. The executive leader can apply to the local Standing Advisory Council on Religious Education (SACRE) to have the broadly Christian requirement disapplied and replaced by collective worship distinctive of another faith and should consult the board before doing so
- In voluntary aided schools, VC schools and foundation schools designated with a religious character, the board is responsible for arranging collective worship in accordance with the trust deed or religious designation of the school after consulting the executive leader.

School Organisation

- To set the time of the school sessions and the dates of school terms and holidays (except community and VC schools where this is the LA's responsibility).
- To publish proposals to change category of school.
- To propose to alter or discontinue voluntary, foundation or special school status.

Information for Parents

- To ensure that the school keeps parents and prospective parents up to date with school information.
- To adopt and review home school agreements (not statutory).

Collaborations

- To consider forming or joining a group of schools

Federations

- To consider forming a federation or joining an existing federation, seeking KCC advice and support before completing due diligence
- To consider requests from other schools to join an existing federation and seeking KCC advice and support before completing due diligence
- To leave a federation, seeking KCC advice and support

Academies

- To consider approach and time scale to academy conversion
- To consider forming or joining an existing multi-academy-trust (MAT) and undertake due diligence.
- To consider requests from other schools to join the Trust and complete due diligence
- To comply with any instructions from the ESFA

Extended Services

- To decide to offer additional activities and agree what form these should take.
- To cease providing extended services provision.

Membership of the board to comply with the Instrument of Government

See attached loG and current governors in post on the school website, GIAS and GovernorHub

Agreed by the board: 14 October 2021

Review date: 01/09/2022

Quorum: one half of the number of governors in post (rounded up)

Terms of Reference for the Governance Professional

The governance professional, (also referred to as the clerk), is expected to work within the following terms of reference:

Guiding Principles

- The governance professional is accountable to the board.
- The governance professional is employed by the board and line managed by the chair of governors, whose responsibility it is to ensure the Governance Professional Programme and continuous professional development are undertaken. **The chair will conduct an annual appraisal and pay review with recommendations** approved by the board.
- The governance professional will be provided with a contract of employment based on an appropriate job description and the DfE Clerking Competency Framework 2017.
- Governors and the headteacher cannot be employed as the governance professional to the board whilst holding office.

The Main Responsibilities of the Governance Professional

- To work effectively with the chair of governors, all other governors and the headteacher/executive headteacher to support the board.
- To keep up to date and advise the board on constitutional and procedural matters, powers and duties as outlined within legislation, statutory guidance, the Governance Handbook and for academies the Academy Trust Handbook.
- To support the board to develop a culture where challenge is welcomed.
- To convene meetings of the board ensuring they are quorate.
- To produce agendas for the meetings working with the chair of governors
- To attend meetings of the board and ensure minutes are taken.
- To ensure the chair receives the draft minutes for approval within one school week
- To ensure the chair approved draft minutes are circulated within two school weeks to all governors
- To create an action list after each meeting and monitor progress to ensure that actions agreed are carried out before the next meeting.
- To maintain a register of Business Interests ensuring it is kept up to date and published on the website.
- To maintain the website published requirements for boards by ensuring information is supplied to the headteacher/school staff who have responsibility for the school's website is kept up to date
- To collect the required details for the governor's national database (GIAS) and ensure the information is supplied to the headteacher/school staff who have responsibility for ensuring the school's website is kept up to date
- To maintain a register of members of the board and report vacancies to the board and appropriate foundation trusts (6 months in advance of end of terms of office is recommended).
- To keep The Education People GovernorHub database up to date with details of the members of the board – *a requirement for LA maintained schools*
- To ensure, if the Governor Services training programme is subscribed to, all governors have registered on GovernorHub to enable access and booking of training courses
- To maintain a register of attendance to be published on the school website, and report non-attendance to the board.
- To give and receive notices of meetings in accordance with relevant regulations.
- To perform such other functions as may be determined by the board from time to time.

- To undertake appropriate professional development.
- If the governance professional is unable to attend the meeting, the governors present at the meeting may appoint a member of the board (but not the headteacher) to act as governance professional for that meeting. As a point of best practice, it is recommended that the chair of the meeting should not act as the governance professional.

Details of Employment

Part time, term time only, as per signed contract and governance professional job description

Agreed by the board: 14/10/2021

Review date: 09/2022

The Governance Professional Programme can be accessed via Governor Services SLA. Please email governorservices@theeducationpeople.org

The Governance Professional Programme is delivered across three one-to-one sessions, focussing on:

The three units in the programme are:

1. The role of the governance professional – focussing on the core competencies within the DfE Clerking Competency Framework
2. Agenda preparation and professional minute taking
3. Evaluation of minutes, records and retention

Key elements of the programme include:

- Help to understand their role as of the governance professional against their job description, and their expected role to locate, access, understand and advise on relevant governance legislation, the DfE Clerking and Governance Competency Frameworks and Governance Handbook, in order to influence the effectiveness and efficiency of the board.
- Working through agenda construction, sources of contributory information, construction of minutes- layout, content & challenge, actions. Providing agenda preparation and guide to writing minutes resource booklets.
- A written evaluation of a board meeting agenda and minutes with discussion and best practice support from the findings.
- Record keeping, document management and retention, including using GovernorHub, communication with school email addresses, GDPR and the role of the data protection officer.
- Discussing the various professional development opportunities - governance professional's briefings, panels training, working with a Local Authority maintained school/working with an academy trust, and the annual Governance Professionals' conference.

