

GUIDANCE ON DELEGATION TO COMMITTEES AND INDIVIDUALS (Including Model Committee Structure/ Terms of Reference and Classroom Visit Guidance)

This briefing note outlines issues governors should consider in reviewing their delegation and provides:

- Model Committee Structure and suggested Terms of Reference for each committee; and
- Classroom Visit Guidance where link governors have been appointed

1. DELEGATION OF POWERS

- The governing board **must** review the delegation of functions annually. The full governing board will remain accountable for any decisions taken including those relating to functions delegated to a committee or individual.
- The governing board can still perform functions it has delegated: this enables the governing board to take decisions on matters that are discussed at meetings on functions that have been delegated. For instance, the governing board can decide to move ('vire') money from one budget heading to another in light of changing circumstances, even if the function of approving and monitoring the budget has been delegated to a committee.
- If a committee of the governing board is given delegated powers the committee must be clerked and its work must be carried forward as if it were a full governing board meeting. Such committees should have clear terms of reference and these should be approved by the full governing board. The clerk to the committee is responsible for calling committee meetings; setting agendas and ensuring governors with delegation are in attendance.
- It is strongly recommended that when committees are reviewed, a Chair and a Clerk is appointed to clerk each meeting [NB: The Headteacher **must not** clerk any committee of the governing board, the Clerk could be the School Administrator/Business Manager, another Governor or an independent clerk appointed for the purpose].

Some duties **must not** be delegated. **Functions that cannot be delegated to an individual include those that relate to:**

- the alteration, discontinuance or change of category of maintained schools;
- the approval of the first formal budget plan of the financial year;
- the exclusion of pupils (except in an emergency when the Chair has the power to exercise these functions);
- suspension of governors.

The governing board cannot delegate any functions relating to:

- the constitution of the governing board (unless otherwise provided by the Constitution Regulations);
- the appointment or removal of the Chair and Vice-Chair;
- the delegation of functions;
- the establishment of committees.

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Chair's Action

The chair – or vice-chair if the chair is unavailable – can make decisions on the governing board's behalf using the power of 'chair's action'. Regulation 8 of the Roles, Procedures and Allowances Regulations 2013 Decisions taken under the power of 'chair's action' **must** be reported to the governing board at the first available opportunity. It is not expected that this would be used often.

'Chair's action' should only be used where any delay would be likely to be seriously detrimental to the interests of the school, any pupil at the school, or his/her parent, or a person who works at the school.

2. A MODEL COMMITTEE STRUCTURE

<p>The following committees <u>meet regularly</u>, to monitor the work of the school in specific areas and to review policy</p> <ul style="list-style-type: none"> • Curriculum/Standards Committee (Appendix A), covering: <ul style="list-style-type: none"> ➢ Teaching and Learning, curriculum issues; ➢ Inclusion issues (SEND, Gifted and Talented, Race Equality, Children in Public Care, etc.); ➢ pupil behaviour and welfare issues (including Child Protection). • Resources Committee (Appendix B) covering: <ul style="list-style-type: none"> ➢ finance issues; ➢ staffing issues; ➢ buildings issues. 	<p>The following committees normally <u>meet as required</u>, to deal with cases relating to individuals.</p> <ul style="list-style-type: none"> • Pupil Discipline Committee (Appendix C) • Personnel & Pay Implementation Committee (Appendix D) • Personnel Appeals Committee (Appendix E) • Headteachers Appraisal Committee (Appendix F) • Complaints Committee (Appendix G) • Admissions Committee (at voluntary aided and foundation schools only – Advice available from Diocesan Authorities)
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3. MODEL TERMS OF REFERENCE

This document sets out model terms of reference for committees of governing boards. We hope governing boards will find them useful and feel free to adapt them to their needs.

Crucial to the success of any committee is being clear about what its remit is in the first place and a concise, robust set of terms of reference will help to ensure this is the case. The terms of reference should outline the scope and limitations of a committee's activity or area of knowledge. The role of the governing board is a strategic one and so the day to day functions relating to the management of the school, must be delegated to the Headteacher. The Headteacher may then further delegate functions to individual members of staff. Governors should not attempt to micro-manage this process.

Inevitably, model terms of reference need to be based on a committee structure. The structure on which these models are based is outlined above.

