Cambridgeshire County Council

School Governance Team

Standing Orders

FULBOURN PRIMARY SCHOOL

Regulation 6: Roles of the Governing Body and Headteacher

(1) The functions of the governing body include the following core functions:

(a) ensuring that the vision, ethos and strategic direction of the school are clearly defined;
(b) ensuring that the headteacher performs his or her responsibilities for the educational performance of the school; and
(c) ensuring the sound, proper and effective use of the school's financial resources.

(2) In exercising their functions the governing body shall:

(a) act with integrity, objectivity and honesty and in the best interests of the school; and
(b) 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.

(3) The governing body must appoint a clerk with a view to ensuring their efficient functioning and must have regard to advice from the clerk as to the nature of the governing body's functions.

(4) The headteacher's responsibilities include:

(a) the internal organisation, management and control of the school; and

(b) the educational performance of the school.

(5) The headteacher is accountable to the governing body for the performance of all his or her responsibilities.

(6) The headteacher must comply with any reasonable direction of the governing body.

(7) In this regulation the term "governing body" includes the temporary governing body of a new school.

STATUTORY	GOOD PRACTICE GUIDANCE	GUIDANCE ADOPTED? Y/N OR ALTERNATIVE (PLEASE SPECIFY)
1. Election and Removal of Chair and Vice-Chair (Regulations 7 & 9)		
The Governing Body must decide the length of office of the Chair and Vice-Chair. A Chair/Vice Chair may resign at any time and a new Chair/Vice Chair elected. Election procedures need to be decided by the Governing Body. Any governor who is paid to work at the school may not be Chair or Vice-Chair of the Governing Body. All candidates must withdraw whilst the election process is undertaken and shall not vote (Regulation 14 & Schedule).	Governing bodies may wish to consider retaining the one-year term of office for Chair and Vice-Chair, as it gives flexibility and avoids a possible deterrent effect of a longer term. If the Chair/Vice-Chair resigns mid-term the new Chair/Vice-Chair will be elected for the rest of the remaining term of office. The Clerk should manage the election procedures. Written or oral nominations should be notified to the Clerk before the meeting at which the election will take place. Additional nominations can be received on the day. All nominations can be self-nomination or nominations from colleagues. Elections should be by secret ballot. If only one candidate the ballot should accept/decline candidate. We recommend that in the event of a tie the outcome is decided by either the toss of a coin or drawing lots.	Term of office one year. Term of office expires on date of first FGB meeting of the next academic year. This decision must be recorded by the clerk in the minutes Clerk to manage process? (Y) Nominations written Additional nominations accepted? (Y) Secret Ballot (N)

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2. Urgent Action (Regulation 8)		
The Chair (or the Vice-Chair if the Chair is absent) may take urgent action in circumstances where a delay may be seriously detrimental to the interests of: • the school; • any pupil at the school (or their parent); • any person who works at the school.	A meeting can be called in less than 7 days in an emergency and therefore 'delay' should be interpreted as anything that cannot wait until such a meeting could be called. Emergency action should only be used in extreme circumstances.	
3. Appointment and Removal of the Clerk to the Governing Body (Regulation 10)		
The Governing Body shall appoint the Clerk to the Governing Body and it can remove a Clerk by resolution. The Clerk to the Governing Body must not be: • A governor; • Headteacher of the school. The Clerk to the Governing Body must: a) convene meetings by circulating the agenda (Regulation 13); b) attend meetings of the Governing Body and ensure minutes of the proceedings are produced; c) maintain a register of members of the Governing Body and of associate members and report any vacancies to the Governing Body; and d) perform such other tasks as may be determined by the Governing Body from time to time. [In an emergency a governor (not the headteacher) may clerk for that meeting only].	A full job description for a Clerk is available from the Local Authority or from the NGA website. 'Other tasks' might include meeting with the headteacher and Chair to plan a schedule of work or individual meeting agendas. (If this is not part of an SLA it may require negotiation and extra payment). The Governing Body may need to seek HR advice from their personnel provider if the Clerk is employed directly by the Governing Body.	Name of Clerk: Peter Allen Refer to agreement with Clerk if additional other tasks have been negotiated