Birchwood School

Delegation of Functions to Headteacher/Executive Leader

The delegation to the headteacher/executive leader ensures a clear separation between strategic non-executive oversight and operational executive leadership. The headteacher/executive leader is expected to work within the following terms of reference, and to provide the Board with such reports in connection with their functions as the board requires

Budget

- To make miscellaneous financial decisions up to an agreed limit of £8000 (primary) £25000 (secondary) as set out in the school finance policy/academy financial manual/scheme of delegation. LA scheme for financing schools suggests up to £8000 for primary £25000 for secondary
- To make virements as set out and agreed in the school's finance policy/academy financial manual/scheme of delegation (insert amount here)
- To monitor monthly expenditure.
- To make payments.
- To ensure the board receives six budget monitoring reports every year
- To ensure monthly budget reports are sent to the chair of governors

Staffing

- To appoint teachers and non-teaching staff.
- To establish disciplinary, capability and grievance procedures.
- To suspend staff.
- To initially dismiss staff.
- To produce and maintain a central record of recruitment and vetting checks, to also include those involved in school governance

Curriculum

- To ensure the national curriculum is taught to all pupils and consider disapplication for pupils as appropriate.
- To establish and implement a curriculum policy.
- To decide which subject options should be taught.
- To be responsible for standards of teaching.
- To be responsible for each individual child's education.
- To agree and **review** the content of any Relationships Education (primary) Relationships and Sex Education (RSE, secondary) to ensure it meets statutory requirements, and to approve a written policy for its delivery.
- To ensure the balanced treatment of political issues and to prohibit political indoctrination.
- To promote British values.
- To provide clear guidance on which a strategy for independent careers advice and guidance, developed in line with the Gatsby Benchmarks, must be based (statutory for secondary)

Appraisal and Performance Management

- To formulate and implement an appraisal policy.
- To make pay decisions in line with the pay policy and legal requirements
- To carry out appraisal of other teachers (or delegate to line managers in the school)

Standard Setting

- To set standards and predictions for pupil achievement and progress.

Religious Education

- To provide religious education in line with school's basic curriculum.
- In schools with a religious character, to provide religious education to the agreed syllabus.

Collective Worship

- For maintained schools – to ensure, after consultation with the board, that all pupils take part in a daily act of collective worship.
- In schools with a religious character, to provide collective worship of a denominational character.

Health and Safety

- To ensure that health and safety regulations are followed.

Discipline/Exclusions

- To draft the content of the school behaviour policy and publicise it to staff, students and parents. The board of a maintained school must also make and from time-to-time review, a written statement of principles to help the head teacher determine the measures that make up the school's behaviour policy (which must include measures to prevent all forms of bullying among pupils). This duty cannot be delegated. The board must consult the headteacher, other appropriate members of staff, parents, carers and all registered pupils before making or changing this statement of principles.

Inclusion and Equality

- To designate a qualified teacher to be responsible for co-ordinating SEND provision (the SEND co-ordinator or SENCO)
- To appoint a designated teacher for looked after children

School Organisation

- To ensure that the school meets for 380 sessions in a school year.
- Where determined by the board, to ensure that school lunch nutritional standards are met.
- To draft and implement a data protection policy which complies with GDPR and review it at least every two years and register with the Information Commissioner's Office
- To ensure the statutory required information is uploaded to the school website.
- Maintain a register of pupil attendance.
- To publish on the website the drafted structure and remit of the board, including governor appointment details, term of office and attendance record
- To submit governor information to the DfE database of governors (GIAS)

Information for Parents

- To ensure that the school keeps parents and prospective parents up to date with school information.
- To ensure that free school meals are provided to those pupils meeting the criteria.
- To ensure that parents are aware of their rights to withdraw their child from collective worship, RE and sex and relationship education.
- To ensure that a report on each child's educational achievement is forwarded to parents/guardians

Extended Schools

- To put into place the additional services provided.
- To ensure delivery of services provided

Agreed by the board: 14/10/2021

Review date: 09/2021

Birchwood School

Terms of Reference for Individuals or Monitoring Pairs

Any individual to whom a governor monitoring responsibility has been delegated is expected to work within the following terms of reference in conjunction with the protocols and procedures set out in the Governor Monitoring Visits for a Circle Model Policy and the Board Code of Conduct. It is a *statutory duty in legislation* to report back at the next meeting following a monitoring visit.

From legislation for LA schools, circle model delegated governors do not have any financial responsibility or powers for authorising any school spending amounts on behalf of the board. A delegated governor or monitoring pair have the responsibility to hold the school and executive lead/headteacher to account for the areas delegated and report back in writing to the board to enable further scrutiny. The board has the responsibility to ensure the individual governor/ monitoring pair are fulfilling their roles.

To monitor an identified area on the School Improvement Plan or a DfE identified function of the board and report back to the board, ensuring all the constructive challenge which would have taken place in a committee is captured and evidenced within the written report. It is expected that three monitoring visits will be made to the school during the year by each governor unless school circumstances necessitate more, and finance in order to meet SFVS/audit requirements. Not all visits necessarily have to take place during the time when students/pupils are in school and could be just as effective as a meeting between governor(s) and the lead professional at the end of the day as mutually agreed. Governors will follow DfE guidance in relation to performing their monitoring roles; this may include the need to consider monitoring virtually.

