



## Board of Governors Terms of Reference – September 2024

This document outlines the Terms of Reference (ToRs) for all the activities conducted by the Portchester Community School Board of Governors. It is reviewed annually.

### Formal Adoption & Review

Following a full review and discussion this document and its entire contents was formally adopted by the FGB September 2024. It will next be reviewed September 2025.

### Constitution and Authority

The constitution of this Governing Board is set up as referred to and in accordance with the Instrument of Government dated 16th September 2014.

The Governing Body abides by the regulations laid down in the Education Act 2007, The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, The School Governance (Constitution) (England) Regulations 2012, School Staffing (England) Regulations 2003 and all associated Regulations, Guidance and Acts.

All information received by the school is disseminated to the Governing Body via the Chairperson or Clerk as relevant. Issues are discussed and decisions taken at Full Governing Body meetings where minutes are recorded, approved, and adopted following each meeting. Formal minutes from the Full Governing Body meetings, once approved, are stored electronically on the GovernorHub platform and in printed within a ring binder located in the school reception area. All minutes are graded either public or confidential, all public minutes are available for anyone to request.

### Governing Body structure

The Governing Body are required to review its overall committee effectiveness, structure and membership annually. The Governing Body will appoint a Pay Committee and a HT Performance Panel annually. All other business remains under the remit of the Governing Body.

Governor Committees to hear Appeals, Disciplinary or other matters are held by a minimum of three (3) members of the Governing Body. Subject to regulations, the Governing Body will make provision for staff disciplinary and appeal, pupil discipline and admissions committees by reviewing the terms of reference each year.

Terms of reference must be reviewed annually by the Governing Body at their first meeting of the academic year for ratification. Committees will elect their own chair, who will not be a member of staff or an associate member. Committees will be clerked by a trained individual who is not a member of the committee.

## Membership & Voting Rights

Each full member of the Governing Board has a single vote. Members on Pay and HTPMR committees are sourced from the Full Governing Body and this is done so on a voluntary basis.

The Governing Body will ensure it has sufficient governors to undertake its duties effectively and to maintain the quorum for a full Governing Body meeting. The quorum should consist of at least 50% of governors.

All governors will be appointed for a four-year (4 year) term of office.

The Governing Body will ensure that it creates an environment which enables it to recruit and retain effective governors and which encourages the participation of all groups and sections of the community. The Governing Body will be proactive in recruiting governors, whose appointment is their responsibility.

The Governing Body may consider an appointment of an Associate Governor who is appointed to complete a relevant task that they are experienced in. This member has no voting rights, they will report back to the Board as appropriate.

The Clerk will inform the Governing Body of any impending vacancies one term in advance. Members of the Governing Body will give a term's notice of their intention to resign or to not stand for re-election whenever possible.

## Appointment of Clerk

The Clerk will be provided under contract from Governor Services, unless or until the contract is terminated. The terms and conditions for clerking will be provided by Governor Services and must be adhered to. The Governing Body will support the Clerk in their continuing professional development, for example, the Clerks' Accreditation Programme, the Clerks' Development Programme, support meetings, and whole Governing Body training.

## Meetings

An annual calendar of dates for main committee meetings will be agreed, set and published. Consideration will be given to individual governors' availability with dates and times being agreed which do not consistently disadvantage the same person/people. The Governing Body will, as far as possible, plan its business across the year to take account of the school's internal management cycle and the ready availability of information and reports.

The Governing Body will hold at least the minimum number of meetings necessary to ensure the strategic business of the school is properly addressed. The programme of meeting agendas will have a focus on the governors' responsibilities in monitoring progress and evaluating outcomes of the School Improvement Plan, within the full range of Governing Body responsibilities.

Agendas and all supporting papers will be circulated at least seven (7) days prior to meeting dates to enable sound discussion and for decisions to be made. Minutes will be produced and circulated within 14 days after a meeting and formally agreed after a review at the next meeting.

Recording the acceptance of apologies does not imply the consent of the Governing Body for a governor to be absent with regard to the disqualification regulations for non-attendance. Consent for absence may be granted by the Governing Body on request from governors who know they will be unable to attend meetings for an extended period. Where a governor's pattern of attendance is causing concern, they will be alerted to this by the Clerk or Chair.

The Governing Body will aim to complete full governing body (FGB) and committee meetings within two hours.

Governors will make themselves available to meet with parents who wish to do so at key times during the year, for example parents' evenings and admission events.

