



Governing Body Structure and Terms of Reference

2020 to 2021

Lincoln Christ's Hospital School



## **GOVERNING BODY STRUCTURE**

**2020 TO 2021**

### **Lincoln Christ's Hospital School**

<b>FULL GOVERNING BODY</b>	
<b>CURRICULUM &amp; STANDARDS COMMITTEE</b>	<b>FINANCE &amp; PROPERTY COMMITTEE AUDIT COMMITTEE</b>

## 1. THE ROLE OF THE ACADEMY TRUST, GOVERNING BODY AND ITS COMMITTEES

The principles of governance in academies are not dissimilar to those in maintained schools. The Academy Trust is a charitable company limited by guarantee and the governance arrangements are set out in its governing documentation (the Articles of Association).

*LCCHS believes that the governing body plays a key role in the success of the school and as such individual governors should not be deterred from playing their full part.*

*In extenuating circumstances the Chair of Governors and the Headteacher will consider whether additional support might be available to allow substantive or prospective Governors to fulfil their obligations to the Governing body.*

The Governing Body, on behalf of the Academy Trust, is responsible for the conduct of the school and for promoting high standards. It aims to ensure that students are attending a highly successful school which provides them with an outstanding education, supports their overall well-being and provides them with a successful transition to the next stage in their lives.

### **The Governing Body:**

Sets the strategic direction of the school by:

- Setting the vision, values, aims and objectives for the school
- Agreeing the policy framework for achieving those aims and objectives

Challenges and supports the school by monitoring, reviewing and evaluating:

- The effectiveness of the school in relation to external benchmarks
- The implementation and effectiveness of the policy framework
- Progress towards annual priorities as detailed in the strategic plan

Ensures accountability by:

- Ratifying the annual evaluation of school effectiveness
- Holding the Headteacher to account for the performance of the school
- Responding to OFSTED and other commissioned reports, where necessary
- Ensuring members of staff, parents and students are involved, consulted and informed as appropriate
- Making available information to the community

Appoints and performance manages the Headteacher who, with the SLT and staff, will deliver the vision (through the day to day leadership and management of the school, implementation of the agreed policy framework and school improvement strategy, and delivery of the curriculum) and report appropriately to the Governing Body.

### **For the Governing Body to carry out its role effectively, Governing Body members must be:**

- Prepared and equipped to take their responsibilities seriously;

- Acknowledged as an accountable body by the lead professionals;
- Willing and able to monitor and review their own performance.

### **The Role of a Governing Body member**

In law the Governing Body is a corporate body, which means:

- No Governing Body member can act on her/his own without proper authority from the full Governing Body;
- All Governing Body members carry equal responsibility for decisions made, and
- Although appointed from different backgrounds and with different skills, the overriding concern of all Governing Body members has to be the welfare of the school as a whole.

### **CODE OF CONDUCT FOR GOVERNORS**

This code sets out the expectations on and commitment required from school governors and trustees in order for the governing body to properly carry out its work within the school and the community.

A Governor should:

- Each involve ourselves actively in the work of the governing body, and accept our fair share of responsibilities, including service on committees or working groups.
- Make full efforts to attend all meetings and where we cannot attend, explain in advance why we are unable to do so.
- Consider seriously our individual and collective needs for training and development, and undertake relevant training where possible.
- Seek to develop effective working relationships with the head teacher, staff and parents, the local authority and other relevant agencies and the community.
- Observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school.
- Record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the governing body's business in the Register of Business Interests, and if any such conflicted matter arises in a meeting we will offer to leave the meeting for the appropriate length of time. We accept that the Register of Business Interests will be published on the school's website.
- Express views openly, courteously and respectfully in all our communications with other governors.
- Accept that we have no legal authority to act individually, except when the board has given us delegated authority to do so, and therefore we will only speak on behalf of the governing body when we have been specifically authorised to do so.
- Have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.

