

## **COMMITTEE STRUCTURE AND TERMS OF REFERENCE**

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1. The following is taken from 'A Guide to the Law for School governors'<sup>1</sup>:

"79. The governing body must determine the membership and proceedings of any committee. The governing body must also review the establishment, terms of reference, constitution and membership of any committee annually. The membership of any committee may include associate members, provided that a majority of members of the committee are governors. Each committee must have a chair, who is either appointed by the governing body or elected by the committee. The governing body may remove the chair of a committee from office at any time.

80. The governing body must appoint a clerk to each committee. "Committee" in the Procedures Regulations means a committee with delegated functions. It does not include other groups, such as working groups set up for a specific purpose.

81. The headteacher of the school cannot be appointed as clerk to a committee. The governing body can appoint a governor to clerk one or more committees.

82. If the clerk does not attend a committee meeting, the governors present at the meeting can appoint a member of the committee (but not the headteacher) to act as clerk for that meeting.

83. The governing body can remove a clerk to a committee from office at any time.

84. It is the responsibility of the clerk to a committee to convene meetings of the committee, attend meetings of the committee and ensure minutes are taken, and perform such other functions with respect to the committee as may be determined by the governing body from time to time. A full job description for governing body clerks is given in the [national training programme for clerks to governing bodies](#).

85. Members of committees, the headteacher (if not a member of the committee) and the clerk to the committee have the right to attend committee meetings. In addition, the governing body or the committee can allow any other person to attend their meetings. Associate members may be excluded from any part of a committee meeting when the item of business concerns an individual pupil or member of staff.

86. Committee meetings are convened by the clerk to the committee, who takes directions from the governing body and the chair of the committee.

87. The clerk must give each governor and associate member who is a member of the committee and the headteacher (if not a governor) written notice of a meeting, a copy of the agenda and any papers to be considered at the meeting at least seven days before the meeting. If the chair of the committee considers that there are matters that demand urgent consideration he or she can determine a shorter period of notice.

88. The quorum for any committee meeting and for any vote must be three governors who are members of the committee (or more) as determined by the committee.

89. Every question to be decided at a committee meeting must be determined by a majority of votes of those governors and associate members present and voting. If there is an equal number of votes, the chair (or the person acting as chair), provided

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<sup>1</sup> DCSF, 'A Guide to the Law for School governors', (January 2010), Chapter 3. This reflects the current Education Regulations and the Governance Procedure Regulations.

This policy was approved by the governing body on 27.1.10, and amended on 24.3.10, 9.12.10 and 25.10.12. It was reviewed on 24.10.13 and 23.10.14. It was further amended on 3.12.15 and reviewed on 12.12.16. It was further amended on 17.10.18.

that he or she is a governor, has a second (or casting) vote. The committee can only vote if the majority of the committee members present are governors.

90. The governing body can give limited voting rights to associate members on committees at the time of appointment. Associate members cannot be given voting rights if they have not reached the age of 18 at the time of their appointment.

91. Associate members may not vote on any decision concerning admissions, pupil discipline, election or appointment of governors, the budget and financial commitments of the governing body.

92. Minutes must be drawn up by the clerk and signed by the chair after approval at the next meeting of the committee. The committee must make available for inspection to any interested person a copy of the agenda, signed minutes and reports or papers considered at the meeting as soon as is reasonably practicable. Information relating to a named person or any other matter that the committee considers confidential does not have to be made available for inspection.”

2. Votes at committee meetings may only be cast by the members of those committees and not by any other persons allowed to attend.<sup>2</sup>

3. However, none of the above applies to “committees established by the governing body to deal with most staffing functions that affect individual members of staff, rather than the school staff as a whole,” i.e. the delegation by a governing body of its functions relating to the appointment and dismissal of staff, staff grievance, capability, conduct, discipline and suspension.

### **The governing body**

4. The governing body needs to take a strategic role, act as a critical friend to the school and be accountable for its decisions. It should set aims and objectives and agree, monitor and review policies, targets and priorities

Membership	As per the Instrument of Government
Disqualification	As per Regulation 20 and Schedule 6 of the Constitution Regulations
Quorum	One half of the number of governors in post
Chair	To be appointed by the governing body
Clerk	The clerk to the governing body
Meetings	To hold at least three governing body meetings a year
Terms of reference	The following matters cannot be delegated to either a committee or an individual:
	To agree constitutional matters, including procedures where the governing body has discretion
	To recruit new members as vacancies arise and to appoint new governors where appropriate
	To appoint or remove the chair and vice-chair
	To appoint or remove a clerk to the governing body
	To establish the committees of the governing body and their terms of reference and review them annually
	To suspend a governor