For governing boards with different committee structures, the model terms of reference are arranged to identify clearly which items relate to particular issues, e.g. Finance/Staffing/ Buildings.

Part 5 of the procedure regulations, which relates to governing board committees, does not apply to staffing matters in relation to individual members of staff. It is open to governing boards to determine procedural arrangements beyond those they either must or should follow under the staffing regulations, guidance and the School's agreed policies and procedures. For example, there are no particular requirements for the clerking of meetings in relation to individual members of staff and it is

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open to governing boards to decide to clerk staff dismissal and appeal hearings in a similar way to that required for general governing board committees or, if appropriate, provide some other means for organising matters and providing legal and procedural advice.

4. COMMITTEE TERMS OF REFERENCE GENERAL GUIDANCE

4.1 Membership

- The governing board must determine the membership, proceedings and terms of reference of any committee, and must review these annually.
- The membership of a committee may include associate members, provided that a majority of members of the committee are governors. A Governors are also reminded that Associate Members are able to vote on decisions at the committee, although they are entitled to attend full Governing Board meetings they cannot vote. As Associate Members are not Governors, they are not able to sit on any panel hearings.
- Each committee must have a chair and a clerk – the governing board will decide whether to appoint the chair or whether the committee should do this.
- The headteacher/principal cannot be the clerk to a committee, but a governor can.
- Even when not a member, the headteacher is entitled to attend all committee meetings.

4.2 Quorum

- Committees are free to determine their own quorum, but as a minimum this must be not less than three governor members of the committee. The exception to this is the quorum for committees dealing with staffing matters as the quorum can be 2.

4.3 Meetings

- Governing boards are free to determine how often their committees meet – this may be left to the discretion of the individual committees and may depend on the circumstances of the school at any given time. Committee meetings will not be open to the public but minutes shall be made available. Information relating to a named person or any other matter that the committee considers confidential does not have to be made available for inspection.
- In the absence of the chair being appointed at the time of the annual review, the committee shall choose an acting chair for that meeting from among their number.
- In the absence of the clerk the committee shall choose a clerk for that meeting from among their number (someone who is not the headteacher/principal).
- The minutes of each meeting will be circulated with the agenda for the next ordinary meeting of the full governing board and will be presented at that meeting by the chair (or in his/her absence another member of the committee).
- Any decisions taken must be determined by a majority of votes of committee members present and voting – the majority of those present must be governors.

4.4 General Terms

- To act on matters delegated by the full governing board.
- To liaise and consult with other committees where necessary.
- To contribute to the School/Academy Improvement Plan.
- To consider safeguarding and equalities implications when undertaking all committee functions.

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5. Link Governors

Governors have a responsibility to monitor and evaluate the progress of their school and contribute to the school self-evaluation process. This can be done through a variety of methods including reports from the headteacher and senior staff, analysis of statistical data and, perhaps, through first hand observation as Link governors.

Where schools have appointed link governors they need to clearly define their role and remit. An integral part of many link governor roles is visiting the school. These visits must be undertaken in accordance with an established Governor Classroom Visit policy (an NGA guidance document is attached at **Appendix H**).

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APPENDIX A

CURRICULUM / STANDARDS COMMITTEE (meets regularly , to monitor the work of the school and to review policy)
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Terms of Reference

- To review, monitor and evaluate the curriculum offer.
- To recommend for approval to the full governing board the:
 - Self-evaluation
 - School/Academy Improvement/Development Plan
 - Targets for school/academy improvement to the governing board
- To monitor and evaluate outcomes for all pupils to include attainment against national curriculum expectations and rates of progress including any underachieving groups
- To set priorities for improvement, and monitor and evaluate the impact of improvement plans which relate to the committee's area of operation.
- To develop and review policies identified within the school's policy review programme and in accordance with its delegated powers (e.g. sex education and pupil behaviour/discipline).
- To monitor and evaluate the effectiveness of leadership and management
- To monitor and evaluate the impact of quality of teaching, learning and assessment on outcomes for pupils to include attainment and progress
- To monitor and evaluate the impact of continuing professional development on improving staff performance
- To monitor and evaluate provision for all groups of vulnerable children (e.g. looked after children) and ensure all their needs have been identified and addressed, and to evaluate attainment against national curriculum expectations and rates of progress
- To ensure that the requirements of children with special needs are met, as laid out in the Code of Practice, and receive termly reports from the headteacher/SENCO
- To consider recommendations from external reviews of the school (e.g. Ofsted or local school improvement advisers), agree actions as a result of reviews and evaluate regularly the implementation of the plan.
- To review, adopt and monitor the equal opportunities policy - taking into account the Equality Act 2010 and the public sector equality duty i.e. to eliminate discrimination, advance equality of opportunity and foster good relations
- To provide a safe and secure environment for all staff and students. Under the Counter Terrorism and security Act 2015, we have a duty to safeguard young people from being drawn into terrorism and to promote British values.
- To advise the Resources Committee on the relative funding priorities necessary to deliver the curriculum.
- To monitor the school's publicity, public presentation and relationships with the wider community.
- To identify and celebrate pupil achievements
- To oversee arrangements for educational visits, including the appointment of a named co-ordinator.