- Always be mindful of our responsibility to maintain and develop the ethos and reputation of our school. Our actions within the school and the local community will reflect this.
- In making or responding to criticism or complaints affecting the school, we will follow the procedures established by the governing body.
- Actively support and challenge the head teacher.
- Get to know the school well and respond to opportunities to involve ourselves in school activities.
- Visit the school, with all visits to school arranged in advance and undertaken within the framework established by the governing body and agreed with the head teacher.

**All Governing Body members are required to act in accordance with the Nolan Principles for conduct in public life:**

**Selflessness**

Governing Body Members should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

**Integrity**

Governing Body Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Management**

Holders of public office should promote and support these principles by Management and example.

## 2. THE ROLE OF THE HEADTEACHER

The Headteacher, as the lead professional in the school, is responsible for its internal leadership, management and organisation, for advising the Governing Body members and for implementing the actions in the strategic plan.

The Headteacher will be supported in the day-to-day leadership and management of the school by the SLT. A member of the SLT will take the role of Lead Professional in each Governing Body committee. S/he attends as a support professional and is expected to engage fully with the meeting, albeit without voting rights.

Incorporated in the role of the Headteacher and Lead Professionals in advising the Governing Body are:

- Formulating and reviewing the vision, values, aims and objectives for the school, for modification and adoption by the Governing Body
- Formulating and reviewing policies for adoption by the Governing Body
- Reporting to the Governing Body on progress, either at full Governing Body meetings or at committee meetings, at least once per term
- Completing an annual evaluation of school effectiveness and associated School Development Plan, for ratification by the Governing Body

## 3. DELEGATION OF THE GOVERNING BODY'S FUNCTIONS

A decision about the delegation of Governing Body functions has been taken in the light of:

- The requirement for the Governing Body to fulfill a largely strategic function
- The responsibility of the Headteacher and SLT for the internal leadership, management and organisation of the school
- The requirement for the Headteacher to comply with any legal and reasonable direction of the Governing Body in carrying out a function delegated by the Governing Body.

The Governing Body has delegated its functions to 2 types of committee, Standing and Routine, and to the Headteacher in accordance with the following structure and terms of reference:

## 4. THE GOVERNING BODY COMMITTEE STRUCTURE AND TERMS OF REFERENCE

The individual committees are responsible for the functions that have been delegated to them by the full Governing Body and operate under their own terms of reference.

The Governing Body will review the establishment, terms of reference, constitution and membership of committees at least once a year (normally at the first ordinary meeting of the Full Governing Body in September)

To agree the programme of work and calendar of meetings for the Governing body and its committees based on known cycles of school improvement, financial management, staffing issues and communication with parents.

To approve the School Development Plan. Each Committee would be responsible for more detailed monitoring as it relates to the individual committee.

To ensure the school website content is monitored in relation to matters that directly relate to governance and Governing Body policies. The Clerk to liaise with the Leadership Secretary when the site requires Policies to be updated.

To establish and keep under review arrangements for GB members' visits to school.

The Governing Body must have a Chair and Vice Chair (or two Vice Chairs) who will be appointed by the Governing Body to serve a term of one year. Each Committee must have a Chair and Vice Chair who will be elected at the September meeting of the full Governing Body, to serve a term of one year.

All Governing Body Committee meetings must be clerked. Once agreed by the Chairman of the relevant committee as an "approved draft", the minutes will be circulated to members of the Governing Body. The minutes will be published after the Governing Body meeting. The minutes will be discussed for acceptance at the next relevant Committee Meeting.

All minutes can be circulated except confidential matters relating to individual staff, pay or students, which will be printed on pink paper and will not be circulated outside of the committee.

In the event of a tied vote the Chair of Governing Body or Committee Chair respectively will have the casting vote.

## 5. ADDITIONAL COMMITTEE MEMBERS

The Governing Body may from time to time invite those with a specific interest or area of expertise to attend a particular meeting.

Consideration will also be given to inviting stakeholder representatives to become members of a Committee, providing that a majority of members are governors. The governors may determine that some or all of the members who are not governors may have voting rights.

