

# HANDBOOK FOR GOVERNING BODY CLERKS

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**Solihull Governor Services**

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## INTRODUCTION

The law says that a governing body must have a Clerk to be responsible for agendas and minutes of meetings. The Clerk cannot be a governor or headteacher. As more and more responsibilities are expected of Clerks, Solihull Governor Services decided to produce a booklet to enable Clerks to undertake their role with more confidence.

Each section is a brief outline of the roles and responsibilities involved. Not everything has been included as governing bodies have different ways of doing things. It is not a statutory document, just a guideline you may find of use.

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## TYPES OF CLERK

Although a general job description for Clerks has been prepared by the DfE (see Appendix A), in practice the job has differing roles and responsibilities depending on the governing body's requirements. Some Clerks have administrative and financial responsibilities, others provide secretarial and administrative services only. Below are two types of Clerks. You may find your particular role fits into one of these categories, or falls somewhere between the two.

### A. **Minuting Clerk**

The Minuting Clerk provides only secretarial and administrative services. These include:

- Taking the minutes of all full governing body meetings. Clerks are not usually expected to attend all committee meetings, although they may be asked to clerk those which have delegated powers.
- Keeping an up-to-date record of minutes, agendas, terms of reference and membership of committees and working parties.
- Advise the governing body of non-attendance of governors and warn any governor of the danger of being disqualified for non-attendance;
- Keeping a register of governors' outside interests (Declaration of Pecuniary Interests);
- Distribute copies of documents to newly appointed governors and updates of the Guide to the Law to all governors;
- Inform Governor Services of any changes to the Governing Body

## **B. Full Clerk**

This role encompasses those duties listed for the Minuting Clerk but also include duties such as:

- Preparing and sending out papers before and after the governing body meetings and committee meetings, in consultation with the Chair;
- Giving advice on the legal aspects of procedures for governing body meetings, eg election of Chair, quorums, etc. (as contained in the Guide to the Law);
- Keeping up-to-date records of appointments, resignations, attendance at meetings of governors and advise governors of the expiry of their term of office;
- Dealing with correspondence on behalf of the governing body;
- Calling emergency meetings;
- Setting up meetings for appeals, appointments, grievances, etc.;
- Following up decisions and actions;
- Arranging elections for parent governor vacancies;
- Clerk governing body committee meetings as requested;
- Maintain records of school policies, DfE/LA /OFSTED documents, etc;
- Preparing governing body reports, Annual Report to Parents, etc. and ensuring their distribution;
- Inform Governor Services of any changes to the Governing Body.

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## GOVERNING BODY MEMBERSHIP

The governing body's job is to work with the school on planning, developing policies and keeping the school under review. The composition of your governing body is laid down in a document called the Instrument of Government. The exact number of governors is different depending on the type and size of your school but the various sorts of governors are:

- **Parent Governor**

Parent Governors are elected by parents of registered pupils. They must be a parent of a registered pupil at the time of election. They do not have to stand down if their child leaves the school during their time of office, but may do so if they wish. Their term of office is four years. If not enough parents stand for election, the governing body may co-opt a suitable person to fill the vacant place. This person should be a parent of children of school age and must not be elected members of the Authority or employees of the LA or if they are employed to work at the school for more than 500 hours a year.

- **Community Governor**

Community Governors can be persons who live or work in the community served by the school or people who are committed to help the school succeed. Community Governors are chosen by the governing body. At least 50% of the Parent, Staff and Authority Governors must be present at the meeting when Community Governors are appointed. Their term of office is for up to four years as specified in the Instrument of Government. They can also be removed from office by the governing body. Pupils at the school, members of the Authority and members of teaching or non-teaching staff of the school are not eligible to be a Community Governor.

- **Authority Governor**

Authority Governors are appointed by the LA via Governor Services. The procedure for appointing Authority Governors is as follows:

- a) they complete an application form indicating their preferred school and send it to Governor Services;
- b) Governor Services contact the school with a view to arranging a visit for the prospective Authority Governor to meet with the Headteacher;
- c) Once the school and the prospective governor confirm they wish to proceed, the application is forwarded to a cabinet decision session for approval;
- d) Once the application is approved, Governor Services write to the candidate and school to confirm appointment.

They serve a term of up to four years as specified in the Instrument of Government. This can be extended but this has to be approved by the LA. Authority Governors can only be removed by the LA if they have reasonable cause to do so. Any person eligible to be a Staff Governor cannot stand as an Authority Governor at that particular school, although they are eligible to be an Authority Governor at another school.