Individual/Monitoring Pair Responsibilities

- To ensure full understanding of the delegated role.
- To meet with the lead professional within the school to gain an understanding of the scope of the area/target and the activities the school is conducting to achieve success.
- To ensure holding to account by key questions asked against the statutory regulations, with answers documented.
- To ensure holding to account by the questions which would have been asked as part of a committee meeting are undertaken within the visit with the answers documented and reported back to the board as part of the next meeting supporting papers.
- To ensure any board meeting follow up actions are completed and documented.
- To undertake any necessary training (in or out of school) to enable effective monitoring of the areas/subject.
- To monitor the progress of school activities towards the priority milestone or statutory duties.
- To evaluate the extent of success at the end of the set timescale.

All visits to the school will be arranged with reference to the executive lead/headteacher and in accordance with the governor monitoring visits for a circle model policy.

Written reports will be submitted for factual check and comment by the headteacher and the chair within the school within one week of the visit, and then be lodged with the governance professional for distribution as soon as possible, at least seven days before the next board meeting.

The following delegated DfE identified governor roles need to be appointed by the board.

- Safeguarding
- SEND
- Careers guidance (secondary)

- Finance (KCC maintained schools)

- Health and safety

It is recommended that boards also carefully consider the following positions:

- Pupil premium/catch up funding designed to mitigate the effects of the unique disruption caused by COVID-19 has impact, including with reference to most vulnerable and disadvantaged.
- Training and development – DfE recommended for focus on the development needs of the board
Before undertaking any monitoring, governors will read the monitoring policy, board code of conduct and the school staff code of conduct

Having delegated governors does not reduce the collective accountability of the board for all its functions. The board will need to ensure that its agenda and reporting mechanisms enables *all* board members to have a collective strategic overview for all delegated monitored areas to enable accountability and effective informed decision making.

School Plan Priorities

1. Pupil premium/catch up premium	Scott Norman
2. Finance governor	Shaun Simmons
3. SEND	Ady Young
4. Safeguarding (including Child Protection)	Kristina Yates
5. Careers guidance (secondary)	Sonette Schwartz
6. Health and safety	Steve Shaw
7. Governor training and development	N/A
Agreed by the board: 14/10/2021	
Review date: 09/2021	

Birchwood School

Governor Monitoring Visits for a Circle Policy

See separate document available on GovernorHub and attached to these terms of reference.

I agree to follow the agreed principles and procedures of this policy adopted by the board on 14/10/2021

Name of individual governor signatures (add below)

Date

Birchwood School

Code of Conduct for School Boards

See separate document available on GovernorHub and attached to these terms of reference.

I agree to follow the agreed principles and procedures of this code of conduct adopted by the board on 09/2021

Name of individual governor signatures (add below) Each governor must sign and retain their individual copy of the code of conduct	Date 09/2021
Signed and agreed by the board	Date 09/2021

Terms of Reference for the Monitoring of the School Budget

A pair of governors or an individual will be assigned to strategically monitor the financial management of the school on behalf of the board. They will statutorily report back their findings to the board. The finance governors *do not have* any financial authorisation for spending any delegated monies on behalf of the board.

Six monitoring visits should be made each year, ensuring all financial questions and answers are captured within the subsequent report to enable collective decision making. These will correspond with the board six times a year budget monitoring evaluation. The expectation is for three monitoring visits to be in depth and three lighter touch. The visits and reports should include monitoring of the following:

- To maintain an up to date 'balanced' three-year budget plan, which shows clear links to the 'School Improvement' and 'Staffing' plans. Any recovery plan for budget with a deficit must be monitored for implementation and impact.
- To monitor the impact of the costed school improvement plan in relation to the budget spend.
- To annually in the autumn term review and recommend to the board the financial risk register and regularly review (template on Kelsi)
- To undertake six monitoring visit reports on the financial monitoring and rollover to the full board, highlighting any significant variances and their impact on the three-year budget plan. This is alongside the financial operational leads budget monitoring sheet and accompanying commentary.
- To evaluate any virement recommendations and report to the board for decision making against limits in the agreed finance policy.
- To evaluate and recommend the annual budget for approval to the board
- Analyse, report, and recommend on purchases and tenders for contract services above £8000 (primary) £25000 (secondary) for board decision.
- To keep in-school financial procedures under review.
- To benchmark school financial performance against similar schools and report to the board.
- To evaluate proposed expenditure as set out within the delegated limits following recommendations from the headteacher and present to the board for approval.
- To draft the **Schools Financial Value Standard (SFVS)**, following discussions with the bursar, using the support tools, for board approval before the required submission date.
- To monitor and report to the board on any SFVS remedial actions to ensure they are cleared within specified deadlines.
- To monitor, audit and evaluate all school policies and procedures related to fraud and report to the board
- To evaluate the school budget monitoring sheets six times a year (SFVS/audit requirement) in discussion with the school business operational lead and report to the board.
- To be strategically actively engaged in monitoring value for money and report back any recommendations to the board to ensure effective financial resources and efficiencies to maximise pupil outcomes.
- To monitor benchmarking both locally and nationally and report to board.
- To monitor and evaluate the management of the voluntary fund, receive the audited accounts and report to the board.
- To monitor the spend of extra funding such as pupil premium, COVID-19 catch up funding, sports premium, ensuring its use has impact.