## COMMITTEE TERMS OF REFERENCE

### ROUTINE COMMITTEES

There are 3 Routine Committees, namely:

- Finance and Property Committee
- Audit Committee
- Standards and Curriculum Committee

The Headteacher and Chairman are automatically members of every Committee.

## General Procedures for All Meetings

Committee meetings will be held on an 'as required' basis but at least once a term.

The Clerk to the Governing Body will make a record of all proceedings at each meeting except the Headteacher's Performance Management meetings. Minutes will be circulated to members within seven days of the meeting. Agendas will be written by the Chair of the committee, with input from the clerk re matters discussed at previous meetings.

The Chairs of Committees will report the work of their committee to the regular meeting of the Governing Body.

The committee will liaise with such other committees and invite members of other committees to attend its meeting as should be deemed appropriate.

Committees will be quorate with half the membership of the committee (rounded up) present and a minimum of three Governors must be present for a meeting to take place.

All Committees may make appropriate decisions on behalf of the Full Governing Body and will inform the Governing Body through minutes of meetings.

## 1. Finance and Property Committee

**Composition:** Eight members of the Governing Body. Associated members may be appointed.

**Frequency of meetings:** 6 times per year

### Terms of reference

1. To recommend to the full Governing Body approval of the annual budget plan and cash flow forecasts for the forthcoming financial year in accordance with the EFA academies financial handbook 2015.
2. To determine the school's financial priorities through the School Development Plan (SDP) and the Asset Management Plan (AMP).
3. To receive regular financial management reports, to facilitate the monitoring of the school's actual financial performance compared with budgeted priorities and cash flow, and to take remedial action as necessary. Such action will be reported to the Governing Body. In all cases liaison must be maintained with other appropriate committees.
4. To be aware of decisions from other committees that will have an impact on the school's financial position.
5. To make decisions on expenditure within the committee's delegated powers.
6. To approve virements within agreed budgets as laid down in the finance manual.
7. To review annually the school's Financial Regulations and Scheme of Delegation.

8. To review annually the Terms of Reference of the Finance Committee.
9. To ensure the Register of Business Interests is kept up to date.
10. To annually review all on-going contracts.
11. To review the various leasing agreement schemes and options available to the school.
12. To award contracts by tender up to a specific limit.
13. To monitor all spending and income received in the school, including Delegated/Devolved Budgets and School Private Fund(s).
14. To ensure that funding from the EFA and other sources is used only in accordance with any conditions attached.
15. To receive and comment on the content of any audit report relating to EFA funding and to monitor the implementation of the agreed action plan.
16. To annually review and appoint the independent examiner/auditor to the School Fund(s) (must be a qualified auditor if the total of income and expenditure is in excess of £100,000).
17. To receive and approve/ratify the annual audited accounts of the School Fund(s).
18. To agree and determine appropriate charges for lettings of the premises, in line with the school's lettings policy.
19. To ensure the school has appropriate internal financial controls in place.
20. To review and monitor budget projections/medium term financial plans to ensure the school's budget is realistic and any financial decisions are sustainable.
21. To have oversight of the Asset Management Plan.
22. To monitor and review all aspects of maintenance and improvement or repair to the buildings, grounds and plant.
23. To ensure that there are no shortfalls in the minimum standards laid down, particularly relating to Health and Safety.
24. To ensure that the character of the school's building is retained.
25. To monitor and approve appropriate premises expenditure relating to Capital Grants.
26. To appoint architects, builders, ground maintenance teams, surveyors etc according to established procedures laid down by school Governors and monitor all aspects of their work.
27. To monitor aspects of expenditure and control of maintenance and improvement to the school premises.
28. To report all aspects of improvement and requirements for the smooth running of the school, in relation to the premises, to the full Governing Body.
29. To receive reports from the Premises Officer and to delegate power from day-to-day matters to the Headteacher.
30. Ensure the Academy has a list of certifying officers for the purpose of signing cheques, employee claims; this should be reviewed on an annual basis.
31. Ensure that there are annual independent checks of assets and the asset register
32. Authorise the disposal of individual items of equipment and materials that have become surplus to requirements, unusable or obsolete with an original purchase value of up to £1,000 and reporting such authorisations to the Governing Body.
33. Review the draft financial statements and annual report and highlight any significant issues to the Governing Body, prior to submission to the ESFA by 31 December.
34. Review the reports of the Internal Auditor Officer on the effectiveness of the financial procedures and control. These reports must also be reported to the Governing Body.