- **Staff Governor**

All staff paid to work at the school are eligible to be a staff governor. Staff governors are elected by school staff and must be paid to work at the school (volunteers are not eligible). At least one staff governor must be reserved for the Headteacher. If the Headteacher decides not to be a governor, the place remains reserved for them and cannot be filled by anyone else. At least one staff governor place must be reserved for a teacher. However, if no teacher stands for election then a member of the support staff can be elected to take that place. If a governing body has three or more staff governor places, at least one staff governor must be a member of the support staff. If no member of support staff stands for election a teacher can be elected to take that place. School staff who are eligible for election at staff governors are not eligible to serve as Authority or Community Governors. If they are employed for more than 500 hours per year, they are not eligible to stand as Parent Governors either.

- **Sponsor Governor**

Sponsor Governors are appointed by the governing body. It is up to the Governing Body to decide whether they wish to appoint Sponsor Governors or not. If the Governing Body wishes to appoint a Sponsor Governor, it must seek nominations from the sponsor(s). A maximum of two Sponsor Governors can be appointed to a governing body. People eligible to stand as a Sponsor Governor are those who give substantial assistance to the school financially or otherwise, or who provide services to the school. This allows for a wide range of partners (including other schools) who offer advice and support to the school to be represented on the governing body.

- **Associate Members**

Governing bodies may decide to appoint Associate Members to serve on one or more governing body committees and attend full governing body meetings. Anyone can be appointed as an Associate Member (ie pupils, school staff, suppliers) and can be appointed for a particular purpose (ie the site manager can be appointed an Associate Member to serve on the Premises Committee). Associate Members can be appointed for a period between one and four years and can be re-appointed at the end of their term of office. They are not governors and are not recorded on the Instrument of Government. Although they can attend full governing body meetings they are not eligible to vote on any resolutions passed at the meeting.

Attached at Appendix B is a guide to governor eligibility.

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## REMOVAL OF GOVERNORS

There are several reasons why people cannot be appointed in any of the governor posts. These are listed in the Guide to the Law and should be included as an appendix for any application form sent to prospective governors.

Governors are disqualified if they fail to attend governing body meetings for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body.

Community Governors can also be removed from office at any time provided the following rules are followed:

- The governing body pass resolutions to remove him/her at two separate meetings – these meetings should be at least 14 days apart;
- Seven day's notice of each meeting is given;
- The removal is a separate item on the agendas for both meetings;
- At least half of the governing body (rounded up) are present at both meetings;
- The reason for removal should be given, with the governor concerned given the opportunity to make a statement in reply before the resolution is passed.

The governing body may not remove any Staff Governor or elected Parent Governor.

In certain circumstances the governing body can decide to suspend a governor for a period up to 6 months. They can only do this if one of the following apply:

- a) the governor is paid to work at the school and is the subject of disciplinary proceedings in relation to his employment;
- b) the governor is the subject of any court or tribunal proceedings, the outcome of which may be that he is disqualified from continuing to hold office as a governor;
- c) the governor has acted in a way that is inconsistent with the school's ethos or with the religious character and has brought or is likely to bring the school or the governing body or his office of governor into disrepute;
- d) the governor is in breach of his duty of confidentiality to the school or to the staff or to the pupils.

It is recommended that a governing body only vote to suspend a governor as a last resort. The governor proposing suspension must give their reasons for this and the governor who is the subject of the proposed suspension must have the right to make a statement in response before he/she withdraws from the meeting for the vote.

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## MEETINGS

### A. Agenda

The agenda for governing body meetings is agreed with the Head and Chair of Governors before the meeting. There are several items that will appear every meeting and others at various times of the school year. Governors may ask that an item be placed on the agenda. This should be agreed with the Chair or Head. It may be wise to write to all governors before the meeting asking if they have an item they wish to be raised. If the Chair decides not to include an item, inform the governor concerned and let him/her know that it can be raised under Any Other Business. The Agenda and any supporting documents (except those that are confidential) must be available for members of the public to see if they so desire. Therefore, the agenda should be clear and concise. Governors should receive their papers at least seven days before the day of the meeting. A copy should also be sent to Governor Services. Items that may appear on the agenda could be:

- Apologies for Absence
- Declaration of Interest
- Minutes of the Last Meeting
- Matters Arising
- The Chair's Report
- The Head's Report
- Committee Reports
- Reports of the Director of Education
- Governor Training
- Any Other Business
- Date and Time of Next Meeting

**The following items are statutory tasks that should appear on the agenda during the year:**

Election of Chair and Vice Chair (Autumn Term)  
Appointment of SEN, Literacy, Numeracy and Link Governors (Autumn Term)  
Review of Committees and Delegated Powers (Autumn Term)  
Review of Exam and Test Results and Target Setting (Autumn Term)  
Admissions Policy  
School Visits Policy  
Annual Report and Parents' Meeting/School Profile  
Review of Development Plan (Spring Term)  
School Prospectus  
Budget (Spring Term)  
Review of Attendance, pupils and staff (Summer Term)  
Review of Admissions and Destination of Leavers (Summer Term)  
Careers Advice (Summer Term)  
Review of School Policies  
Special Educational Needs Report  
Pay Review (Summer Term)

There are other recommended tasks that could be included on the Governing Body agendas during the year. The statutory and key tasks can be found on the Governet website ([www.governet.co.uk](http://www.governet.co.uk)) under "Calendar".