- Review finance policy; lettings policy; whistle blowing policy; governor allowance policy; charging and remissions policy; making recommendations to the board.
- Ensure annual governor financial skills audit is undertaken and evaluated.
- Review the business continuity plan making recommendations to the board.
- To ensure compliance with the KCC scheme for financing schools and report to the board
- Review compliance audit reports, ensuring the board follows recommendations and actions.
- To make regular reports to the board and ensure that all board financial decisions are recorded correctly in the board minutes.

Any additional strategic items which individual boards may wish to include

Names of monitoring pair or individual

Shaun Simmons

Agreed by the board: 14/10/2021

Review date: 09/2022

Terms of Reference for Panel Hearings

- To make any decisions under the board’s personnel procedures e.g., disciplinary, grievance, capability, bullying and harassment, where the headteacher is the subject of the action.
- To make any decisions under the board’s personnel procedures e.g., disciplinary, grievance, capability, bullying and harassment unless delegated to the headteacher.
- To consider any appeals against a decision to dismiss a member of staff or to a decision short of dismissal e.g., disciplinary, grievance or capability.
- To make any determinations on behalf of the board in relation to staff redundancy and redundancy appeals.
- To make any determinations on behalf of the board in relation to any pay appeal.
- To make any determination or decision under the board’s School Complaints Procedure.
- To consider any representations by parents in the case of an exclusion (in accordance with the Statutory DfE Exclusions Guidance).
- To consider the appropriateness of any permanent exclusion or fixed term exclusion which totals 15 days or more in one term or where a pupil is denied the chance to take a public examination (in accordance with the Statutory DfE Exclusions Guidance).
- All panels are to be convened by the governance professional
- All panels will follow the relevant board approved policy, procedure and guidance.
- All panellists will undergo training to understand their roles and responsibilities
- All panellists will be unbiased and understand the remit of their decision making as described within the relevant policy

NB

- Any governor who has participated on a panel for a staffing decision, cannot sit on the appeal panel
- Staff governors should not sit on panels

Membership [not less than three]

Any three governors from a pool of governors [comprising the whole board], who are:

1. Suitably qualified to undertake the role, and not tainted
2. Available on the date specified

The headteacher is disqualified from serving in this role.

Any governor having a connection with either a pupil, a member of staff or the incident in question which could affect their ability to act impartially should not serve on the panel.

Agreed by the board: 14/10/2021

Review date: 09/2021

Terms of Reference for Headteacher Performance Management Panel

- As a point of best of best practice, to meet annually before the 31 December each year with the headteacher and a *board appointed*, suitably experienced, qualified, and independent external adviser; to assist the panel, (statutory duty, governance handbook, p95) for advice and support, on the headteacher' appraisal, and to consult that adviser on setting objectives for the headteacher. In following best practice, the headteacher's appraisal will be the first staff appraisal performed to enable headteacher objectives to be reflected within other whole school staff performance management objectives to drive the school forward.
- Inform the headteacher of the standards against which their performance will be assessed.
- To review, in consultation, with the independent external advisor, the performance of the headteacher against the agreed appraisal objectives.
- To determine the recommendation on pay progression for approval by the board.
- To consult with the independent external advisor to set challenging but achievable headteacher appraisal objectives for the coming year ensuring they are specific, measurable, attainable, relevant, and time-bound (SMART).
- Objectives should as far as possible be reached by agreement. However, where a joint determination cannot be made the HTPM panel will make the determination, following consultation with the external adviser, with the provision for the headteacher to record any disagreement if required.
- To prepare and agree the headteacher appraisal review statement, and report to the board the completion of the process.
- To monitor through the year, including a mid-year review meeting, the performance of the headteacher against the agreed objectives and to ensure appropriate support and development opportunities are provided.

Where serious weaknesses are identified in the headteachers performance then this procedure should cease, and the issues will be managed within the school's formal capability procedure.

The appraisal process will be recommenced when the headteacher's performance has reached the required standard.

Membership: Three governors, including the chair of the board, though not the vice chair as well. The chair of the board will not take the role of the panel/committee chair.

In voluntary aided/controlled schools, consideration for best practice, for at least one member to be a foundation governor.

Neither the headteacher nor staff governors may serve on this group.

Consideration may need to be given to situations where governors serve on both HTPM and the pay panel.

Sonette Schwartz

Peter Stewart

Agreed by the board: 14/10/2021

Review date: 09/2022

Birchwood School

Terms of Reference for the Pay Committee

The board will delegate all pay decisions in accordance with the school's pay policy.

