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Department
for Education

Guidance

Maintained schools: governance guide

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Applies to England

Contents

Who this guidance is for

This guidance is for:

- governors, senior leaders, governance professionals (clerks) and associate members
- local-authority-maintained schools including maintained special schools, nursery schools, foundation and voluntary schools
- foundations and others such as diocesan authorities with an interest in the governance of schools
- organisations supporting boards to develop effective governance

It does not apply directly to pupil referral units, sixth-form colleges and general further education colleges, though they may find its principles helpful.

[Effective governance resources (https://www.gov.uk/government/publications/effective-governance-resources)](https://www.gov.uk/government/publications/effective-governance-resources) has practical resources that governing bodies can use to support sustainable and effective governance.

Using this guidance

In this guidance:

- **must** identifies a legal or regulatory requirement or duty which must be complied with
- **should** identifies minimum good practice which should be applied, unless it can be demonstrated that an alternative approach better suits the circumstances

Where neither a **must** nor **should** is used, the content will reflect the generally held view of high-quality governance.

Additional governance expectations or arrangements may be in place for specific groups of schools, for example by diocesan authorities. This guide refers to these where relevant but does not aim to cover them comprehensively.

Definitions

Explanations of the terms used in this guidance.

Academy trust
An independent charitable company which covers those that run one or more academies, including free schools, university technical colleges (UTCs), and studio schools.

Committee
Set up by the governing body to which relevant functions are delegated. Committees should take account of guidance for the governing body, where the relevant function has been delegated to them.

Ex-officio governor
A person who is a governor by virtue of their role, for example being headteacher at the school or an ex officio foundation governor.

Federated school
2 or more maintained schools (including local-authority-maintained nursery schools) operating under the governance of a single governing body. This is defined in the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/24).

Governing body
The accountable body for a local-authority-maintained school or federated schools that operate at a strategic level.

Governors
Individuals who sit on the governing body of a local-authority-maintained school or federated school that operates at a strategic level.

Headteacher
The person held to account by the governing body for the operational day-to-day running of the school. May also be known as the executive headteacher or principal, depending on the structure of the school or federated schools.

As an ex-officio, a headteacher has an automatic right to a place on the governing body during their employment.

Maintained school
A school funded through the local authority which can be a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school or a pupil referral unit in England.

Types of school (https://www.gov.uk/types-of-school) has more information.

Panel
A small group of governors who convene when required, for example to discuss complaints, exclusions, admissions appeals and staff disciplinary.

Parent
Includes any person who has parental responsibility or care of a child such as adoptive parents, guardians, or foster carers.

School leaders or school leadership team
General terms which include the executive headteacher, headteacher or principal, as well as other senior employees or staff, depending on the structure of the school or federated schools.

School trust deed
The document that sets out the educational endowment on which the school site is provided and the purposes for which it was granted, for example as a site for a church school. Catholic school sites may be held under charitable trusts whose objects are the advancement of the Catholic religion.

1.Effective governance

1.1 The functions of the governing body

The core functions of the governing body are as set out in [The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, regulation 6(2) (https://www.legislation.gov.uk/uksi/2013/1624/contents)](https://www.legislation.gov.uk/uksi/2013/1624/contents) and include, but are not limited to ensuring:

- that the vision, ethos and strategic direction of the school are clearly defined
- that the headteacher performs their responsibilities for the educational performance of the school
- the sound, proper and effective use of the school's financial resources

A governing body and its governors **must**, as required by [Regulation 6(2) (https://www.legislation.gov.uk/uksi/2013/1624/regulation/6/made)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/6/made):

- act with integrity, objectivity and honesty and in the best interests of the school
- be open about the decisions they make and the actions they take and shall be prepared to explain their decisions and actions to interested parties

The governing body also has legislative responsibility and strategic oversight for the school's safeguarding arrangements.