## **B. Apologies**

A record must be kept of Governors who attend the governing body meetings. If a governor submits an apology for non-attendance, this must also be recorded, together with a note of whether the apology is accepted. If a governor has not attended a meeting for up to six months, you may wish (after consultation with the Chair) to write to him/her to inform them of the danger of disqualification through non-attendance.

## **C. Quorum**

The quorum for the meeting should be checked. A resolution can only be passed when 50% of the total number of members of the governing body is present (rounded up to a whole number). This calculation is based on the actual number of governors in post. If the meeting is not quorate it should be adjourned. If there is an equal number of votes for and against any resolution, the Chair has a second, casting vote.

## **D. Minuting**

The minutes are the official record of the Governing Body's meeting and its decisions. Every meeting must be minuted and the minutes approved at full governing body meetings and signed by the Chair of Governors. A copy should be sent to Governor Services. Minutes should be:

Accurate – giving a true record of what occurred;  
Clear and unambiguous, so that they are not open to differing interpretation;  
Easy to read;  
Brief summaries of discussions and decisions not verbatim reports.

There are several items that must be recorded in the minutes. These are:

Name of school	List of governors who attended
Venue of meeting	Apologies for absence
Date and time of meeting	Any decisions taken

It is important to show what decisions have been taken, what actions were agreed, who is responsible for each action and, where possible, the date by which the action has to be taken. The main points of discussion should be included so that absent governors can understand why a decision was made.

## **E. Withdrawing from Meetings**

If a governor has an interest, financial or other, in an item on the agenda, they should withdraw from the meeting. This means that the governor could be affected personally or financially, directly or indirectly by a decision made. For example, a teacher governor must withdraw from the selection process of a member of staff if it could lead to a vacancy for which they may apply. Or a governor who is married to a person whose company has submitted a tender for work should withdraw for pecuniary interest reasons. No-one employed at the school (except the Head) may take part in a meeting at which pay or appraisal of a member of staff is discussed. Heads must withdraw if their own pay or appraisal is being discussed. If there is a dispute as to whether a governor should withdraw from a meeting, the other governors present at the meeting must decide on this.

## **F. Circulating Minutes/Papers**

The Chair should check draft minutes as soon as possible after the meeting. Once approved (at the next meeting) they should be signed by the Chair and distributed to the Head and other governors. If the governing body decide that the draft minutes be approved by the Head as well as the Chair, this must be recorded in the Standing Orders. A copy should be sent to Governor Services.

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## MAINTENANCE OF PAPERS

### **A. Register of Pecuniary Interest**

Clerks should keep a register of governor's outside interests. Once a year the governing body should be asked to complete a form declaring any business interests that they or any members of their immediate family have. If governors feel they have no interests to declare they must sign the form to that effect.

### **B. Records of Attendance**

It is important that a record is kept of all governors attending any meetings. If a governor submits an apology for non-attendance, this must also be recorded, together with a note of whether the apology is accepted. If a governor has not attended a meeting for up to six months, you may wish (after consultation with the Chair) to write to him/her to inform them of the danger of disqualification through non-attendance.

### **C. Public Files**

Copies of the agenda, approved draft minutes, signed minutes and any report, document or other paper considered at the meeting must be kept in a file and the file made available at the school for anyone to read. These papers must also be available for inspection by the LA on request.

### **D. Confidential Files**

Sometimes confidential matters are discussed at governing body meetings. Any paperwork, reports, minutes, etc relating to these confidential matters should be kept separate from other papers and should not be available for inspection at the school. Governors and Clerks should respect the confidential nature of these items. Items that are related to individuals (governors, staff, pupils, etc) should always be confidential where it concerns pay, disciplinary matters, etc.

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## SUB-COMMITTEES

### A. Types of Sub-Committee

Some aspects of the Governing Body's work must be dealt with by the whole governing body. Other matters can be delegated to committees. Some committees have to report back to the whole governing body for discussion and approval whilst other committees have powers delegated to them to make the decisions. Each committee must have a chair who is either appointed by the governing body or elected by the committee. The list of functions that cannot be delegated to committees is listed in the Guide to the Law. The sorts of committees that a governing body may have are:

- Staff Dismissal Committee
- Appeal Committees
- Pupil Discipline Committee
- Pay Committee
- Personnel Committee
- Finance Committee
- Curriculum Committee
- Health and Safety Committee
- Premises Committee

Each committee must have terms of reference written down and kept with the governing body papers. These should include the title, membership, size of quorum and state clearly what functions the committee has and how it relates to other committees and the whole governing body. The quorum for committees is a minimum of three governors. The governing body should decide the quorum for each committee, although DfE suggest you adopt a 50% quorum (as for governing body meetings).