## 2. Audit Committee

**Composition:** Eight members of the Governing Body. Associated members may be appointed.

**Frequency of meetings:** 6 times per year

### Terms of reference

1. Responsibilities in relation to risk management and the review of the Risk Register,

## 3. Standards and Curriculum Committee

**Composition:** Eight members of the Governing Body. Associated members may be appointed.

**Frequency of meetings:** At least once per term.

### Terms of Reference

1. To review the Governing Body's policy on the identification, assessment and provision for pupils with special educational needs, its implementation and its impact at least once every two years and to present any draft amendments to the full Governing Body for consideration and approval.
2. To keep under review the school's curriculum policy and provision and report to the full Governing Body any proposed changes.
3. To monitor the overall quality of teaching across all staff and, in liaison with the APP committee, to review the teaching quality against pupil progress.
4. To review and recommend staffing and employment policies to the full Governing Body for acceptance, e.g. policies and procedures for selection and appointment of staff, professional development and equal opportunities.
5. To have oversight of the school's contracts of employment and staffing.
6. To ensure the selection and screening of staff complies with all regulations and good practice guidance.
7. To monitor the school's Performance Management Policy to ensure statutory requirements are met.
8. To monitor the whole school's procedures for staff development.
9. To monitor the school's support for NQTs, new teachers, trainee teachers and support staff.
10. To approve the school's staffing structure.
11. To ensure that the financial implications of staffing decisions are explicitly identified, understood, budgeted for and that any unbudgeted items are pre-approved by the Finance Committee.

12. To establish disciplinary, grievance and capability policy and procedures. Nominating three members of the Governing Body to attend any staff disciplinary hearings which may be called.
13. To monitor pupil standards against the standards of achievement gained by pupils nationally, locally and via context.
14. To include in the monitoring of standards, the achievement of pupils in particular groups, including boys/girls, children with learning difficulties and disabilities, Free School Meals, gifted and talented children, children from minority ethnic groups and children looked after by the local authority.
15. To take into account all relevant advice from the School Improvement Partner, other external bodies and advisors.
16. To ensure that the School Development Plan addresses the priorities for raising standards, including appropriate targets/success criteria.
17. To monitor the effectiveness of the relevant sections of the School Development Plan each term.
18. To set and agree annual pupil progress and achieved targets.
19. To monitor pupil progress across the curriculum in all year groups to ensure that progress is in line with the expectation.
20. To determine and ensure that the aims of the school pay policies are met.
21. To establish the criteria and procedures for determining all discretionary elements of the pay policy.
22. To ensure that the performance of the Headteacher is reviewed annually.
23. To monitor pupil attendance.
24. To monitor pupil participation in activities, trips and events and their contribution to the to monitor pupil exclusion rates, behaviour, praise points and school detentions.
25. community.
26. To ensure that appropriate policies, procedures and practices in relation to Health and Safety are in place.
27. To review child protection arrangements at least annually to ensure that the school:
  - i. designates a member of staff to be responsible for co-ordinating child protection within the school and for liaising with other agencies.
  - ii. has an up-to-date policy on child protection in accordance with statutory requirements, DFE and LA advised.