1.2 Features of effective governance

Strategic leadership
Strategic leadership sets strategy and champions the school's culture, vision and ethos by:

- working with school leaders to set a clear vision, with a focus on pupil progress, achievement and wellbeing

- communicating the vision throughout the school and reviewing it regularly (in church schools, the vision and values are underpinned by the trust deed)

- defining or preserving the values of the school, modelling these as the governing body, and ensuring these are embedded throughout the school

- defining medium and long-term goals, including development and improvement priorities

- monitoring and reviewing progress against agreed strategic goals

- implementing processes to listen and respond to parents and carers, pupils, staff, local communities and, where applicable, employers

- initiating and leading strategic change in the best interests of children, young people and the school, advocating the reasons and benefits to all stakeholders

- managing and monitoring risks including the school's risk tolerance in line with strategic priorities and school improvement plans (SIPs)

- embedding appropriate strategies and risk management at every level of governance

- regularly reviewing governance effectiveness, including through external reviews of governance

- ensuring the wellbeing of staff and that staff workload is managed

- making informed decisions on whether to form, join or grow a group of schools, supported by strong due diligence and, where applicable, working with the appropriate religious authority

- adopting a whole-school approach to safeguarding arrangements and child protection, ensuring it is central to the school's processes

- preserving and developing the religious ethos of the school, where it has a religious character, by working alongside the appropriate religious authority

Accountability

Strategic decisions that aim to improve educational standards and financial performance by:

- scrutinising pupil progress, attainment and financial information and comparing these with local and national benchmarks over time

- monitoring and overseeing school improvement and financial health

- providing constructive challenge and support to school leaders

- implementing a transparent system for school leaders to manage performance, linked to defined strategic priorities

- effectively overseeing employee performance and the framework for pay and conditions of service

- having a regular cycle of meetings and appropriate processes to:
  - support business and financial planning

  - manage the school within the available resources

  - ensure regularity, propriety and value for money

People

Effective governance should involve people who together bring an appropriate mix of skills, experience, behaviours and capacity and who:

- understand the purpose and importance of governance and the differing roles of strategic and operational leadership

- are committed to, understand, and have time for the role

- are appointed through a transparent process against a clear role specification

- bring a diverse range of perspectives for robust decision making

- understand the educational setting and the cultural and religious contexts of the school and the communities it serves

- use active succession planning to ensure the governing body and the school has the leadership and people it needs to remain effective

The governing body **must** have:

- a chair or co-chairs, supported by one or more vice-chairs, to lead and set the culture of the governing body, and in the case of a school with a religious character, to preserve that character

- a governance professional (clerk) to:
  - provide expert procedural advice and administrative support

  - manage the efficient and compliant operation of the governing body

Governance structures

Clearly defined governance roles, responsibilities and accountabilities reinforced through:

- appropriate governing body and committee arrangements that:
  - reflect the school's scale and structure

  - enable robust oversight

  - clear separation between the roles of strategic governance oversight and operational school leadership

- positive relationships that encourage a professional culture

- processes for appropriate communication between all levels of governance and to pupils, parents, carers, staff and communities, to support transparency in decision making

- governance arrangements, remits and delegations that are understood by all those involved in governance, including school leaders

- publishing up-to-date and accessible information on governance arrangements

Compliance

Governing bodies comply with statutory and contractual requirements by:

- ensuring awareness of its responsibilities under:
  - education and employment legislation

  - financial regulations

  - the School Information Regulations (and other publishing requirements that may be found in conditions of grant)

- [Keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2), relating to safeguarding and safer recruitment

- [Equality Act 2010 (https://www.legislation.gov.uk/ukpga/2010/15/contents)](https://www.legislation.gov.uk/ukpga/2010/15/contents) including the [Public Sector Equality Duty (https://www.gov.uk/government/publications/public-sector-equality-duty)](https://www.gov.uk/government/publications/public-sector-equality-duty) (PSED) to actively promote equality and diversity throughout the school

- ensuring they are aware of, and comply with, legal duties in religious measures and laws where applicable, for example, Church of England measures and Catholic Canon Law

- effective planning to create an inclusive environment and ensure that special educational needs and disability (SEND) duties are undertaken effectively across the school

- setting and monitoring of the school or school's budget

- overseeing and regularly monitoring the impact of pupil premium and other targeted funding stream conditions

Further information about policies for schools is available in the section on [Statutory policies for maintained schools (https://www.gov.uk/guidance/governance-in-maintained-schools/statutory-policies-for-maintained-schools)](https://www.gov.uk/guidance/governance-in-maintained-schools/statutory-policies-for-maintained-schools).