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APPENDIX B

RESOURCES COMMITTEE (this incorporates Finance, Staffing and Buildings)
meets regularly, to monitor the work of the school and to review policy

Terms of Reference

Financial policy and planning

- To review, adopt and monitor a Finance Policy which includes the local scheme of delegation for spending and budgetary adjustments (virements) for the committee, headteacher and other nominated staff.
- To review, adopt and monitor all additional financial policies, including charging and remissions policy.
- To establish and maintain a three year financial plan, taking into the account priorities of the School/Academy Improvement Plan, roll projection and signals from central government and (if applicable) the LA regarding future years' budgets, within the constraints of available information.
- To draft and propose to the governing board for adoption an annual school budget taking into account the priorities of the School/Academy Improvement Plan.
- To make decisions in respect of service level agreements.
- To ensure that sufficient funds are set aside for pay increments as set out in the Pay Policy and as recommended by the headteacher.

Financial monitoring

- To monitor the income and expenditure throughout the year of all delegated and devolved funds against the annual budget plan.
- To receive at least termly budget monitoring reports from the headteacher.
- To report back to each meeting of the full governing board and to alert them of potential problems or significant anomalies at an early date.
- To meet with other committees and provide them with the information they need to perform their duties.
- Subject to the local scheme of delegation, to approve any budgetary adjustments that will from time to time be necessary in response to the evolving requirements of the school.
- To receive the unofficial school fund account as prepared by the headteacher; audited annually
- To determine who is responsible for recording, holding and updating the Register of Business / Pecuniary interest on an annual basis
- Local authority maintained schools:
 - To review, complete and submit the School Financial Value Standard (SFVS).
 - To undertake any remedial action identified as part of the SFVS.
 - To receive and act upon any issues identified by a local authority audit
- Academies:
 - To prepare the Trustees Report to form part of the Statutory Accounts of the governing board and for filing in accordance with Companies Act requirements.
 - To receive auditors' reports and to recommend the governing board action as appropriate in response to audit findings.
 - To recommend to the full governing board the appointment or reappointment of the academy auditors.

Premises

- To provide support and guidance for the governing board and the headteacher on all matters relating to the maintenance and development of the premises and grounds, including Health and Safety.

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- To ensure that an annual inspection of the premises and grounds takes place and a report is received identifying any issues.
- To inform the governing board of the report and set out a proposed order of priorities for maintenance and development, for the approval of the governing board.
- To arrange professional surveys and emergency work as necessary.
- The headteacher is authorised to commit expenditure without the prior approval of the committee in any emergency where delay would result in further damage or present a risk to the health and safety of pupils or staff. In this event the headteacher would normally be expected to consult the committee chair at the earliest opportunity.
- To create a project committee where necessary to oversee any major developments.
- To establish and keep under review an Accessibility Plan and a Building Development Plan.
- When allocating resources, ensure compliance with health and safety and environmental legislation relating to the land, building, equipment and materials used and that these do not put the health of persons at risk whilst they are on the premises.
- To establish policies and procedures as necessary to comply with the Health and Safety at Work Act and relevant regulations.
- To ensure compliance with Construction (Design and Management) Regulations 2015, as per the recent guidance issued by the H&S team (a legal requirement that is applicable to all schools building projects).
- To notify the LA of proposed/significant changes to their building.