<sup>2</sup> The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, SI 2013/1624

	To review annually which functions of the governing body will be delegated to committees, groups and individuals
	To receive reports from any individual or committee to whom a decision has been delegated and to consider whether any further action by the governing body is necessary
	Other matters:
	To appoint the chair of any committee (if not delegated to the committee itself)
	To approve the first formal budget plan of the financial year
	To keep the health and safety policy and its practice under review and to make revisions where appropriate
	To agree, by early in the autumn term, the programme of work and calendar of meetings for the governing body and its committees for the school year, based on known cycles of school improvement, financial management, staffing issues and communicating with parents
	To monitor the progress of work being undertaken by committees and individuals
	To consider recommendations made by committees with regard to the working of the governing body
	To establish and keep under review arrangements for governors' visits to school

5. The governing body may establish the following committees:

- Agenda planning committee
- Curriculum committee
- Finance, personnel and premises committee
- Pay and performance committee
- Staff disciplinary committee
- Staff disciplinary appeals committee
- Pupil discipline committee

6. The terms of reference of each committee are given below.

7. Working groups may be established from time to time for other purposes.

8. Any committee to whom a decision has been delegated must report to the governing body in respect of any action taken or decision made. The governing body can still perform functions it has delegated, which enables the governing body to take decisions on matters that are discussed at meetings on functions that have been delegated. For instance, the governing body can decide to move ("vire") money from one budget heading to another in light of changing circumstances, even if the function of approving and monitoring the budget has been delegated to a committee.

9. The governing body cannot delegate any functions relating to:

- the constitution of the governing body (unless otherwise provided by the Constitution Regulations)
- the appointment or removal of the chair and vice-chair
- the appointment of the clerk

- the suspension of governors
- the delegation of functions
- the establishment of committees.

### **Agenda planning committee**

Membership	The committee shall comprise the chair, vice-chair, headteacher, and chairs of the curriculum committee and finance, personnel and premises committee.
Disqualification	None
Quorum	The quorum shall be two governors, or 1/3 rounded up, whichever is the greater.
Chair	The chair of the governing body shall be the chair of the committee.
Clerk	The clerk to the governors shall be the clerk to the committee.
Meetings	The committee shall meet at least once per term or otherwise as required.
Terms of reference	To determine the agenda, based on the annual business planner, for each forthcoming meeting of the full governing body and, thereby, the agenda for the next meetings of the curriculum committee and the finance, personnel and premises committee leading up to the next meeting of the full governing body.
	To decide which matters shall be delegated to the curriculum committee, finance, personnel and premises committee or any other committee and how the outcomes of those matters will be reported back to the full governing body.

### **Curriculum committee**

Membership	The committee shall comprise at least 3 governors, including the governors with responsibility for Early Years Foundation Stage, Maths, Literacy, ICT, SEN, Foundation subjects and RE. The committee may have in addition, such non-voting members as the governing body shall appoint. The governing body may remove or replace a member of the committee at any time.
Disqualification	The headteacher, if he or she has chosen not to be a governor, cannot be counted for the purpose of a quorum and cannot vote. Any relevant person employed to work at the school other than as the headteacher, when the subject for consideration is the pay or performance review of any person employed to work at the school.
Quorum	The quorum shall be three governors or 1/3 rounded up, whichever is the greater.
Chair	The committee shall appoint a chair at its first meeting held in the Autumn term of each year.
Clerk	The committee shall appoint a clerk at its first meeting held in the Autumn term of each year.
Meetings	The committee shall meet at least once per term or otherwise as

	required.
Terms of reference <sup>3</sup>	To advise the governing body on the school's curriculum statement, the Cornwall Curriculum statement and their duties relating to the National Curriculum.
	With the assistance of the staff, to provide information about how the curriculum is taught, evaluated and resourced.
	To review and amend such policies as are delegated by the agenda planning committee and report back to the full governing body.
	To receive reports from the governor responsible for the special educational needs and to ensure that the provision for pupils with special needs are made.
	To review the school prospectus annually for approval of the governing body.
	To review the school improvement plan annually or otherwise as required for approval of the governing body.
	To review the school's OFSTED Action Plan annually or otherwise as required for approval of the governing body.
	To review information that is required to be published about results and standards.
	To review and recommend to governors targets at appropriate key stages.
	To ensure that governors individually and collectively are monitoring and evaluating the application of school policies.
	To consider curricular issues which have implications for Finance and Personnel decisions and to make recommendations to the relevant committees or the governing body
	To oversee arrangements for individual governors to take a leading role in specific areas of provision, e.g. SEN, Literacy, Numeracy, and to receive regular reports from them and advise the governing body.