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4. Meetings and Proceedings of the Governing Body		
Right to attend meetings (Regulation 12) The following persons have a right to attend all meetings of the Governing Body: • Headteacher (whether or not that person is a governor); • All governors (unless suspended); • Clerk to the Governing Body; • Associate members of the Governing Body (unless the Governing Body requires them to leave for items relating to an individual member of staff or pupil); • In certain circumstances the Local Authority and/or a representative of the Diocese may also have a right to attend. The Governing Body decides whether to have associate members and who they shall be. The Governing Body can also remove associate members. Associate members may have voting rights on committees where they are members, but not at the Full Board. The Local Authority must be invited to the meeting and sent an agenda where the governing body is considering changing the category of the school. **Convening meetings (Regulation 13)** There must be at least 3 meetings of the full Governing Body each school year. Meetings of the Governing Body must be convened by the Clerk.	Governing bodies are required to be open and transparent and so should allow observers as a matter of principle. Observers are required to remain silent unless specifically invited to speak by the Chair. Observers must leave the meeting for any confidential items. The Governing Body may invite other persons to attend at their discretion. The Board should decide whether associate members count towards the quorum of their committee and whether they have voting rights on that committee. Additional guidance around the role should be noted – see Governor Guidance Note 11 Most schools hold six meetings per year but this depends on the way in which a Governing Body and its committee meetings are organised. Fewer	Meetings will be open to the public? (N) The names of associate members and the committee to which they have been appointed must be recorded in the minutes. It should also be noted whether the Board has given committee voting rights to each Associate. Number of planned meetings per term Autumn 2 Spring 2 Summer 2

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The agenda and all reports and papers to be considered shall be sent to the governors at least 7 days before the meeting. **Governors failing to attend meetings** A governor who without the consent of the Governing Body fails to attend Governing Body meetings for a period of 6 months is disqualified (refer to The School Governance (Constitution) (England) Regulations 2012: Schedule 4 Paragraph 9).	meetings of the full Governing Body may be appropriate if more responsibilities are delegated to committees. Ideally items for the agenda should be notified to the Chair or Clerk two weeks before the meeting. It is recommended that papers are only tabled at meetings in exceptional circumstances. A record (in the minutes of the meeting) of Governing Body consent or otherwise for absence is essential in order to invoke disqualification. If no apology is received then consent cannot be granted.	Exceptional circumstances that the governing body may accept for the tabling or late circulation of papers are restricted to: • an issue that could not be foreseen which requires urgent discussion • serious illness of the paper's author The maximum acceptable length of a late or tabled paper is: Select or amend: 1 side A4 11 point text. If the late or tabled paper must be dealt with before the next scheduled meeting, an extra meeting of the Governing Body will be arranged at a date convenient to the majority of governors. Agreement, or otherwise, of absence is a standard item on the Governing Body agenda? This decision can be recorded under apologies for absence (Y)
5. Quorum (Regulation 14)		
For full Governing Body meetings the quorum needs to be calculated as 50% of only those governors in post, rounded	If the Governing Body is carrying a large number of vacancies resulting in a very low quorum it is recommended that governing bodies try to ensure	The Clerk will advise the Chair of the current quorum at the start of each meeting.