Staffing

- To ensure that the school is staffed sufficiently for the fulfilment of the school's improvement/development plan and the effective operation of the school.
- To establish and oversee the operation of the school's Appraisal Policy - including the arrangements and operation of the school's appraisal procedures for the Headteacher.
- To establish a Pay Policy for all categories of staff.
- To be responsible for the administration and review of the Pay Policy.
- To ensure staffing procedures (including recruitment procedures) follow current equalities legislation.
- To recommend to the governing board staff selection procedures, ensuring that they conform with safer recruitment, equality legislation and relevant statutory guidance and regulations
- To review procedures for dealing with staff discipline and grievances and make recommendations to the governing board for approval.
- To monitor approved procedures for staff discipline and grievance and ensure that staff are kept informed of these.
- In consultation with staff, to oversee any process leading to staff reductions.
- To establish annual/longer-term salary budgets and other costs relating to personnel, e.g. training.

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APPENDIX C

PUPIL DISCIPLINE COMMITTEE

meets as required, to deal with cases relating to individuals

Overall Purpose of the Committee

The overall purpose of the Committee is to carry out the Governing Board's legal responsibilities in relation to reviewing the exclusion from school of individual pupils.

Terms of Reference

Consideration of Exclusions

1. To carry out the Governing Board's statutory duty to review fixed-term and permanent exclusion cases, as required by legislation and in accordance with DfE and LA advice.

Reviews will involve:

- considering the case presented by the Headteacher;
- considering the views of parents of the excluded pupil;
- considering the views of the LA (including such agencies as the Educational Psychology Service, the Fair Access Team, the Pupil Referral and Support Service, the SEN Service or the Education Welfare Service);
- having regard to DfE and LA guidance and the policy of the Governing Board;
- deciding whether to uphold the exclusion, or not, (where the pupil is still excluded);
- ensuring that a note of the Committee's views on the exclusion is placed on the pupil's record with a copy of the Headteacher's exclusion letter, where appropriate; and
- ensuring that the parents, Headteacher and LA are informed of the Committee's decision in writing, within the required timescale.

Appeals to the Independent Appeals Panel (set up by the Council) made by parents against decisions of the committee to uphold a permanent exclusion

2. To prepare the statement of the Governing Board for such an appeal and to liaise with the Clerk to the Appeals Panel with regard to other information required.
3. To represent the Governing Board at the hearing of the case by the Appeals Panel.

Training and Development

4. To ensure that members of the Committee develop and maintain an up-to-date understanding of pupil behaviour and discipline issues locally and nationally, for example by attending relevant governor training courses and reading relevant DfE and LA guidance.

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APPENDIX D

PERSONNEL AND PAY IMPLEMENTATION COMMITTEE

meets **annually** and as required, to deal with cases relating to individuals

Membership

It is suggested that all eligible governors are members of this committee (ie other than staff) to enable the Governing Board to effectively deal with any staffing matters that may arise within the school. By agreeing to membership governors should be aware of the commitment required. Governors may be required to deal with staff related casework and appeals which have to be dealt with in a timely manner within prescribed procedural timescales. Meetings usually take place during the working day and can vary in duration. It is therefore important that governors are able to fully meet these requirements as failure to meet the procedural requirements could result in awards against the school at Employment Tribunal.

Overall Purpose of the Committee

The overall purpose of this Committee is to **implement the personnel and pay policies** of the Governing Board **by making decisions related to individual members of staff; including the annual review of all teachers pay.** *[Background info in relation to the annual review of teachers pay - Ofsted expects to see anonymised information on the performance of teaching staff and its relationship to salary progression provided to those responsible for the governance of the school' ie a summary of performance against objectives given to governors will not name specific members of staff. The format of that information needs to be taken by the school in accordance with its pay policy. Governors also need to be assured that all members of middle and senior managers who act as appraisers have been appropriately coached or trained to do so. Reference to the national teachers' standards is obligatory and reference to school priorities could be helpful.]*

Terms of Reference

1. To carry out the Governing Board's responsibilities in implementing its policies and procedures for determining staff pay (**including the annual review of teachers' performance and salary determination**), considering cases of staff discipline, or grievance, and determining that staff should cease to work at the school. *(Regulations provide that the headteacher, where appropriate, should have the delegated responsibility to make initial dismissal decisions (IDD), following which there will be an opportunity to appeal to a panel of governors). Where the headteacher does not have delegated responsibility (or the headteacher is being considered for dismissal) the initial decision can be delegated to Personnel and Pay Implementation Committee.*
2. To carry out the staff recruitment procedures as agreed by the governing board (see staff recruitment scheme of delegation)*
3. To implement the HR policies of the Governing Board in a fair and equal manner.
4. To observe all statutory and contractual obligations.
5. To minute clearly the reasons for all decisions and report these decisions to the next meeting of the full Governing Board unless confidential.