### **Finance, personnel and premises committee**

Membership	The committee shall comprise at least 3 governors. The committee may have in addition, such non-voting members as the governing body shall appoint. The governing body may remove or replace a member of the committee at any time.
Disqualification	The headteacher, if he or she has chosen not to be a governor, cannot be counted for the purpose of a quorum and cannot vote. Any relevant person employed to work at the school other than as the headteacher, when the subject for consideration is the pay or performance review of any person employed to work at the school.
Quorum	The quorum shall be three governors or 1/3 rounded up, whichever is the greater.

<sup>3</sup> Based on the Cornwall Council model.

Chair	The committee shall appoint a chair at its first meeting held in the Autumn term of each year.
Clerk	The committee shall appoint a clerk at its first meeting held in the Autumn term of each year.
Meetings	The committee shall meet at least once per term or otherwise as required.
Terms of reference <sup>4</sup>	
Finance	To provide guidance and assistance to the headteacher and the governing body in all matters relating to budgeting and finance
	To consider a draft budget, annually, for the approval of the governors
	To consider and review financial policy statements, including consideration of long-term planning and resources, for approval of the governing body, including a three-year plan.
	To review the level of delegation to the headteacher for the day-to-day financial management of the school budget, for the approval of the governing body
	To ensure that all financial transactions are conducted in accordance with financial regulations and good practice as directed by the county council
	To ensure that best value is achieved in financial transactions.
	To consider virement decisions and to report to the governing body
	To review annually charges and remissions policies and expenses policies
	To make decisions in respect of service level agreements
	To make decisions on expenditure following recommendations from other committees
	To determine whether sufficient funds are available for pay increments as recommended by the headteacher
	In the light of the Headteacher Performance Management Group's recommendations, to determine whether sufficient funds are available for increments
	To receive, and where appropriate, respond to periodic audit reports of public funds
	To ensure that non-public funds (e.g. school private funds), if used, are audited annually and that a certificate of audit is presented to the governing body
Personnel <sup>5</sup>	To draft and keep under review the staffing structure in consultation with the headteacher and the finance committee
	To receive recommendations on a salary policy for all categories of staff

<sup>4</sup> Terms of reference based on the model on Cornwall Council's website, plus items added from the Suffolk model.

<sup>5</sup> This is based on the Suffolk model; Cornwall Council did not have one.

	To oversee the appointment procedure for all staff
	To receive recommendations on a performance management policy for all staff
	To oversee the process for staff redundancies, should this be necessary
	To receive a report annually or otherwise as required from the headteacher about the staff development plan.
	To review annually staff work/life balance, working conditions and well-being, including the monitoring of absence
	To make recommendations to the full governing body on personnel related expenditure
	To consider any appeal against a decision on pay grading or pay awards
	To review and amend such policies as are delegated by the agenda planning committee and report back to the full governing body.
Premises	To provide support and guidance for the headteacher and governing body on all matters relating to the school premises, grounds, security and health and safety
	Annually, to inspect the premises and grounds and prepare a statement of priorities for maintenance, redecoration and improvements, including accessibility, for the approval of the governing body
	To approve tenders and arrangements for maintenance, redecoration and improvements within the constraints of the budget allocated for this purpose
	To oversee the preparation of tenders and implementation of buildings and grounds contracts
	To receive reports, from the governor with responsibility for health and safety and risk assessment, and to ensure that the school complies with health and safety regulations
	To review the lettings arrangements and hiring fees annually for the approval of the governors
	To make recommendations to the finance committee on expenditure related to premises
	In consultation with the headteacher and the finance committee, to oversee premises-related funding bids
	To oversee arrangements, including health and safety, for the use of school premises by outside users, subject to governing body policy

### **Pay and performance committee**

Membership	The committee shall comprise at least 3 governors. The committee may have in addition, such non-voting members as the governing body shall appoint. The governing body may remove or replace a member of the committee at any time.
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Disqualification	The headteacher and any other person employed to work at the school.
Quorum	The quorum shall be two governors, or 1/3 rounded up, whichever is the greater.
Chair	The committee shall appoint a chair at its first meeting held in the Autumn term of each year.
Clerk	The committee shall appoint a clerk at its first meeting held in the Autumn term of each year.
Meetings	The committee shall meet at least once per term or otherwise as required.
Terms of reference	
Pay	To consider a salary policy for all categories of staff, review its administration and make recommendations to the relevant committee
	To consider proposals from the headteacher for pay increases for all staff (other than the headteacher, whose pay proposals are dealt with by appointed governors) and make recommendations to the relevant committee
Performance management	To review the performance management policy for all staff and make recommendations to the relevant committee
	To review the implementation of the performance management policy and its application to all staff (other than the headteacher, whose performance is assessed by appointed governors) and report to the relevant committee.