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up to the nearest whole number. Vacancies and associate members are not included in the calculation. **Remote participation –**The Governing Body may approve alternative arrangements for governors to participate or vote at meetings of the Governing Body including but not limited to telephone or video conference.	that attendance is generally above the minimum quorum level. While having the flexibility to agree to remote participation in meetings may be useful, consideration should always be given to the efficient and effective undertaking of meetings (ensuring that virtual engagement is not a disruption to this). Consideration needs to be given to the chairing and clerking of the meeting. Hearing the views of other governors in the meeting is necessary to arrive at a considered view. Telephone or video conference enables the remote governor to hear views; but we recommend that written or email voting in advance of discussion is not permitted. Practical issues will need to be agreed, such as: • What is the maximum number of governors who could participate remotely at a meeting and for it not to adversely affect the meeting? • Do you have the appropriate equipment? • How frequently an individual governor can participate remotely? • How will a governor seek agreement to participate remotely before a meeting? • Will your allowances policy include the payment of telephone calls or other costs incurred by governors?	The Governing Body approves in principle remote participation in meetings (Y). If Yes this will be by: Telephone link/ Video call Managing remote access: • Remote participation will be limited to 2per meeting. • Agreement must be sought prior to the meeting from the Chair or Clerk. • Participation by remote access should normally be limited (specify) unless the Governing Body gives their agreement due to the exceptional circumstances of a specific situation or no limit • Governors will ensure that no other persons are present or can hear the meeting when they are participating remotely. Unless the Governing Body has given its approval for the observer • Remote participation is not applicable for use by associate members (N) • Link to Governors Allowance Policy (if costs are reimbursed)

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6. Voting (Regulation 14)		
All matters are decided by a majority vote. In the event of a tie the Chair (or Acting Chair) has an additional (casting) vote. An exception is in the election of the Chair or Vice-Chair – when it is decided by chance, eg tossing a coin.		
7. Minutes and Papers (Regulation 15)		

Minutes should be prepared by the Clerk and signed minutes must be available for public inspection.
 	
[Excluding confidential items:
• items which refer to an individual parent, pupil or member of staff
• other items the Governing Body deems confidential]
	Draft minutes that have been approved by the Chair should be made available as soon as possible after the meeting. These should be marked 'DRAFT - subject to change'. [Excluding confidential items]
	
	Confidentiality should be restricted to a few very sensitive items.
	
	The way individual governors vote, and their opinions should be regarded as confidential.
		The Governing body's minutes will be available:
		• Once approved at the next meeting
		  • On the school website
		  • From the school office

8. Restrictions on Participation (Regulation 16 & Schedule 1)		
Governors must complete annually a register detailing pecuniary interests or conflicts of interest and withdraw from the meeting if appropriate. Each governor must declare at the start of any meeting if there is an item on the agenda which poses a potential conflict of interest or where a fair hearing is required and his/her impartiality is in doubt. In such a case, the governor concerned must withdraw from the discussion and may not vote. In the event of a dispute the Governing Body decides whether the individual should withdraw.	An annual register of interests must be established and updated annually. Updates should also be made as changes occur during the school year.	Date for annual update of register: Autumn 1. The register is kept securely: • using the declarations function on Governor Hub
9. Suspension of Governors (Regulation 17)		

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A Governing Body can suspend a member of the Governing Body for a limited number of prescribed reasons for a period not exceeding 6 months (refer to Regulations).	This should be used as a last resort.	Code of Conduct adopted by all governors? (Y) Autumn 1
10. Delegation to Committees and Individuals (Regulations 18-20)		
The full Governing Body, in accordance with regulations, must annually decide any delegation to committees or individuals. These requirements do not apply to other working groups without delegated powers. The Governing Body shall establish every year such committees as are required in accordance with the regulations. **Reporting (Regulation 20)** Any governor, headteacher or committee who has been given delegated authority to carry out a Governing Body function must report any decisions or actions to the Governing Body. **Quorum (Regulation 22)** The committee shall decide the quorum which must be at least 3 governors. **Chairing (Regulations 22)** A Chair shall be appointed annually to each committee by the Governing Body or elected by the committee, as determined by the Governing Body. **Associate Members (24)**	Refer to Regulations/Staffing Regulations. It is recommended that all working groups have terms of reference. That committee minutes appear on the agenda of the Governing Body and are recorded by the Clerk as being 'received and noted'. All governors should be notified of the committee agendas and be able to contribute in writing or by attending with the permission of the committee chair.	All committee meetings open to all governors (Y) Chair of committees will be chosen by: • The Governing Body