- To determine the pay progression to be awarded to individuals as delegated within the pay policy.
- To apply the criteria set out in the school's pay policy and consider fully the recommendations made by the headteacher regarding an individual's pay.
- To ensure all employees are made aware of the outcome of their individual pay review in writing within ten days of the decision making.
- Where pay decisions are made by a pay committee – the headteacher may provide professional advice and guidance to the panel to assist with decision making.
- To consider fully all recommendations made by the headteacher regarding an individual's pay progression.
- To maintain an *accurate written record of all meetings*, recording the reasons for the pay decisions taken and having due regard to confidentiality.
- To report summary information regarding annual total budget for pay decisions to the board.
- To ensure the achievement of all the pay policy objectives and principles in a fair, reasonable and equitable manner.
- To undertake an annual pay review for all staff/leadership group in accordance with the pay policy and reach decisions through the application of any relevant criteria measured by the school's performance appraisal process.
- To observe all statutory and contractual obligations.
- To recommend to the board changes to the policy and to consult with staff and recognised unions on those proposed changes.
- To seek advice from the Local Authority where appropriate.

All decisions made by the pay committee will take due account of the appraisal statement and all relevant information available from an appraisal or other review of an employee's skills, abilities, performance and any other factors deemed to be relevant. This will include any recommendation made by an employee's appraiser. All decisions regarding pay progression for teachers, including the leadership group should be made without undue delay. These should be completed prior to or on 31 October for teaching staff.

Membership [three governors]

- Membership of the pay committee will not be open to anyone who could benefit financially, directly or indirectly from such membership or any of the decisions of the committee.
- In voluntary controlled schools at least one member must be a foundation governor. In voluntary aided schools, at least two must be foundation governors.
- Neither the headteacher nor staff governors may serve on this group.
- Schools/academies will need to consider carefully the membership of the panel and appeals panels to ensure the right composition.
- In particular they should avoid both the chair and vice chair of governors being members of the pay panel as this will inhibit one of these key senior roles being available for any pay appeals that may arise.
- Consideration may need to be given to situations where governors serve on both HTPM and the pay panel.

Sonette Schwartz

Peter Stewart

Agreed by the board: 14/10/2021

Review date: 09/2021

Standing Order for Meetings of the Board

Governors are expected to:

- Arrive in good time for the start of any meeting, having read all the paperwork sent to them in connection with the agenda, and prepared with questions to ask or comments to make.
- Comply with any DfE governance guidance regarding meetings
- Have read and have access to the latest School Improvement Plan and be familiar with its milestones and priorities.
- Limit discussion to policies and actions and not people, ensuring constructive challenge, support and celebration is captured within the minutes.
- Understand their strategic role and not stray into the operational
- Participate in discussion and listen to the views and comments of others.
- Work collectively as a team acting with integrity, objectivity and honesty and in the best interests of the school.
- Collectively ensure all board decisions are strategic and not operational.
- Be brief and adhere to any time limits placed against agenda items.
- Take regard of the advice and guidance given by the paid governance professional
- Follow up on action points between meetings.
- Comply with the Code of Conduct

The following persons have the right to attend all meetings of the board

- headteacher
- governance professional
- any governor

The following persons can be invited to attend regular meetings of the board [select as appropriate] deputy headteacher, members of the senior leadership team, subject leaders, bursar, etc

Board meetings will be held at the school six times each year, in terms [1, 2, 3, 4, 5 and 6]. The governance professional will prepare a suggested calendar of meeting dates for the following year for approval at the meeting held in term 6 of each year, following evaluation of impact of the governance structure.

The governance professional will prepare a draft agenda, which will be finalised and approved by the chair. Governors wishing to place items on the agenda should give notice to the governance professional and provide a copy of any supporting papers. *governors must*, in complying with legislation, submit monitoring visit reports or any other documents to the governance professional in time for the agenda and supporting documents to be circulated.

Items of 'Any Other Business' will be taken at the beginning of the meeting and either added to the agenda, delegated to a pair, or placed on the agenda of the next meeting.

Voting, where necessary, will normally be taken by a show of hands; however, the chair may determine a secret ballot where this has been requested by two or more governors. Where there is an equal division of votes the chair will have a second or casting vote.

The board may agree to operate virtual governance at some or all of their meetings.

It should be remembered that for maintained schools, proxy voting or decision making in advance of the meeting is not permissible, every question to be decided at a meeting of the governing body is to be determined by a majority of the votes of the governors present and voting.

Decisions can only be made following governor attendance and informed discussion at a quorate meeting. To enable virtual governance the following needs to be considered, approved, evidenced in the minutes and followed in practice:

- How to ensure integrity of confidentiality is upheld.
- How governors may participate within a virtual meeting
- How to ensure the meeting will always remain quorate
- How to manage virtual voting – especially by secret ballot
- Technology required and capable of working within school intranet/internet system, if necessary.

All meetings will be convened by the governance professional. Any three members of the board may request a meeting by giving written notice to the governance professional, which includes a summary of the business to be transacted. The governance professional will then prepare an agenda to call a meeting.

Each meeting will commence at [time] and will be limited to two hours in duration. Where business has not been completed within the agreed time, those governors present may resolve to continue the meeting in order to complete the agenda.

Any business not completed will form part of the agenda for the next meeting.

Draft minutes will be approved for email circulation by the chair within three weeks of the meeting, before being formally approved by the board at the next meeting.