Evaluation

Regular evaluation to monitor and improve the quality and impact of governance by:

- completing regular skills audits, aligned to the school's strategic plan, to identify skill and knowledge gaps and inform:
  - recruitment needs
  - training and development plans
  - induction of new governors, including training on [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) and keeping pupils safe online in education

- regularly reviewing the governing body effectiveness, how well governors work together, individual governors' performance and their participation in discussions

- commissioning external reviews to get an independent assessment of the governing body's effectiveness and areas for development, particularly at key growth or transition points

- following legal requirements for document retention and accurately documenting:
  - evidence of the governing body and its committees' discussions and decisions
  - any evaluation of the governing body's impact

2.Strategic leadership

Strategic leadership involves the governing body clearly:

- setting and modelling the school's culture, values and ethos
- setting and defining the school's strategic direction, including its vision and strategic priorities

When setting the school's vision, it is vital that the governing body is both connected and responsive to pupils, staff, parents and carers, and its communities through effective engagement.

Schools with a religious character

Governing bodies **must** set the school's vision:

- in line with the school's mission, which is set by the relevant religious authority
- in accordance with any trust deed, as applicable

The governing body should ensure that it fulfils its functions in line with the mission set.

2.1 Establishing a positive culture

An effective governing body:

- sets and safeguards high expectations for the school community, including:
  - the expected behaviours, progress and attainment of all pupils
  - the conduct and professionalism of its staff, the governing body and its committee members

- promotes its vision, culture, values and ethos across the whole school and ensures that is reflected in its policies and its practices – this includes how the whole school approach delivers on its duty to promote pupil wellbeing
- supports a whole school approach to safeguarding and child protection, ensuring all systems, processes and policies operate with the best interests of the child or young person at its centre

The school's curriculum **must** meet the requirements set out in [section 78 of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/78)](https://www.legislation.gov.uk/ukpga/2002/32/section/78) regarding promoting pupils' spiritual, moral, social and cultural (SMSC) development.

The governing body **must** demonstrate that it is actively [promoting fundamental British values (https://www.gov.uk/government/publications/promoting-fundamental-british-values-through-smsc)](https://www.gov.uk/government/publications/promoting-fundamental-british-values-through-smsc) of:

- democracy
- the rule of law

- individual liberty
- mutual respect and tolerance for those with different faiths and beliefs

Everyone involved in governance is expected to know about and follow [The Seven Principles of Public Life (https://www.gov.uk/government/publications/the-7-principles-of-public-life)](https://www.gov.uk/government/publications/the-7-principles-of-public-life), also known as the 'Nolan Principles'.

The Association of School and College Leaders (ASCL) has published a [Framework for Ethical Leadership in Education (https://www.ascl.org.uk/elc)](https://www.ascl.org.uk/elc). This was supported by the National Governance Association (NGA) who launched a [pathfinder project (https://www.nga.org.uk/news-views/directory/ethical-leadership-in-education-campaign/)](https://www.nga.org.uk/news-views/directory/ethical-leadership-in-education-campaign/) to examine ethical decision-making and help school leaders understand the decisions they make.

2.1.1 Governor conduct and behaviour

Effective governing bodies create and maintain a code of conduct which is agreed by all governors.

