

GOVERNING BODY PROCEDURES FROM 1 SEPTEMBER 2003

Introduction

Each school has its own unique challenges and so has each governing body. The Government wants to enable governing bodies to choose ways of working that suit them and the school best, so that they can carry out their functions most effectively and help their school to improve further. The regulations on governing body procedures¹ give governing bodies more flexibility to determine their own procedures, so that governors can focus on their role rather than the rulebook.

This leaflet outlines the main changes to the regulations and gives some additional advice on governing body procedures. Clerks and chairs of governing bodies and LEA officers are advised to read the more detailed non-statutory guidance and this may also be of interest to individual governors.

The new arrangements will come into force from 1 September 2003. From that date the new regulations will replace existing regulations and all governing bodies will operate under the new arrangements.

The chair of the governing body

The chair is the lynchpin of the governing body. It is the chair's responsibility to:

- a) ensure the business of the governing body is conducted properly;
- b) ensure meetings are run effectively, focusing on priorities and making the best use of time available, and ensuring that all members have equal opportunities to participate in discussion and decision-making;
- c) establish and foster an effective relationship with the head teacher based on trust and mutual respect for each other's roles. The chair has an important role in ensuring that the governing body acts as a sounding board to the head teacher and provides strategic direction;
- d) act in cases which may be deemed 'urgent', i.e. where a delay in exercising the function would be seriously detrimental to the interests of the school, a registered pupil, their parent or person employed to work at the school.

The governing body must elect a chair and a vice chair. Persons paid to work at the school and pupils are not eligible. There are no regulations prescribing the election process as we believe the governing body is in the best position to decide how to organise this.

Under the new arrangements it is for the governing body to determine the chair's and vice-chair's term of office. Terms will be between one and four years.

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¹ (draft) School Governance (Procedures) (England) Regulations 2003.

The clerk to the governing body

The clerk needs to work effectively with the chair of governors, the other governors and the head teacher to support the governing body. The clerk is accountable to the governing body. The governing body must appoint a clerk to the governing body and to each committee it sets up. This can be the same person or different people.

It is the clerk's responsibility to:

- a) convene and attend meetings of the governing body and ensure that minutes are taken; and
- b) maintain a register of governing body members and attendance at meetings; The clerk should also advise the governing body on its constitution, statutory duties and powers.

Meetings and proceedings

It is up to individual governing bodies to decide how often and for how long they need to meet in order to perform their functions effectively, but each governing body must hold at least three meetings in a school year. Many governing bodies meet more often and this is for the governing body to decide.

The quorum for any governing body meeting and vote must be one half (rounded up to a whole number) of the complete membership of the governing body; this includes any governor vacancies. The quorum for any committee meeting and vote must be one half of the number of governors who are members of the committee (rounded up to the nearest whole number), or three governors, whichever is the greater.

Suspension of governors

In certain prescribed circumstances a governing body can vote to suspend a governor for a period up to six months. We strongly recommend that a governing body should only vote to suspend a governor as a last resort and should first seek to resolve any difficulties or disputes in less radical and more constructive ways.

Delegation of functions

Under the new arrangements there is more scope for governing bodies to delegate functions as a governing body can delegate any of its statutory functions to a committee, a governor or to the head teacher, subject to prescribed restrictions. The governing body must review the delegation of functions annually. It is important to note that a governing body will remain accountable for any decisions taken, including those relating to functions delegated to a committee or individual.

Where can I find more information?

More detailed guidance and the draft regulations are available at DfES governors' website: <http://www.dfes.gov.uk/governor/index.cfm>. Hard copies can be ordered from DfES Publications on tel 0845 6022260.

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