Committees should be reviewed annually and the Chair and Vice-Chair elected at that review. There are usually at least three governors on a committee. Non-governors can be invited to sit on a committee to offer advice, help, etc. They normally do not have a vote unless this has been agreed at a whole governing body meeting. If they are given a vote, there must be a majority of governors present when the vote is taken.

## **B. Minuting**

The Clerk for committees DfEs not have to be the Clerk to the Governing Body. Committee clerks can be a governor but cannot be a member of the committee or the Headteacher. A governor can act as clerk on a one-off basis if the committee clerk cannot attend the meeting. The minutes of committee meetings must be taken, prepared and signed exactly the same way as whole governing body meeting minutes (see section 4).

## **C. Records**

Copies of the minutes of committee meetings should be circulated to all governors and a copy sent to Governor Services. The topics discussed at the committee meetings should be reported to the next whole governing body meeting as a statement of the main points of discussion and decisions made.

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## GOVERNING BODY LAW

### **A. Guide to the Law**

The DfE issue a CD Rom entitled, "A Guide to the Law for School Governors". Every school is issued with 15 copies of the Guide to the Law. Extra copies can be obtained directly from the DfE. This Guide describes exactly what is involved in being a governor and lists the legal roles and responsibilities governing bodies must follow. Updates are sent direct to every school and should be distributed to all governors. We recommend that, when a governor leaves a governing body, the clerk requests their Guide to the Law be returned to be handed on to the replacement governor.

### **B. A Manual for Governing Bodies and their Clerks**

The ISCG (Information for School and College Governors) has produced, in conjunction with Lloyds TSB, a booklet entitled, "A Manual for Governing Bodies and their Clerks". It is an excellent booklet that describes how a governing body works. It is written in a very user-friendly manner and one section is aimed at Clerks. You may find this booklet useful. It can be purchased from the ISCG, tel: 02072290200, fax: 02072290651 or e-mail: [iscg@governors.fsnet.co.uk](mailto:iscg@governors.fsnet.co.uk). The ISBN No. for this booklet is: 1 900321 351.

### **C. Governor Services**

Governor Services is part of the People Directorate of Solihull MBC. It is headed by Stewart Crowe, the Governor Services Manager, with help from Alison Jarvis and Heidi Cosford. The Unit deals with all aspects of school government and governor development. If you have any problems or queries please contact us on tel: 0121 788 3161, fax: 0121 779 1730 or e-mail: [governorservices@solihull.gov.uk](mailto:governorservices@solihull.gov.uk) or [scrowe@solihull.gov.uk](mailto:scrowe@solihull.gov.uk).

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## INFORMATION FOR PARENTS

### **A. Annual Parents' Meeting**

The 2005 Education Act removed the requirement for a school to hold an annual governors' meeting with parents. Such meetings can still be held but there are no regulations concerning format and procedures.

### **B. Annual Report to Parents**

The School Profile has been introduced to replace the annual report to parents. The profile is a statutory document to be access via the internet but schools must provide it in alternative formats if required.

### **C School Prospectus**

There is a statutory requirement to produce a school prospectus. Schools are free to decide the content of their prospectuses but they must include the following:

- Information on arrangements for the admission of pupils with disabilities
- Details of steps to prevent disabled pupils being treated less favourably than other pupils
- Details of existing facilities to assist access to the school by pupils with disabilities
- The accessibility plan (required under the Disability Discrimination Act 1995) covering future policies for increasing access to the school by pupils with disabilities
- Information about the implementation of the governing body's policy on pupils with special educational needs and any changes to the policy during the last year

Information can be found on the DfE website link -

<http://www.governor.net.co.uk/publishArticle.cfm?contentid=119&topicAreaId=1&pageStart=1&sortOrder=title&searchWhere=all&searchString=School%20Prospectus>

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## LIAISON WITH LA AND GOVERNOR SERVICES

A strong partnership between Governor Services and governing body clerks is regarded as a vital component in the proper and effective conduct of governing body business. This partnership will be enhanced by:

- Regular communication;
- Meetings each term;
- Training seminars;
- A shared understanding of opportunities and limitations.

Please do not hesitate to contact us on any matter, however large or small. For example, if you cannot clerk a meeting we will contact other clerks to see if anyone else is willing to cover for you.