Various organisations produce a model code of contact, which may help governing bodies in drafting or updating their code. Examples include the:

- National Governance Association's [model governing board code of conduct (https://www.nga.org.uk/Knowledge-Centre/Good-governance/Ethical-governance/Model-Code-of-Conduct.aspx)](https://www.nga.org.uk/Knowledge-Centre/Good-governance/Ethical-governance/Model-Code-of-Conduct.aspx)
- Catholic Education Service's [codes of conduct for governors and directors (https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003629-codes-of-conduct-for-governors-and-directors)](https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003629-codes-of-conduct-for-governors-and-directors)

Breaching the code of conduct could result in the governor suspension, or in more severe cases, the removal of a governor.

Legislative procedures for the suspension or removal of governors **must** be followed. More information is available in:

- [The School Governance (Roles, Procedures and Allowances) Regulations 2013 –regulation 17 (https://www.legislation.gov.uk/uksi/2013/1624/regulation/17)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/17)
- [The School Governance (Constitution) (England) Regulations 2012 – part 4 (https://www.legislation.gov.uk/uksi/2012/1034/part/4/made)](https://www.legislation.gov.uk/uksi/2012/1034/part/4/made)

2.1.2 Equality, diversity and inclusion

Equality, diversity and inclusion (EDI) should be an integral part of the governing body's strategy. It is important that this includes not just legal or regulatory obligations but also how EDI is championed and embedded throughout the school.

Schools **must** abide by the Equality Act 2010 (https://www.legislation.gov.uk/ukpga/2010/15/contents).

The responsible body of a school **must** not unlawfully discriminate including in relation to admission arrangements and the provision of education.

The responsible body **must** also adhere to positive duties including on making reasonable adjustments and drawing up accessibility plans. Whether the responsible body is the local authority or the governing body will depend on how responsibilities are split between them at each school. For example, if the local authority is the admissions authority for a school, it will be the responsible body in relation to any claim under the act in connection with the ordinary admissions round. However, the governing body is likely to be the responsible body in relation to a claim about exclusions.

Public sector equality duty (PSED)
Under the PSED (https://www.gov.uk/government/publications/public-sector-equality-duty), governing bodies **must**, in the exercise of their functions have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act

- advance equality of opportunity between people who share a protected characteristic and those who do not

- foster good relations between people who share a protected characteristic and those who do not

Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 governing bodies **must** also:

- agree on one or more equality objectives every 4 years, which **must** then be published to make their priorities for equality available to the public – the objectives should be clearly defined, specific and measurable

- publish annual information demonstrating PSED compliance

Further information is also available from:

- the Equality and Human Rights Commission's (EHRC) guidance for schools on the PSED (https://www.equalityhumanrights.com/guidance/public-sector-equality-duty#:~:text=The%20public%20sector%20equality%20duty%20(PSED)%20is%20a%20legal%20requirement,provide%20services%20for%2C%20the%20public.)

- Government Equalities Office: Positive action in the workplace: guidance for employers (https://www.gov.uk/government/publications/positive-action-in-the-workplace-guidance-for-employers)

- Governor Hub [Community Insights (https://governorhub.com/insights)](https://governorhub.com/insights): a free tool that boards can use to search for information about the diversity of a school's community
- DfE: [SEN and disability duties: guidance for school governing boards (https://www.gov.uk/government/publications/sen-and-disability-duties-guidance-for-school-governing-boards)](https://www.gov.uk/government/publications/sen-and-disability-duties-guidance-for-school-governing-boards)

The governing body as the employer should be aware of its employment responsibilities under the act.

Special rules apply to schools with a religious character. Find out more from:

- The [School Standards and Framework Act 1998 (https://www.legislation.gov.uk/ukpga/1998/31/section/58)](https://www.legislation.gov.uk/ukpga/1998/31/section/58), section 58
- DfE's [Guidance 'Staffing and employment advice for schools, chapter 6 (https://www.gov.uk/government/publications/managing-staff-employment-in-schools)](https://www.gov.uk/government/publications/managing-staff-employment-in-schools)

2.2 Setting strategic direction

The governing body ensures the school has a clear vision set out in a specific written statement, which includes its ambitions for:

- delivering an excellent education for current and future pupils
- the school's relationship with other schools (or dioceses and diocesan families of schools and other organisations and partnerships within the education sector, where relevant)

It draws on, and ensures the school is connected and responsive to its pupils, parents and carers, and local communities it serves.