## Elections

Each Governing Structure has a Chairperson and Vice Chair, these positions are formally elected annually. All election decisions will be fully documented within the meeting minutes.

## Delegation & Decision Making

Any committees may be delegated with responsibilities by the Full Governing Body, and at any time decide to remove responsibility for any area from a committee and thereby return it to the Full Governing Body.

Committees are expected to bring forward recommendations to Full Governing Body. Where committees recommend a certain course of action it should be adopted unless exceptional circumstances prevail.

In addition to responsibilities retained at Governing Body level by regulations, the Governing Body will not delegate:

- approval of the school strategic plan or school improvement plan
- approval of the first annual budget in each financial year
- approval of statutory and other key policies

The Full Governing Body delegates to the Headteacher:

- The appointment of all teaching and support staff below the level of Deputy Headteacher, whilst reserving the right for a governor to be involved in interviewing panels.
- Decisions on the remission of charges, whilst reserving the right to hear appeals from parents on such decisions.
- Management of the budget and power to vire up to £10,000 (ten thousand) between cost centres.
- The power to dispose of assets for which their original value did not exceed £10,000.
- The power to spend up to £10,000 (ten thousand) on purchases in accordance with existing budget plans which have been discussed at a Governors meeting. The Headteacher will report to the next Full Governing Body meeting on any such expenditure. In the absence of the Headteacher the Deputy Headteacher will have the authority to approve this level of expenditure.
- The authority to make contract renewal, termination, and dismissal decisions in accordance with any 'Manual of Personnel Practice' updates although acknowledging that there may be instances where delegation of specific dismissals is not appropriate.

## Policies

All members of the board are responsible for the maintenance and approval of all policies submitted to them in accordance with their committee structures.

## Full Governing Body

### Meeting Content

- Review and adoption of the previous meetings minutes.
- Review of previous actions and updates on all open actions.
- Review of any correspondence as appropriate. The Chair will record all post received and action taken as a result
- A record of any decision taken within delegated powers.
- Review the School Improvement Plan and measure progress made against it.
- Headteacher's Report - Written and/or verbal at the meeting.
- Governor Training Updates - Available courses and those undertaken since the last meeting with opportunity to discuss course content, value etc.
- Formal Governor Contact with the School - Governors report back to the FGB on monitoring visits made using the agreed monitoring report form as per the Governor Monitoring Visit Policy.

### Responsibilities & Scope

- Ensuring that the vision, ethos and strategic direction of the school are clearly defined.
- Ensuring that the Headteacher performs his or her responsibilities for the educational performance of the school.
- Ensuring the sound, proper and effective use of the school's financial resources.
- Ensuring all matters of staff discipline, professional support and grievance are managed fairly and appropriately in accordance with the Manual of Personnel Practice (including all revisions and updates).
- Ensuring the school meets all its statutory requirements both laid out in official DfE directed policies.
- Ensuring the school completes the annual Safeguarding Audit and maintains a safe environment for all.

The Board of Governors will carry out the above by acting with integrity, objectivity, and honesty and in the best interests of the school. They will be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested parties.

## Ad Hoc Committees of the Fully Governing Body

- Working Parties and Statutory Committees:
  - These meet as and when required.
  - A meeting may be called by the Full Governing Body or the Chair of Governors acting on behalf of the Full Governing Body.
  - A Chair will be elected at each sitting of the committee from those present.
  - Quorum and other membership requirements where applicable, are listed in the Governing Body Structure.
  
- Pupil Discipline Committee:
  - To review any suspensions and permanent exclusions made by the Headteacher and decide whether to confirm the exclusion or to direct the reinstatement of the pupil.
  - To consider any parental representations regarding suspensions and pupil exclusions, preferably at the same time as the review of the decision to exclude.
  - The chair of the Committee to be authorised to confirm to the LEA and the parents the formal decisions of the Committee in each case.
  - To apply the 'HCC Model Disciplinary Procedure' – 'Procedure for Hearings' as set out in the 'HCC Manual of Personnel Practice'.
  
- Staff Disciplinary & Appeals Committee:
  - To apply the 'HCC Model Disciplinary Procedure' – 'Procedure for Hearings' and 'Appeals Arrangements' in respect of staff as set out in the 'HCC Manual of Personnel Practice'.
  - To hear representations from staff regarding decisions by the 'Finance and Personnel Committee' on pay.
  - To hear appeals against dismissal on the grounds of capability or conduct.
  - To hear appeals against selection for redundancy.