## STANDING COMMITTEES

There are 6 Standing Committees, namely:

- The Pupil Discipline Committee
- The Staff Discipline Committee
- The Staff Discipline Appeal Committee
- Headteacher's Pay and Performance Review Committee
- The Admissions Committee

Standing committees meet only when required. Their terms of reference are as follows:

#### **4. Pupil Discipline (Exclusion) Committee**

The Governing Body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three Governors and such a committee may be called the Discipline Committee. Reference in this document to the Governing Body should be taken to include reference to the Discipline Committee where one has been established.

##### **Membership**

The Discipline Committee shall consist of no fewer than three members of the Governing Body, none of whom shall be the Headteacher. Associate members cannot be members of the committee. If any Governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down. The Chair has the casting vote in all cases where an even number of Governors are considering the case.

##### **Quorum**

Three members.

##### **Control and Procedure**

The Headteacher is statutorily responsible for determining measures to secure good behaviour. The Governors have powers to draw up a written statement of general principles and to provide specific guidance to the Headteacher on particular disciplinary matters. The Headteacher is responsible for putting any general principles set out by the Governors into practice and for dealing with individual cases. The use of corporal punishment is forbidden.

##### **Exclusions**

The Headteacher is the only person with the power to exclude a pupil from the school. In his or her absence and/or in consultation with the Headteacher, the Deputy Headteacher has the right to exclude a pupil from school. A pupil may not be excluded for an indefinite period; exclusion must be for a fixed term or permanent.

1. The Headteacher must adhere to the following:
  - a. Where he/she excludes a pupil, the parent must be informed immediately and this must be followed by a letter (using the recommended format) within one school day of the exclusion.
  - b. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change;
  - c. The Governing Body and the Local Authority must be informed, within one school day, of:

- i. Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes in one term);
  - ii. Exclusions which would result in the pupil missing a public examination.
  
- 2. The Governing Body cannot increase the severity of exclusion. It is the duty of the Governing Body, where they have been informed of the permanent or fixed term exclusion of a pupil for more than fifteen days in one term:
  - a. to consider whether the pupil should be reinstated immediately, reinstated by a particular day or not reinstated.
  - b. where they consider he/she should be reinstated, to give the appropriate direction to the Headteacher.
  - c. where they consider that he/she should not be reinstated to inform the parents of their decision.
  
- 3. On receiving notice of an exclusion from the Headteacher, the Governing Body:
  - a. must, in the case of one or more fixed period exclusions totalling five school days or less in any one term, consider any representations from the parent. If representations from the parent are received they should convene a meeting to consider the representations, **although they cannot direct reinstatement.**
  - b. must in the case of one or more fixed period exclusions totalling more than five but not more than fifteen school days in any one term, convene a meeting between the 6<sup>th</sup> and 50<sup>th</sup> school day after receiving the notice of exclusion, to consider the exclusion, if the parent requests a meeting.
  - c. must in the case of a permanent exclusion, or one or more fixed period exclusions (including lunchtimes) totalling more than fifteen school days in any one term, convene a meeting between the 6<sup>th</sup> and 15<sup>th</sup> school day after the date of receipt of notice to consider the exclusion.
  - d. must invite the parent, Headteacher and a Local Authority Officer to the meeting at a time (within the statutory time limit) and place convenient to all parties.
  - e. should ask for any written statements (including witness statements) in advance of the meeting.
  - f. where a short exclusion of up to five days causes a pupil to miss a public examination the Chair may consider reinstatement if the Disciplinary Committee is unable to meet before the examination date.

The Discipline Committee should normally allow the excluded pupil to attend the meeting and speak, at the parents' request. Parents should be allowed to be accompanied by a friend or representative if they wish.

4. It is the duty of the Headteacher where he/she has excluded a pupil to comply with any direction for the reinstatement of the pupil given by the Discipline Committee.

Permanent exclusions:

- It is the duty of the Discipline Committee to inform parents of a pupil who has been excluded permanently of their right to appeal against the decision.

## Meetings

Committee meetings will be held as required. Clerks should be mindful when drafting minutes of the meeting that parents are entitled to see them. Confidential minutes will be circulated to members of the committee within seven days. Minutes should be sent to parents when requested. A verbal report, as a confidential item, will be given at the next Governing Body meeting if and when the matter has been resolved.