*[*Staff recruitment scheme of delegation*

For the Headteacher appointments:

- The whole Governing Board to interview and select an appointable candidate OR
- A selection panel of at least 3 Governors to select, interview and recommend an interviewee to the Governing Board for appointment

For SLT appointments: A selection panel of at least 3 Governors to select, interview and appoint an interviewee

For appointment of staff outside the SLT group: The Headteacher, or one or more individual Governors (with the right of the Headteacher to advise) or one or more Governors and the Headteacher

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The panel should consist of at least 3 people, one of which is the Headteacher or their nominee (although a minimum of two is accepted) of suitable experience and training and where possible gender mix. At least one member of the panel must have completed the Safer Recruitment training. The same panel members should be involved throughout the recruitment process and Governors should be a member of the relevant committee of Governors.]

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APPENDIX E

PERSONNEL APPEALS COMMITTEE

meets as required, to deal with cases relating to individuals

Membership

It is suggested that all eligible governors are members of this committee (ie other than staff) to enable the Governing Board to effectively deal with any staffing appeals that may arise within the school.

By agreeing to membership governors should be aware of the commitment required. Governors may be required to deal with staff related appeals which have to be dealt with in a timely manner within prescribed procedural timescales. Meetings usually take place during the working day and can vary in duration. It is therefore important that governors are able to fully meet these requirements as failure to meet the procedural requirements could result in awards against the school at Employment Tribunal.

Overall Purpose of the Committee

The overall purpose of the Committee is to implement the personnel and pay policies of the Governing Board by making **appeal decisions related to individual members of staff**.

Terms of Reference

To hear appeals from members of school employed staff against decisions made by the Personnel and Pay Implementation Committee.

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APPENDIX F

HEADTEACHERS APPRAISAL COMMITTEE

meets as required, to carry out the Headteachers appraisal

Membership

2 OR 3 Governors who are not employed at the school. As the chair is the governor who will know the most about the performance of the headteacher on a week to week basis, unless there are exceptional circumstances, the chair should be part of the appraisal committee

At Church schools, at least one member must be a Foundation Governor.

Quorum

2 Governors; at Church schools, at least 1 must be a Foundation Governor.

Overall Purpose of the Committee

The overall purpose of the Committee is to carry out the Governing Board's statutory responsibilities for the Performance Management of the Headteacher.

Effective appraisal is an important part of the governing board's drive for school improvement.

Terms of Reference

1. To carry out the annual appraisal of the Headteacher in accordance with legal requirements and the pay policy of the school.
2. To appoint a suitably qualified external adviser/reviewer to support and advise them in the appraisal of the headteacher. This appointment should be confirmed each year at a full governing board meeting and should not be delegated to the headteacher to decide.
3. To set the headteacher's objectives after consultation with the external adviser and discussion with the headteacher and discuss progress against the previous years objectives and make a recommendation on pay to the Personnel and Pay committee.
4. It is for the governing board to determine whether the headteacher's objectives and performance against them will be shared with the whole governing board (apart from staff governors) or remain confidential to the review panel and Personnel and Pay committee.

Governing boards must also appoint a Review Officer to deal with any complaints made by the Headteacher about his/her review.

The Review Officer must not be a member of the Headteachers Appraisal Committee.

Staff members cannot be members of this committee or undertake the role of Review Officer.

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APPENDIX G

COMPLAINTS COMMITTEE

meets as required, to deal with cases relating to individuals

Membership

A pool of Governors any 3 of whom will deal with a particular complaint.

All staff at the school (including the Headteacher) and, where possible, all members of the Committee responsible for considering staff discipline cases to be excluded.

It is recommended that at least one Parent Governor is included.

Governors with detailed knowledge of the case to be considered should not be members of the Committee for that case.