An effective governing body puts in place a strategy for achieving the vision, focusing on the significant strategic challenges. It provides a robust and costed framework for:

- setting priorities
- implementing and ensuring accountability
- monitoring progress in achieving the school's vision
- addressing the strategic challenges and managing risk

The detail of all school improvement actions does not form part of the governing body's strategy. These will be recorded in a separate school

improvement plan (SIP) or school development plan (SDP) developed by the school executive leadership.

When setting direction, the governing body is encouraged to consider staff workload and wellbeing, in particular, how the school can foster a supportive working environment where:

- workload is managed

- wellbeing is prioritised

- action is taken to support all staff

[Making data work: Teacher workload advisory group report](https://www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response) can help with understanding how to remove unnecessary workload linked with data management.

2.3 Decision-making

The governing body is accountable for all strategic decisions, and the head teacher is responsible for operational matters.

The governing body can delegate to its committees, or in some cases to individuals. However it retains overall legal responsibility for all decisions made. School leaders operate within the autonomy, powers and functions delegated to them by the governing body.

In making strategic decisions the governing body:

- **must** act in the best interests of the school and its pupils

- **must** act in accordance with its governing documents including any trust deed, where applicable

- should act in the best interests of its pupils

- is well informed by the available evidence of what works or is likely to be effective

- considers the impact on staff workload and wellbeing

- fully understands the cultural and religious diversity of the school and the community it serves

- welcomes open debate from a diverse range of individuals, views and experiences

- considers the views and needs of the religious body, where appropriate

- considers the views of the school's key stakeholders, particularly parents and carers

The governing body can decide whether governors will have a focus on certain areas to support in strategic decision-making, often referred to as link or lead governor. However, all governing bodies should have governors to take specific strategic lead responsibility on behalf the governing body for its:

- safeguarding arrangements, including the Prevent duty (https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty) obligations
- special education needs and disabilities (SEND) arrangements
- careers education (https://www.gov.uk/government/publications/careers-guidance-provision-for-young-people-in-schools), in secondary schools or federations that contain secondary schools

Additional guidance on these roles is available from other organisations, including:

- safeguarding for governors (https://www.childprotectioncompany.com/ofsted/safeguarding-for-governors/) by Child Protection
- link governor for careers and work-related learning (secondary schools) (https://governorsforschools.org.uk/news/link-governor-for-careers-and-work-related-learning-secondary-role-description/) by Governors for Schools
- resources for governors (https://resources.careersandenterprise.co.uk/resources-governors) by The Careers and Enterprise Company
- Equality Act 2010 and disabled pupils: A guide for governors and trustees (https://councilfordisabledchildren.org.uk/resources/all-resources/filter/inclusion-send/equality-act-2010-and-disabled-pupils-guide-governors)

2.4 Managing conflicts of interest

Managing conflicts ensures the governing body meets its duty to act in the school's best interests and can prevent negative consequences for the school and its governors.

Governors, associate members and governance professionals **must** declare their interests to ensure that transparent strategic decision-making can take place.

When a meeting is held on a matter where a governor, associate member or governance professional has a conflict of interest, whether between their own interests and those of the governing body, the governor, associate member, or governance professional **must**:

- disclose their interest

- withdraw from the meeting

- not vote on the matter

This is in accordance with regulation 16 of [The School Governance (Roles, Procedures and Allowances) regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/regulation/16)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/16).

Where a person is working or doing voluntary work at the school where they are a governor, they need to:

- ensure the role being undertaken is separate from their governance role

- give assurances that their lines of accountability are clear and do not become blurred

- avoid or manage any conflicts of interest appropriately

[The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/contents/made)](https://www.legislation.gov.uk/uksi/2013/1624/contents/made) (regulation 16 and Schedule 1) provides further details.

