

Delegation of functions of the governing body to committees/review of committee terms of reference

The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 allow the governing body to delegate most of its statutory functions to a committee, any governor or to the headteacher.

Other than the exceptions listed below, the governing body can decide to delegate any of its other functions to a committee(s). The governing body needs to consider which (if any of course) of its functions currently undertaken by the full governing body it feels appropriately should be delegated to a committee. It will then be necessary for the governing body to revise the terms of reference for that committee. **The governing body can still perform functions which it has delegated and remains accountable for any decisions taken by a committee.**

There are a number of **functions** detailed in the Constitution Regulations which **it is not possible** for the governing body to delegate such as:

- the constitution of the governing body;
- the removal of the chair/vice chair of governors;
- the appointment of the clerk;
- the delegation of functions and the establishment of committees
- a decision to change the name of the school.

It is also not possible for the governing body to delegate any of the powers or duties covered in Sections 35 and 36 of the 2002 Education Act which relate to staffing matters.

If you are unsure whether a function can be delegated consult the Regulations.

There are also **some functions which can be delegated to a committee** but not to an individual. These areas are:

- the discontinuance of a maintained school;
- approval of the first budget plan for the financial year;
- its responsibilities in relation to exclusion of pupils;
- matters relating to admissions (voluntary aided and foundation schools only);
- suspension of governors.

Clerking statutory functions: Where the governing body has decided to delegate any of its statutory functions to a committee the governing body must appoint a clerk to that committee. Whilst it is possible to appoint a governor (but under no circumstances must it be the headteacher) as clerk, in their guidance notes the Department for Education recommends that the governing body appoints a paid clerk that is qualified (or receiving training), as a professional clerk helps governing bodies to be more effective.

Listed below are the main rules within which committees must operate:

- a) meetings must be convened by the clerk. All members of the committee must have written notice, a copy of the agenda and any papers to be considered **at least seven days before** the meeting unless the chair of the committee considers that there are matters for urgent consideration;
- b) the quorum for any meeting is to be decided by the committee but cannot be less than three members of the committee;

- b) every question to be decided must be determined by a majority of votes of those present and only if the majority of committee member present are governors (not Associate members who are NOT governors). If there is an equal number of votes, the chair has a second (or casting) vote.
- c) Associate Members (people appointed by the governing body to committees who are not classed as governors) can have voting rights (if decided and agreed by the governing body) on committees.
- d) minutes of meetings must be drawn up by the clerk and signed by the chair of the committee, after approval at the next committee meeting. A copy of the agenda, signed minutes and reports or papers considered at the meeting (unless of a confidential nature) must be made available, as soon as reasonable practicable after the meeting, for anyone wishing to inspect them.
- e) any individual or committee to whom a decision has been delegated must report to the governing body in respect of the decision made or action taken.