Agreed by the board: 14/10/2021

Review date: 09/2022

Guiding Principles

- The board *must* elect a chair and a vice chair. (The School Governance (Roles, Procedures and Allowances) Regulations 2013 – para 7.1)
- When the office of chair or vice chair becomes vacant, the board must elect a new chair or vice chair at their next meeting.
- If both chair and vice chair positions become vacant, the board *must* hold an extraordinary meeting, as convened by the governance professional, to elect a chair.
- There are no regulations covering the process of election with the exception of the need for the candidate(s) to withdraw from the meeting when a vote is taken in advance.
- Boards are free to, and should, agree an election process. Best practice is for written nominations in advance with supporting statement to include the skills present to undertake the role.
- Governors who are paid to work at the school, for instance the headteacher and staff governors cannot be elected as chair or vice chair.
- The process must be fair, open and transparent.

Factors the board should consider in agreeing their election process are:

- How long the chair and vice chair will serve (You may wish to consider different terms of office; best practice is one year).
- Whether a governor can be re-elected and whether there should be a limit to the number of terms a governor could serve in the position of chair or vice chair
- (Recommendation, no more than six years in the role of chair). You may like to consider succession planning, individual governor and board development, workloads and the involvement of all governors).
- Whether a governor can stand for office if they are unable to be present at the meeting.
- How nominations will be made (in writing in advance of the meeting via the agenda or verbally at the meeting, with or without a supporting written or verbal statement).
- Whether a candidate will self-nominate or be proposed (and seconded if wished) by governors.
- Whether there will be a secret ballot or show of hands (and whether this would vary depending on the circumstances i.e., in all cases or only where there is more than one candidate).
- How the board would treat a tie in votes (would candidates have the opportunity to speak to the board about why they want to be the chair or vice chair followed by another vote, would it be by another method)

The Role of the Chair of the Board

- To ensure the business of the board is conducted properly in accordance with legal delegation requirements.
- To ensure that meetings are run effectively, act as a role model, focusing on the priorities and making best use of the time available, and to ensure that all members have an equal opportunity to participate in discussion and decision-making.
- To establish and foster an effective relationship with the headteacher based on trust and mutual respect for each other's roles.
- To establish and foster a good relationship with the governance professional based on professional respect for each role.

Good Practice Example

- The board resolves that the following process will apply to the election of chair (and vice chair) of the board (provide a brief outline of the role):
- The chair and vice chair will serve for a period of between one and three years (one is usual)
- The governance professional will take the chair to conduct the election of the chair and the newly elected chair will conduct the election for the vice chair using the same procedure.

Either

- a) The governance professional will invite governors to self-nominate by a closing date no later than two weeks before the date of the meeting at which the election is to be held.

or

- b) Governors will be asked to propose nominations to the governance professional by a closing date no later than two weeks before the date of the first board meeting of the academic year. The governance professional will provide a form for this purpose, which will allow for nominations to be seconded before submission (if required).

- The governance professional will include the names of all candidates for election on the agenda for the meeting at which the election is to be held and send it to governors at least seven days in advance of the meeting.
- The candidates will be asked to leave the room, having outlined the skills they have for the role, whilst the election takes place and the outcome discussed.
- Governors will discuss the skillset of nominees for the role prior to taking a vote by secret ballot conducted and counted by the governance professional.
- Candidates will be allowed to vote (including for themselves) before leaving the room.
- In the event of a tie, each candidate will be given the opportunity to address the board before a further vote is taken. (If a candidate cannot attend the meeting, a supporting statement may be requested in advance of the meeting).
- If no advance nominations have been received for the office of chair, the governance professional may seek nominations at the meeting.

If no chair is duly elected, the vice chair *must* be appointed to chair for the remainder of the meeting and act as chair until the next meeting. The board *must follow its statutory requirement* to elect a chair at its next meeting. If no chair is duly elected at its next meeting, concerns will be raised on the capacity of leadership and governance under schools causing concern guidance.

Following the election of the chair, the new chair will conduct the election of a vice chair using the same procedure.

Agreed by the board: 14/10/2021

Review date: 09/2022

Sonette Schwartz	Term of chair office	Elected date: 14/10/2021
Mark Lester	Term of office	Elected date: 14/10/2021

Guiding Principles

The governing board (GB) may decide the process for the appointment of co-opted governors.
The process must be agreed by the board prior to use.

Factors the board should consider in agreeing their appointment process:

- The skills required to support the GB at the time of the vacancy
- How and where the vacancies, together with the identified skills required, should be advertised
- Whether a candidate will self-nominate or be proposed [and seconded if wished] by governors
- Information the GB needs from each candidate to support their nomination i.e., a statement of so many words, interview with, or presentation to the GB or alternatives as appropriate
- Whether after full GB discussion, there will be a secret ballot or show of hands, and whether this would vary depending on the circumstance i.e., in all circumstances or only where there is more than one candidate.
- How the results will be notified to the successful candidate/s and the rejected candidate/s and by whom.
- How often the agreed process for seeking nominations and making appointments will be reviewed (if not part of the annual review of Terms of Reference/Standing Orders; (annually is recommended).
- How the GB will ensure that the processes are fair, open, and transparent.