The Charity Commission has published guidance on [managing potential conflicts of interest. (https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29)](https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29)

Further information is available in the Schools Financial Value Standard [checklist guidance (https://www.gov.uk/government/publications/schools-financial-value-standard-sfvs/2019-to-2020-checklist-guidance)](https://www.gov.uk/government/publications/schools-financial-value-standard-sfvs/2019-to-2020-checklist-guidance) (section A.4 under Governance).

2.5 Managing risk

Managing risk is essential to ensure the school is meeting its key objectives and to protect its funds and assets.

An effective governing body manages risk by:

- overseeing a whole school approach to risk management

- having a risk management framework for identifying, managing and recording risks and incidents

- making sure risk assessments are in place to safeguard and promote the welfare of pupils, staff and visitors

- reviewing all risks regularly including those associated with strategic priorities and SIPs or SDPs

2.6 Legal liability of the governing body

A governing body has legal responsibility for the conduct of its school (or schools) as outlined in the [Education Act 2002 s21(1 (https://www.legislation.gov.uk/ukpga/2002/32/section/21)](https://www.legislation.gov.uk/ukpga/2002/32/section/21)).

Governors are generally protected from personal liability, provided they act honestly, reasonably and in good faith. [The School Standards and Framework Act 1998, section 50(7) (https://www.legislation.gov.uk/ukpga/1998/31/section/50)](https://www.legislation.gov.uk/ukpga/1998/31/section/50) explicitly provides that governors will not be liable in respect of their powers to spend a delegated budget where they act in good faith.

Schools **must** have adequate insurance cover to comply with its legal obligations or be a member of the [Risk Protection Arrangement (https://www.gov.uk/guidance/the-risk-protection-arrangement-rpa-for-schools)](https://www.gov.uk/guidance/the-risk-protection-arrangement-rpa-for-schools) (RPA) for schools, DfE's alternative to commercial insurance. Not all risks are covered in the RPA and schools should read the membership rules for full details of cover.

2.7 Engaging with parents and the community

Governing bodies have a statutory duty under the [Education and Inspections Act 2006 (https://www.legislation.gov.uk/ukpga/2006/40/section/38)](https://www.legislation.gov.uk/ukpga/2006/40/section/38) to have regard to any parental views expressed.

An effective governing body builds relationships with parents, the local community, including the church community and diocese where relevant, to create a sense of trust and shared ownership of the school strategy and its vision. It makes sure its school (or schools) has systems and processes in place to communicate regularly with parents and carers, helping them to understand:

- the structure of the school

- how the school operates

- how they can support their child's education

- how they can put forward their views

The governing body ensures that:

- the schools regularly seek and consider the views of, and feeds back to, parents, carers, pupils, staff, the local community and employers

- parental and community views influence and inform its decisions

- decisions are communicated clearly to pupils, parents and carers, staff and communities

Guidance and training on building better partnerships with parents is available through ParentKind (https://www.parentkind.org.uk/).

Read more about engaging with parents and carers (https://www.nga.org.uk/knowledge-centre/engaging-with-parents-and-carers/) from NGA.

2.7.1 Parent councils

Certain foundation schools **must** have a parent council, as set out in the Education Act 2002, section 23A (https://www.legislation.gov.uk/ukpga/2002/32/section/23A).

Other types of maintained schools can choose whether to establish a parent council and to determine its membership in line with The School Governance (Parent Council) (England) Regulations 2007 (http://www.legislation.gov.uk/uksi/2007/1330/contents/made).

It is the governing body that **must** establish the parent council. Arrangements for the structure, role and support of the parent council are set out in the above parent council regulations.

Parent councils allow parents to put forward their views to the governing body and school leaders. These include matters relating to the conduct of the school and the governing body's powers to provide community facilities (see Education Act 2002 section 23A).

3.Accountability

Holding school leaders to account for the school's educational and financial performance and ensuring money is well spent.