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The Governing Body must agree which committees associate members are members of. Where associate members are members of a committee they have voting rights. But may be excluded from any confidential item concerning a member of staff or pupil.	If the Governing Body takes care in selection of Chairs of committees it helps succession planning by giving selected governors practice at chairing.	
Clerking (Regulation 26) All committees must be clerked but this can be undertaken by a governor who is a member of the committee or an associate member. The headteacher is not permitted to clerk a committee. Seven days notice must be given for all committee meetings and agendas circulated.	Minutes of all committee meetings to be circulated to all governors. Confidential minutes are confidential to those present at the meeting only. Delegated decisions taken by committees should be reported to the Governing Body but not re-debated except where a rescission is being considered. It is recommended that the Governing Body appoint and pay a trained Clerk (or receiving training).	Clerking arrangements will be set out in the committee terms of reference.
Governors' Allowances (Regulations 27-30) The Governing Body cannot pay allowances unless it has an agreed policy.	While we recognise that many governors will be reluctant to claim allowances, it is important to acknowledge that some people may be discouraged from volunteering their time to become governors if they cannot afford the extra expense. An Allowances Policy will define: • Circumstances when expenses will be paid • The expenses that will be covered • Amounts and limits on what can be claimed	The governing body has an Allowances Policy (Y) If Yes, append to Standing Orders.

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11. Composition and membership of the Governing Body – The Constitution of Governing Bodies of Maintained Schools Statutory Guidance		
All governing bodies are responsible for their size and composition. Governing bodies should ensure that it has the required skills and knowledge to be effective and dynamic.	Effective governing bodies will: • Make all prospective governors aware of the commitment and expectations of the role • Make all prospective governors aware of the need to publicly disclose information about their business interests and connections to the school • Use a skills/effectiveness audit to identify gaps and training needs • Governing bodies should pro-actively state the skills they are looking for when they seek to elect or appoint governors • Keep the size and effectiveness of the governing body under review	All prospective governors made aware of skills needed, commitment, disqualifications and expectations (Y) All governors to undertake a skills or effectiveness audit (Y) The governing body will review its size, composition and effectiveness: annually (Y)
12. Publication of Governor's Details and Register of Interests – The Constitution of Governing Bodies of Maintained Schools Statutory Guidance		
Governors hold an important public office and their identity should be known to their school and wider communities. In the interests of transparency, a governing body should publish on its website up-to-date details of its governance arrangements in a readily accessible format The same information needs to be disclosed for associate members making it clear if they have voting rights on a committee. Governor membership also needs to be included on the Get Information About Schools site (GIAS).	This should include: • the structure and remit of the governing body and any committees, and the full names of the chair of each; • for each governor who has served at any point over the past 12 months: • their full names, date of appointment, term of office, date they stepped down (where applicable), appointing body; • relevant business and pecuniary interests (as recorded in the register of interests) and also including: governance roles in other educational institutions and any relationships between governors or relationships between	All new governors made aware of the requirement on appointment to provide details. Information about the governing body published on the school website (Y) Information about governors to be kept up to date on the school website by School Business Manager Clerk to liaise with school office to ensure GIAS information is up-to-date.

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	governors and school staff (including spouses, partners and close relatives); and • their attendance record at governing body and committee meetings over the last academic year. *The DfE is encouraging schools to collect and publish governing body diversity data (information on any of the 9 protected characteristics)* Where putting an individual's information in the public domain may put their safety at risk, please inform the School Governance Team.	*Governor diversity data to be collected and published? Y*
13. Failure to Provide Information for Disclosure – The Constitution of Governing Bodies of Maintained Schools Statutory Guidance		
Any governor failing to provide information to enable the Governing Body to fulfil their responsibilities may be in breach of the code of conduct and as a result be bringing the governing body into disrepute. In such cases the Governing Body should consider suspending the governor. In the case of associate members the Governing Body can remove them.	Governing bodies should make it clear in their code of conduct that this information will be published on their governors and any associate members.	Code of conduct signed by all governors and associate members (Y)
14. DBS and Section 128 Checks for Governors - The School Governance (Constitution and Federations) (England) (Amendment) Regulations and Keeping Children Safe in Education Safeguarding Guidance		
All governors must hold an enhanced criminal record certificate (DBS). Where a governor is elected or appointed and does not hold an enhanced criminal record certificate, the Governing Body must apply for such a certificate in respect of that governor within 21 days after his or her appointment or election. It is recommended that the governor applies for the update service, to reduce the need for repeat checks as a governor in the future.	Governing bodies should make it clear in their governor recruitment, appointment and induction information that these are a mandatory requirement. As the Headteacher and any governor that is a member of staff will already have completed an Enhanced DBS and a Section 128 check, these	All new governors made aware of the requirement on appointment, and it is undertaken as part of the induction procedure (Y) Person responsible for ensuring DBS check is undertaken within 21 days and