Example

1. *Co-opted governors are appointed by the governing body (GB). They are people who in the opinion of the GB have the skills required to contribute to the effective governance and success of the school.*
2. *The board may choose to advertise the vacancy locally and also as broadly as possible in order to reach as wide an area as possible; this should include the services of Inspiring Governance, Governors for Schools and Academy Ambassadors (if appropriate) as advocated by DfE in the Governance Handbook.*
3. *When advertising, the GB should take into account the potential to advertise for the skills that the GB has identified that it needs via its current skills audit. This expertise would enable the GB to work more effectively. The identified skills should be clearly stated when advertising the vacancy.*
4. *Priority should be given to candidates who can demonstrate and/or evidence that they have the skills that the GB has identified that it needs; the GB could agree that this is by interview or presentation to the GB or alternatives as appropriate (see 5 below)*
5. *Where there are more candidates than vacancies, the candidates could be asked to prepare a brief statement of no more than (suggested) 250 words, explaining why they wish to be appointed and their suitability for the role.*
6. *Candidate statements should be circulated to all members of the GB prior to the full GB meeting at which any appointment will be considered.*
7. *At the subsequent full meeting of the GB, governors are to be invited to vote as agreed by the GB (by either a show of hands or by secret ballot); the process is to be managed by the governance professional.*
8. *In the event of a tie, the governors may agree to discuss the nominations in more depth and take a further vote; however as explained in 2013 Roles, Procedures and Allowances Regulations (14.4)*

where there is an equal division of votes, the chair, or the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), will have a second or casting vote.

- *The governance professional should announce the result, with the candidate polling the most votes being duly appointed.*
- *The minutes should clearly reflect the process of voting and the outcome.*
- *The governance professional should be tasked with advising the successful candidate/s and unsuccessful candidate/s,*
- *The governance professional should be tasked with commencing the legally required documentation (DBS, declarations of interest etc.)*

The GB should arrange to commence the governing body's own induction process including ensuring the DBS and section 128 processes are completed.

Agreed by the board: 14/10/2021

Review date: 09/2022

The School Governance (Constitution) (England) Regulations 2012 – Schedule 3

1. Where a partnership governor is required in relation to a school which is designated under section 69(3) of SSFA 1998 as having a religious character, the governing body must seek nominations from:
 - (a) in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority
 - (b) in any other case, the appropriate religious body.
2. Where a partnership governor is required in relation to a school which does not have a religious character, the governing body *must seek nominations from parents of registered pupils at the school, and from such other persons in the community served by the school as they consider appropriate.*
3. The governing body *must* make all the necessary arrangements for and determine all other matters relating to the nomination and appointment of partnership governors.
4. No person is eligible to be nominated for appointment, or to be appointed, as a partnership governor unless that person has the skills required to contribute to the effective governance and success of the school.
5. No governor may nominate a person for appointment as a partnership governor except in accordance with paragraph 6(2) below.
6. (1) The governing body *must* appoint such number of partnership governors as is required by the instrument of government from the eligible nominees.
(2) If the number of eligible nominees is less than the number of vacancies, the number of partnership governors required may be made up by persons nominated by governors and appointed by the governing body.
7. Where the governing body makes an appointment under paragraph 6(2) above, having rejected any person nominated under paragraphs 1 or 2 above as ineligible, they must give written reasons for their decision to—
 - (a) the local authority
 - (b) the person or body who nominated the person rejected
 - (c) the person rejected

The School Governance (Constitution) (England) Regulations 2012 – schedule 4

7. (1) A person is disqualified from nomination or appointment as a partnership governor of a school if the person is—
 - (a) a parent of a registered pupil at the school;
 - (b) eligible to be a staff governor of the school;
 - (c) an elected member of the local authority; or
 - (d) employed by the local authority in connection with their education functions.
- (2) The disqualification criterion in paragraph 7(1)(d) does not apply in the case of a person who is employed by a local authority in England under a contract of employment providing for the person to work wholly at a school or schools maintained by the local authority

Factors the governing body (GB) should consider when agreeing how nominations will be sought and the appointment process; these must be agreed by the full GB prior to use:

- The skills required to support the GB at the time of the vacancy

- How and where the vacancies, together with the identified skills required, should be advertised
- Information the GB needs from each candidate to support their nomination i.e., a statement of so many words, interview with, or presentation to the GB or alternatives as appropriate
- Whether after full GB discussion, there will be a secret ballot or show of hands, and whether this would vary depending on the circumstance i.e., in all circumstances or only where there is more than one candidate
- How the results will be notified to the successful candidate/s and the rejected candidate/s including to the person or body who nominated the person/s rejected and the Local Authority (Governor Services) and by whom
- How often the agreed process for seeking nominations and making appointments will be reviewed (if not part of the annual review of Terms of Reference/Standing Orders; (annually is recommended)
- How the GB will ensure that the processes are fair, open, and transparent