3.1 Relationship with the headteacher

The governing body **must** hold the headteacher to account for the day-to-day running of the school, including the:

- performance management of staff
- implementation of the governing board's strategy for the school and whose responsibility it is to implement the strategic framework

In a federation, there may be more than one headteacher.

The governing body has a strategic role and avoids routine involvement in operational matters. However, it may need to intervene in operational matters if the school is, or may be, in breach of a duty.

The accountabilities of the executive leader to governance are set out in the [Headteachers' standards (https://www.gov.uk/government/publications/national-standards-of-excellence-for-headteachers)](https://www.gov.uk/government/publications/national-standards-of-excellence-for-headteachers) and [The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 Part 2 (https://www.legislation.gov.uk/uksi/2013/1624/part/2/made)](https://www.legislation.gov.uk/uksi/2013/1624/part/2/made).

The governing body **must** assure itself that the headteacher reports to it as required, including on matters relating to:

- delegated duties
- providing advice
- complying with any reasonable direction it gives

An effective governing body independently evaluates the information it receives from the school leadership team and makes its decisions accordingly. NGA has examples of [headteacher reporting templates (https://www.nga.org.uk/knowledge-centre/headteacher-reports/)](https://www.nga.org.uk/knowledge-centre/headteacher-reports/).

For the relationship to be effective, the chair of the governing body and the headteacher need to understand each of their respective roles and duties. The chair can act as a sounding board and provide effective support to the headteacher as long as it does not interfere with:

- the chair's and governing body's responsibility for providing constructive challenge to the headteacher and their leadership team
- making decisions that are in the best interest of the school

The governing body will take reasonable steps to ensure the wellbeing of the headteacher and the school leadership team and to support sensible health and safety management. More information is available in [guidance from Health and Safety Executive (HSE) (https://www.hse.gov.uk/education/sensible-leadership/school-leaders.htm)](https://www.hse.gov.uk/education/sensible-leadership/school-leaders.htm).

Guidance on [what governing boards and school leaders should expect from each other (https://www.nga.org.uk/Knowledge-Centre/Structure,-roles-responsibilities/Roles-and-responsibilities/What-governing-boards-and-school-leaders-should-expect-from-each-other.aspx)](https://www.nga.org.uk/Knowledge-Centre/Structure,-roles-responsibilities/Roles-and-responsibilities/What-governing-boards-and-school-leaders-should-expect-from-each-other.aspx) has been published by:

- NGA

- National Association of Headteachers

- ASCL

3.1.1 Performance managing the headteacher
The governing body's appraisal and performance management of the headteacher is a key part of their role and it will want to ensure that the headteacher's development is part of the process.

[Headteacher performance: effective management (https://www.gov.uk/government/publications/headteacher-performance-effective-management)](https://www.gov.uk/government/publications/headteacher-performance-effective-management) describes how to appraise a headteacher.

[School governance regulations (https://www.gov.uk/government/publications/school-governance-regulations-2013)](https://www.gov.uk/government/publications/school-governance-regulations-2013) guidance contains more information on the relationship between the governing body and its school leadership.

3.2 How data is provided

The governing body:

- agrees with school leaders on how data will be provided, which will help it stay focused on its strategic functions while being mindful of the impact on workload

- identifies ways to validate and cross-reference the data provided by the executive leadership

3.3 Accountability for educational performance

An effective governing body holds its school leadership to account for improving pupil and staff performance by asking the right questions, informed by data.

3.3.1 Rigorous analysis of education data
The governing body will:

- have at least one person with the skills to interpret the full detail of educational performance data

- understand the limitations of performance data and be clear about what the data implies

- have access to objective, high quality and timely data and know the questions that need to be asked of school leaders

- identify issues of priority that need to be addressed and discussed

- seek explanations from school leaders where performance is below expectations

To reduce data burdens, consider the recommendations in:

- [making data work: teacher workload advisory group](https://www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response)

- [eliminating unnecessary workload associated with data management](https://www.gov.uk/government/publications/reducing-teacher-workload-data-management-review-group-report)

Guidance and tools to help governing bodies understand and analyse school performance is available in [school and college performance measures collection page](https://www.gov.uk/government/collections/school-and-college-performance-measures#understanding-school-and-college-performance-tables).