Overall Purpose of the Committee

To consider complaints, from parents and members of the public, in accordance with the Schools Complaints Procedure.

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CLASSROOM VISITS: GUIDELINES

APPENDIX H

Preamble

The governing board is the 'accountable board' in a school – accountable to parents, pupils, the local authority and Central Government through Ofsted. It is responsible for everything from Health and Safety and Child Protection to the school budget, Teaching and Learning and pupil progress. Because governing boards have a statutory responsibility to monitor and evaluate the effectiveness of the school and its curriculum, governors need to know what progress is being made towards targets set out in the School Development Plan (SDP). Visiting the classroom can help to support this.

Ofsted inspection assumes that governors know the strengths and weaknesses of the school. This depends on governors assessing performance data presented to them by the Senior Leadership Team (SLT), and through the Curriculum/Standards Committee in the context of an understanding of what happens in the classroom.

It is also important to Ofsted that the Governing Board makes an impact on school improvement and visiting school to see it in operation, and to be aware of standards and progress are important aspects of this crucial role.

Governors are not qualified to assess standards but they need to visit lessons in order to:

- Appreciate and understand the work of the staff (teachers and support staff) and how the pupils are learning;
- Be aware of the response of pupils to their work and check that the pupils are aware of what they are learning;
- Be aware of resource issues;
- Be able to ask appropriate questions and hold sensible discussions with the professionals;
- Understand as fully as possible the meaning of the results of monitoring reported to them.

N.B. Governors **are not** inspectors and **are not** present in a lesson to make judgements about the professional expertise of the teachers. That remains a task for the head and/or other education professionals. It would be inappropriate, therefore, for governors to:

- Make judgements about the quality of teaching;
- Report on the progress of individual children;
- Pursue personal agendas;
- Monopolize teachers' time;
- Arrive with inflexible pre-conceived ideas.

Confidentiality

Confidentiality should be adhered to regarding classroom visits. Observations and comments should be shared with the teacher concerned, and with the headteacher, but not with other staff or with parents. And the approach of a governor should be to ask for explanations of anything not understood, not to make assumptions. Reports to the Governing Board should not identify individuals in a critical manner: this is not the role of a governor.

Minimum commitment

Individual governors have differing amounts of time to commit to an exercise such as classroom visits. It is important, however, that all governors should try to make visits at some time, beyond that initial general visit to the school when one is newly appointed to the governing board. A governor should aim to make a class visit *at least* once a year.

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School Visits – an Aide-Memoire

What is the purpose of the visit?

Who/what has prompted my decision to visit?
Is the reason specific or general?
What are my/other people's expectations?
How can my visit benefit the teacher?

How shall I carry it out?

What particular areas of the school am I interested in?
What particular activities am I interested in?
Are there any questions that can be answered by observation?
What questions should I ask?
Who should I ask?

Did I achieve my aim?

To what extent did I address the reason for my visit?
Which of my questions did I answer?
To what extent did I fulfil expectations?
What difficulties did I meet and why?
Is there any follow-up?
Have I recorded my experiences?
Did I 'report back' to the head?
Have I prepared a short report for the next governors' meeting?
How can I build on this for the next visit?

	Always	Never
Before	Arrange details of visit. Agree purpose of visit Discuss the context of the lesson to be observed. Agree role within the lesson	Turn up unannounced
During	Keep to the role agreed Keep questions for the class teacher until after the visit is over Please remember confidentiality Stick to the times and purpose agreed Be sensitive to the mood in the classroom and the expectations of the children.	Assume a different role Walk in with a clipboard Distract the pupils from their task
After	Thank the teacher and the pupils -Discuss the visit with the teacher at their convenience -Feedback to the governing board	Leave without acknowledgement Break rules of confidentiality

Review

The guidelines should be reviewed by the Governing Board each academic year. We would need to ask:

- Are our visits proving useful?
- Have there been benefits, particularly unexpected benefits, from our visits?

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Governor Visit Report

Name:	Date:
Focus of visit:	Classes/staff visited:
Summary of activities e.g. talking to staff and pupils, looking at resources, had lunch etc.	
What have I learned as a result of my visit?	Positive comments about the visit
Aspects I would like clarified/questions that I have:	
Ideas for future visits:	
Any other comments:	
Signed: (Governor)	