Example

1. *Partnership governors are appointed by the governing body (GB). They are people who in the opinion of the GB have the skills required to contribute to the effective governance and success of the school.*
 2. *The GB must seek nominations from parents of registered pupils at the school, and from such other persons in the community served by the school as they consider appropriate.*
 3. *Should 2 above prove unsuccessful, the GB may agree to advertise the vacancy more broadly including with the services of Inspiring Governance and Governors for Schools as advocated by DfE in the Governance Handbook.*
 4. *When advertising, GB should take into account the need to advertise for the skills that the GB has identified that it needs via its current skills audit. This expertise would enable the GB to work more effectively. The identified skills should be clearly stated when notifying/advertising the vacancy.*
 5. *Priority should be given to candidates who can demonstrate and/or evidence that they have the skills that the GB has identified that it needs; the GB could agree that this is by interview or presentation to the GB or alternatives as appropriate (see 6 below)*
 6. *Where there are more candidates than vacancies, the candidates could be asked to prepare a brief statement of no more than 250 words, explaining why they wish to be appointed and their suitability for the role.*
 7. *Candidate statements should be circulated to all members of the GB prior to the full GB meeting at which any appointment will be considered.*
 8. *At the subsequent full meeting of the GB, governors are to be invited to vote as agreed by the GB (by either a show of hands or by secret ballot); the process is to be managed by the governance professional.*
 9. *In the event of a tie, the governors may agree to discuss the nominations in more depth and take a further vote; however as explained in 2013 Roles, Procedures and Allowances Regulations (14.4) where there is an equal division of votes, the chair, or the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), will have a second or casting vote.*
- *The governance professional should announce the result, with the candidate polling the most votes being duly appointed.*
 - *The minutes should clearly reflect the process of voting and the outcome.*
 - *The governance professional should be tasked with advising the successful candidate/s, advising the unsuccessful candidate/s, the person/s or body who nominated the person/s rejected and the Local Authority (Governor Services)*

- *The governance professional should be tasked with commencing the legally required documentation (DBS, declarations of interest etc.)*
- *The GB should arrange to commence the governing body's own induction process including ensuring the DBS and section 128 processes are completed*

Agreed by the board: 14/10/2021

Review date: 09/2022

For maintained schools - [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) – item 14 Proceedings of the governing body

The process must be agreed by the board prior to use

Factors the board should consider in agreeing their process:

- It is for the full governing body (GB) to decide and agree locally the best format for different types of meetings and interactions in order to meet the needs of the board, individual governors, availability of technology and the circumstance (e.g., monitoring visits, full GB or committee meetings), in order to maintain effective governance.
- Hybrid meetings (where attendance is split between those present in the room and those attending virtually) can offer flexibility and can maximise attendance by providing governors, who may have otherwise missed the meeting, the opportunity to attend virtually. How would this work in practice, for attendees, the governance professional and the school? You may find it helpful to talk your circumstances through with your area governance officer.
- The GB would need to ensure that meetings meet the requirements of GDPR (General Data Protection Regulations), and ensure that the DPO (Data Protection Officer) confirms that the systems to be used are in line with the school's agreements and policies.
- Be sure to include your governance professional in any discussions; there may be challenges for them personally as there may be for governors; the governance professional may also be expected to have to access to and run any system/s or format/s that the GB agrees; service level agreements/contracts will also need to be taken into account when agreeing how meetings will be set up and by whom (e.g., The Education People Clerking Service).
- The expectations for using the GB's agreement for virtual working should be understood by all; this will ensure meetings run smoothly and are productive. In the agreement, the GB should provide clarity on the following:
 - joining times
 - notification of how a governor is to attend a meeting, and to whom e.g., where expectation is face to face and this changes to virtual, or vice versa; if a notice period required; the governance professional will need clarity to ensure that the board meets and acts within legal requirements (quoracy) – including and especially if systems fail and attendees 'drop out' of a meeting
 - the need to obtain consent from all attendees (including visitors) if the session is to be recorded
 - how the integrity of confidentiality is upheld
 - How virtual voting will be managed, especially by secret ballot
 - the need to keep to the agenda (a timed agenda may prove helpful)
 - the use of the mute facility to minimise interruptions and background noise
 - the allowance of additional time for participants to access documents
 - the need for all to use webcams (where possible) to aid engagement
 - If the chat and/or hands up function/s will be used
 - The need to apologise prior leaving to the meeting, abandoning/moving away from the screen/webcam, using a mobile phone during the meeting (unless being used for attending the meeting i.e. calls and messaging)

Example

1. *The full governing board agree to the use of virtual governance for the following meetings/interactions (list here as required - full GB, committees, hybrid, monitoring etc.)*
2. *Notice will be provided to the governance professional by (as required email/phone) if mode of attendance is to change (hybrid meetings, to ensure quoracy)*
3. *All participants will join the meeting 5 minutes prior to the start time, making sure that they have all meeting documentation open/to hand*
4. *Consent will be sought from all attendees (including visitors) if a session is to be recorded*
5. *The mute facility will be used by all virtual attendees who are not speaking in order to minimise interruptions and background noise*
6. *Webcams will be used by all attendees (where possible); an explanation and/or agreement where webcam use is not possible*
7. *The chat facility (will or will not) be used*
8. *The hands-up function will be used to indicate when we wish to speak; the chair will check at the end of each item prior to moving to a new agenda item, to ensure that all attendees have been given the opportunity to take part in discussions*
9. *Apologies will be provided prior leaving to the meeting, abandoning/moving away from the screen/webcam, using a mobile phone (unless being used for attending the meeting i.e., calls and messaging)*
10. *We confirm that our governance professional has been included in discussions prior to the agreement of this document and at the time of agreement, they are able to provide a service that meets the needs of the GB.*
11. *We confirm that we have taken into account any limitations there may be regarding governance professional service level agreements/contracts*
12. *We confirm that the DPO (data protection officer) has been advise of and agrees that, the systems to be used are in line with the school's agreements and policies.*

Agreed by the board: 14/10/2021

Review date: 09/2022