### **Staff disciplinary committee**

Membership	The committee shall comprise at least 3 governors. The committee may have in addition such non-voting members as the governing body shall appoint. The governing body may remove or replace a member of the committee at any time. Only experienced governors be appointed to this committee.
Disqualification	The headteacher and any other person employed to work at the school. The chair of governors, due to probable prior knowledge, should not be a member.
Quorum	The quorum shall be three governors or 1/3 rounded up, whichever is the greater.
Chair	The committee shall appoint a chair at each meeting
Clerk	The clerk to the governing body
Meetings	The committee shall meet as required.
Terms of reference	To make any determination to dismiss any member of staff (unless delegated to the headteacher)
	To make any decisions under the governing body's personnel procedures e.g. disciplinary, grievance, capability where the headteacher is the subject of the action (this cannot be delegated to



	an individual)
	To make any decisions relating to any member of staff other than the headteacher, under the governing body's personnel procedures (unless delegated to the headteacher)

### **Staff disciplinary appeals committee**

Membership	At least three governors and no fewer than the number of governors on the staff disciplinary committee and none to have had any previous involvement with the matter. <sup>6</sup> The governing body may remove or replace a member of the committee at any time. It is suggested that only experienced governors be appointed to this committee.
Disqualification	The headteacher and any other person employed to work at the school. The chair of governors, due to probable prior knowledge, should not be a member. Any member of the staff disciplinary committee.
Quorum	The quorum shall be three governors or 1/3 rounded up, whichever is the greater.
Chair	The committee shall appoint a chair at each meeting
Clerk	The clerk to the governing body
Meetings	The committee shall meet as required.
Terms of reference	To consider any appeal against a decision to dismiss a member of staff
	To consider any appeal against a decision short of dismissal under the governing body's personnel procedures e.g. disciplinary, grievance, capability
	To consider any appeal against selection for redundancy
	None of the above matters can be delegated to an individual

### **Pupil discipline committee**

Membership	The governing body may nominate a pool of governors from which three or five will serve as the pupil discipline committee to consider particular exclusions. If a governor has a connection with the pupil or the incident that could affect their ability to act impartially they should not serve at the hearing. If, through non-attendance of a governor, four members consider an exclusion, the chair has the casting vote.
Disqualification	The headteacher. Any governor with prior knowledge of the pupil or the incident. Neither the chair of governors nor a member of staff, due to probable prior knowledge, should be a member.
Quorum	Three

<sup>6</sup> DCSF, 'A Guide to the Law for Governors', (January 2010), chapter 10, para 95.

Chair	The committee shall appoint a chair at each meeting
Clerk	The clerk to the governing body or such other person as the governors deem appropriate.
Meetings	The committee shall meet as required.
Terms of reference	To consider representations from parents in the case of exclusions of 5 days or less (committee may not re-instate)
	To consider representations from parents in the case of exclusions totalling more than 5 but not more than 15 school days in one term (meeting to be held between 6th and 50th school days after receiving notice of the exclusion)
	To consider the appropriateness of any permanent exclusion or any exclusion where one or more fixed period exclusions total more than 15 school days in one term or where a pupil is denied the chance to take a public examination (meeting to be held between 6th and 15th school days after receiving notice of the exclusion)

The following is not a committee of the governing body:

**Governors appointed to review the performance of the headteacher**

Membership	Three governors who have the requisite skill, experience and training
Disqualification	The headteacher, members of staff and governors who are parents with children attending the school
Quorum	Two governors
Chair	One of the appointed governors shall chair each meeting
Clerk	One of the appointed governors will keep a confidential record of each meeting.
Meetings	The appointed governors shall meet at least once per term with the headteacher
Terms of reference	To arrange to meet with the external adviser to discuss the head teacher's performance targets
	To decide, with the support of the external adviser, whether the targets have been met and to set new targets annually
	To monitor through the year the performance of the headteacher against the targets
	To make recommendations to the finance committee in respect of awards in relation to pay