## Pay Committee

### Purpose of Committee

This committee will have delegated responsibility for carrying out the annual monitoring and review of staff pay at Portchester Community School.

### Composition

This committee shall consist of a minimum three (3) members of the Governing Body and cannot include any staff member from the Board. For the purposes of this committee the Chairperson of the Governing Body will not be a member as they shall remain available to adjudicate in the case of any dispute or appeal relating to a decision made by the Pay Committee. Neither the Headteacher nor the Chairperson of the Governing Body will have any voting rights on this committee. Each full member of this committee has a single vote.

### Meetings

The group will meet twice annually. The meeting dates shall be scheduled to be completed on or before the 30th of November annually for the teaching staff and on or before the 31<sup>st</sup> of January for the support staff to allow for the implementation of any approved pay progression before the end of the fiscal and financial year. Meetings will be judged quorate if two (2) members of the group are present.

### Responsibilities & Scope

This committee will hear and consider approval of any recommended pay awards as follows:

- The Performance Review Committee Recommendations for the Headteachers Progression
- The Headteacher's detailed recommendations for pay progression for the Deputy Headteacher(s) and members of the Senior Leadership Team
- The Headteacher's detailed recommendations for pay progression for any other staff progressions

### Delegated Powers

The Full Governing Body has delegated the following responsibilities to the Pay Committee:

- The enactment of any pay recommendations relating to Headteachers Progression, from the Headteachers Performance Management Review Committee.
- Review the Leadership Spine Point scale in reference to the 'Group' the school is in and the guidance within HCC Pay document.
- Review and authorisation of pay progression recommendations for all other staff including members of the Senior Leadership Team.
- To review the school's Pay Policy and approve any special payments.

In furtherance to the above the committee must ensure that the schools 'Pay Policy' enable them to differentiate and reward good performance. The 'Pay Policy' shall be updated annually to reflect the Hampshire County Council (HCC) recommendations for the annual pay reviews. The timing of the update is dependent upon the release date of the HCC policy with a review by FGB completed prior to the pay review meetings for the categories stated in the bullet points. The 'Pay Policy' should reflect a clear process and evidence base to minimise the risk of appeals and ensure that the policy is clear. They should consider if the potential outcomes of the 'Pay Policy' are affordable, in the short and medium term, that there is sufficient budget available for the pay progression. The committee shall consider staff applying to the 'Upper Pay Range'. In general Governors should also consider use of the new flexibilities when setting salaries for school vacancies.

The committee members will carry out the above by acting with integrity, objectivity, and honesty and in the best interests of the school. They will be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested parties.

## Headteachers Performance Management Review Committee

### Purpose of Committee

This committee will have delegated responsibility for carrying out the annual monitoring and review the Headteacher's performance against targets.

### Composition

The committee shall consist of three (3) members and quoracy will be determined by a minimum of two (2) governors being present. Governors will have completed the relevant training provided by Governor Services. The committee will not consist of the Chair of Governors who shall remain available, should it be necessary for any appeals by the Headteacher. By nature of the committee the Headteacher cannot be a member. Due to conflict of interest any staff member who is a Governor cannot be a member of this committee.

### Meetings

The committee shall meet three (3) times a year; Review & Goal Setting, Interim 1 and Interim 2. Review & Goal Setting will be held in the first term, the interim meetings will be evenly spaced through the remaining academic year and are determined by the committee in conjunction with the Headteacher. An External Advisor will be invited to the Review and Goal Setting meeting to support the setting of performance targets in accordance with the School Improvement Plan.

### Responsibilities & Scope

- To act on behalf of the Full Governing Body in carrying out the annual Performance Management Review and any interim reviews of the Headteacher's performance (collectively "the Headteacher's Performance Management Review").
- To decide, with the support of the External Adviser, whether the targets have been met and to set new targets annually.
- To monitor throughout the year the performance of the Headteacher against the targets.
- To report to the annual Pay Committee meeting following the Headteacher's Performance Management Review in general terms (and in so far as permissible within the bounds of confidentiality) on the Headteacher's performance and the outcome of that review; to make recommendations to the Pay Committee following the annual Performance Management Review and to make recommendations as to any changes in the Headteacher's salary in respect of awards for the successful meeting of targets set.

The committee members will carry out the above by acting with integrity, objectivity, and honesty and in the best interests of the school. They will be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested parties.