Exclusion guidance can be accessed via the following link: <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076478/exclusion-guidance>

## 5. Staff Discipline Committee

### Committee membership:

Any three eligible Governing Body members who are available within the required timescales.

### Terms of Reference:

The committee will act in accordance with the school's Disciplinary Policy and procedures, agreed by the full Governing Body and undertake any procedure/hearing which may result in an employee who works at the school having his/her contract of employment with the Governing Body terminated, not renewed or be in receipt some other sanction in accordance with the disciplinary procedure.

### Scheme of Delegation:

- The Governing Body delegates its authority in respect of the Disciplinary Process, to the Headteacher In all cases except where it has been impossible for the Headteacher to remain untainted. Where this is not possible, the hearing will be before a committee of governors, with the case presented by the Headteacher.
- The Governing Body delegates the decision to suspend staff in the circumstances which may be considered to be 'Gross Misconduct', or where a fair investigation may be prejudiced by their continued presence at work, to the Headteacher. The removal of a suspension and reinstatement of a member of staff is delegated to the Headteacher in consultation with the named Governing Body member. This delegation excludes members of staff who are part of the LG, where agreement must be sought from the Chair of Governing Body. Wherever possible, the Chair/Vice Chair of Governing Body is to be notified prior to any suspension.

## 6. Staff Discipline Appeal Committee

**Committee membership:**

Any three eligible Governors who are available within the required timescales. The Headteacher, Teachers and Governors employed to work in the school are not eligible to be a member. Governors must not have sat on the originating Staff Discipline Committee.

**Terms of Reference:**

The committee will act in accordance with the school's Disciplinary Policy and procedures agreed by the full Governing Body and undertake any procedure/hearing relating to an appeal made against a decision taken by the Staff Discipline Committee.

**Quorum:** 3 members of Committee

**Frequency of meetings for above committees: as and when required**

## 7. Admissions Committee

**Committee membership:** The Headteacher and at least two other members of the governing body.

(NB The Headteacher is entitled to vote whether or not she/he is a governor.)

**Terms of Reference:**

- Review the school's admissions policy, which will include the admissions criteria.
- To review admissions arrangements and to make recommendations for changes to the governing body.
- Ensure that the timetable for the review of the policy provides adequate time for the statutory required annual consultation with the LA.
- Recommend to the governing body for approval the final draft of the admissions policy.
- To determine within statutory provisions and the governing body policy whether any child should be admitted to the school (cannot be delegated to an individual).
- Annually review the Independent Admissions Appeal Panel's administrative procedures to ensure that these are meeting statutory requirements. Should these be found lacking or incorrect then the governors of LCHS are held to be (and named as) the responsible party: [although the decisions made by the Independent Admissions Appeal Panel remain completely independent of the school].
- Where possible, contentious applications will be decided by the Admissions Committee: however, this may be delegated to a sub-committee of not less than 3 governors where it is not practicable to deal with contentious applications in the committee meetings. All members of the admissions committee will be welcome at these sub-committee meetings; the only requirement being to have not less than 3 governors present.

## 8. Headteacher Pay and Performance Review Committee (Confidential)

**Committee membership:**

Three Governing Body members, to be appointed annually by the full Governing Body to carry out the review.

**Terms of Reference:**

- To complete the Headteacher's annual performance management review, with the support of an external adviser, and set appropriate targets allied to the school's strategic plan.
- To agree appropriate professional development opportunities for the Headteacher.
- To programme at least two monitoring meetings to provide support and ensure progress to targets is appropriate.
- To make a report to the Governing Body Committee in respect of its findings and recommendations in relation to the Headteacher's salary.

**AD HOC COMMITTEES**

Ad Hoc Committees will be set up when required to consider Parental Complaints, Staff Grievance and Appeals and Staff Pay Appeals.