

Education

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Your Ref:

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e.gov.uk**To: ALL Chair of Governors****c.c.: All Headteachers
All Clerks to Governing Bodies
Education Management Team
All School Inspectors
John Howarth - Legal Services**1st September 2003

Dear Chair of Governors,

GOVERNING BODY PROCEDURES

You may recall that I organised a number of training sessions in June 2003 to advise on the changes that had resulted from the Education Act 2002.

Before your governing body has its first meeting of the Autumn Term I felt that you might appreciate a quick reference guide to the new arrangements that become law from **1st September 2003**.

School Governance (Constitution) (England) Regulations 2003

- **1st September 2003** - the earliest date an instrument of government, under the Constitution Regulations can come into force;
- **March 2003 - August 2006** - Governing Bodies choose a new constitutional model;
- **31st August 2006** - all governing bodies comply with the Constitution Regulations and have a new Instrument of Government in place.

Terms of Office

Governors appointed or elected on or before 1 September 2003 under the 'old' system (i.e. the 'current governors') can serve out their term of office or stay in office until 31 August 2006 whichever is earlier - (31 August 2006 is the 'cut-off date').

Governors appointed or elected after 1 September 2003 under the 'old' system will have to stand for re-election or request re-appointment if they want to continue in office after the governing body is reconstituted under the Constitution Regulations.

Note:- Until Governing Bodies reconstitute a number of the provisions of the 1999 School Government Regulations still apply. e.g. Governing Bodies will not be able to appoint associate members.

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School Governance (Procedures) (England) Regulations 2003

- The governing body decides on the chair and vice-chair's term of office before the election. The minimum term of office is one year and the maximum period is four years;
- Each governing body must hold at least three meetings per school year;
- 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 governing body 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.
- In certain prescribed circumstances the governing body can decide to suspend a governor for a period up to six months;
- The governing body must review the delegation of functions annually. (Note:- it is important to realise that the statutory committees have now gone. However, the Governing Body, as good practice, should have a committee for dealing with exclusions of pupils. In addition please note the statement under the new Staffing Regulations listed below).
- The quorum for any committee meeting and for any vote must be THREE governors;
- Associate Members (only allowed if governing body is reconstituted) can have limited voting rights on committees;

School Complaints Procedure (Section 29 - Education Act 2002)

- The governing body must establish procedures for dealing with complaints relating to the school. These procedures must be publicised.

The Education (Governors' Allowances) (England) Regulations 2003

- Governing bodies can continue to choose whether or not to pay allowances to governors. The DfES believes that it is good practice to pay such allowances as governors should not be out of pocket for the valuable work they do. Governors should be able to claim legitimate expenses where governing bodies have set up schemes to make such payments;
- Payments can be made for any expenditure necessarily incurred by individual governors to enable them to carry out governor duties;

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- Allowances for travel cannot exceed the Inland Revenue Authorised Mileage Rates. Payments of other allowances must only be made on provision of a receipt. The amount to be paid should be determined by the governing body and be limited to the amount shown on the receipt;
- Governors cannot claim attendance allowances i.e. payment for attending meetings themselves, or for loss of earnings;
- Governor allowances will continue to be paid from the school's delegated budget.

The Annual Parents' Meetings (Exemptions) (England) Regulations 2003

- The procedural requirements governing the running of the Annual Parents' Meeting have been repealed by the Education Act 2002 and they are not longer set down in legislation. Each governing body themselves can decide how to organise and run these meetings in order to suit their local circumstances.
- The governing body is exempt from the obligation to hold an Annual Parents' Meeting if:
 - (a) the school has been inspected by Ofsted and a parents' meeting has been held to discuss the inspector's report before the governing body draws up its action plan;
 - (b) the governing body has held a meeting or a series of meetings to which all parents have been invited, which has or (as the case may be) have been attended by two or more governors, at least one of whom is not a staff governor, and parents have had the opportunity to discuss the performance and the past and future conduct of the school;
 - (c) the governing body has given to parents with its annual report notice asking parents to respond within not less than 7 days requesting that the governing body hold the Annual Parents Meeting and the parents of fewer than 15 registered pupils responded.

School Staffing (England) Regulations 2003

- The new staffing functions in general provide a greater level of flexibility for schools in conducting staffing matters than former arrangements. In practice they will not prevent schools from continuing to conduct staffing matters in the same manner required by the arrangements prior to September 2003, while they make any necessary preparations to adopt changes.

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- From September 2003 schools will need to consider in particular the new expectation for headteachers to lead on many staffing matters. Many schools will be able to confirm delegation of appointment matters to headteachers without much delay, but others, whose headteacher is not familiar with these functions, may need to delay delegation to allow for appropriate preparation. The need for appropriate preparation would apply in particular to the new expectation for headteachers to lead in initial staff dismissal decisions. Headteachers may need some preparation and local procedures (either school policies and procedures or LEA model procedures) may need to be amended. In general schools should aim to make any necessary preparation and adoption of new staffing arrangements by **April 2004**.

I am sorry that it was necessary to send you such a long and detailed letter but I felt you should be aware of the new arrangements. Clearly the DfES' intention is to give governing bodies more freedom and flexibility to choose ways of working that suit the school best. This is to allow governors to focus on their role, rather than the rulebook.

If you require more information or advice please let me know. Governor Services intend issuing new guidance notes to cover these items in more detail in due course.

Yours sincerely,

MARK CHAMBERLAIN
SCHOOL SERVICES MANAGER