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Where a governor fails to provide the necessary documentation to enable a DBS check to be carried out within the 21 days; the Chair should remind the governor of the required documentation, give a reasonable deadline (eg 2 weeks) for it to be provided and a DBS check to be undertaken. The Chair should make it clear to the governor that if the deadline is not met they will be disqualified in line with the regulations. *During this period without a DBS check the governing body can assess the risks and decide whether to allow the governor to attend meetings. However, unsupervised access to the school should not be permitted.* If the governor fails to provide the necessary information by the deadline, the Clerk should send the governor a letter of disqualification and keep a copy on file. The disqualification letter should be copied to any appointing body, for example, the LA for an LA governor and the Diocese for a foundation governor. The Chair should inform the governing body at the next meeting and ensure the action is captured in the minutes. All governors are required to have a Section 128 check undertaken in accordance with the latest safeguarding guidance. A Section 128 direction prohibits or restricts a person from taking part in the management of an academy. It also disqualifies a person from holding office as a governor in a maintained school. Records of safeguarding checks undertaken by schools should be held on their Single Central Record.	pre-appointment checks would not be required on appointment/re-appointment. They have a contractual obligation to report issues that may arise during their employment.	the check is recorded on the Single Central Record: School Business Manager Governor requests the update service when the DBS is conducted Person responsible for ensuring Section 128 check is undertaken and the check is recorded on the Single Central Record: School Business Manager *The governing body will risk assess to decide whether to allow governors to attend meetings pending DBS clearance (Y)*
15. Removal of Appointed Governors – The School Governance (Constitution) (England) Regulations 2012		

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Regulations 20 to 25 give the procedures for the removal of appointed governors: foundation, ex officio, appointed parent, partnership and co-opted governors. All appointing bodies have to allow the governor who the proposal is to remove, to have a right of representation. For co-opted governors the procedure is as follows: • A clear proposal to remove at a governing body meeting • An opportunity for the governor to respond • A vote on whether to remove or not • If the vote is to remove, a second meeting must be held after at least 2 weeks and where the proposal and response is considered again • If the second decision is again to remove, the governor is removed	This action should only be used as a last resort when there has been an irretrievable breakdown in trust between the governor and appointing body. Governing bodies are recommended to have clear, agreed expectations about the conduct of governors in a written document. All new governors must be made aware of the conduct expected and existing governors reminded on an annual basis.	Code of Conduct for Governors (Y) Reviewed annually (Y) Given to new governors as part of induction (Y)
16. Removal of Elected Governors – The School Governance (Constitution) (England) (Amendment) Regulations 2017		
The amended regulation 24a applies to elected parent and staff governors. The governing body has to use the same procedure outlined in regulation 25, of the 2012 regulations: • A clear proposal to remove at a governing body meeting • An opportunity for the governor to respond • A vote on whether to remove or not • If the vote is to remove, a second meeting must be held after at least 2 weeks and where the proposal and response is considered again • If the second decision is again to remove, the governor is removed.	This action should only be used as a last resort when there has been an irretrievable breakdown in trust between the governor and appointing body. Governing bodies are recommended to have clear, agreed expectations about the conduct of governors in a written document. All new governors must be made of aware of the conduct expected and existing governors reminded on an annual basis.	Code of Conduct for Governors (Y) Reviewed annually (Y) Given to new governors as part of induction (Y)

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Once an elected governor has been removed they are disqualified from becoming a governor for a period of 5 yrs.		

Contact information

school.governance@cambridgeshire.gov.uk Last updated July 2026