3.3.2 Sources of education data
The school leadership team helps the governing body access:

- data published by the Department for Education (DfE) and Ofsted

- management information

- information on priorities for improvement

This could include data, anonymised where appropriate, on:

- pupil learning and progress

- pupil admissions, attendance and suspension and permanent exclusions

- safeguarding and child protection

- staff deployment, absence, recruitment, retention, morale and performance

- the quality of teaching

School leaders are not the only source of information on educational data. The governing body can also consider data from parent views and staff surveys, for example.

Governing bodies can use Analyse School Performance (ASP) (https://services.signin.education.gov.uk/) to look into their school's performance and identify its strengths and weaknesses.

Governors who lead on attainment data will want to analyse the full ASP report. The ASP summary report presents data that governing bodies can focus on as the starting point for understanding school performance.

The school's DfE Sign-in approver can provide the governing body with a 'governor' account for ASP. This does not allow access to any named pupil data.

Find and check school performance data on the school performance tables (https://www.gov.uk/school-performance-tables).

Refer to Ofsted's Inspection Data Summary Report (https://idsr.ofsted.gov.uk/login) (IDSR) which covers 16 to 18 provision and includes key stage 5 data.

3.3.3 School visits
Occasional visits to schools enable governors to:

- fulfil their statutory responsibility for the conduct of the school

- see whether the school is implementing their policies and improvement plans

- see how their policies and improvement plans are working in practice

Individual governors do not have an automatic right to enter the school whenever they wish.

Focused governor monitoring visits should be:

- in line with SIP priorities

- for an identified purpose linked to the governing body's responsibilities, such as safeguarding

- pre-arranged with the headteacher or executive headteacher

It is not the governing body's role to assess teaching and learning or to interfere in the day-to-day running of the school.

Many local authorities provide their own guidance on governor visits to schools and schools may have their own policies.

3.4 Accountability for financial performance

The governing body **must** oversee financial performance and ensure public money is well spent (as outlined in [The School governance (Roles, Procedures and Allowances) Regs 2013 (https://www.legislation.gov.uk/uksi/2013/1624/regulation/6/made)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/6/made)).

It will have at least one individual with relevant financial skills and experience, who can interrogate detailed financial data and who:

- builds a relationship with the school business professional (SBP) responsible for finance or procurement, such as the finance manager or school business manager
- acts as the link between the SBP and the governing body
- ensures the governing body has a correct understanding of the school's finances and financial performance

It is important that everyone on the governing body has:

- a basic understanding of their school's financial cycle and legal requirements on accountability, spend and procurement
- an oversight of school spending
- an understanding of the school's financial position

The governing body **must**:

- submit the [schools financial value standard (SFVS) (https://www.gov.uk/government/publications/schools-financial-value-standard-sfvs)](https://www.gov.uk/government/publications/schools-financial-value-standard-sfvs) annually to the school's local authority
- use the [SFVS (https://www.gov.uk/government/publications/schools-financial-value-standard-sfvs)](https://www.gov.uk/government/publications/schools-financial-value-standard-sfvs) to ensure the school is meeting the right standards to achieve good financial health, across 6 areas of resource management

Foundation governors are also charity trustees, who **must** comply with charity law, in addition to any requirements placed upon them by their local authority. They may also have to work with a separate foundation that holds the land and buildings in trust for educational or religious purposes.

3.4.1 Financial tools

Governing bodies can use the following financial tools and resources to help achieve value for money:

- [school resource management collection](https://www.gov.uk/government/collections/schools-financial-health-and-efficiency) provides information, tools, training, guidance and a YouTube playlist to help schools and trusts save money on day-to-day costs

- [school and academy funding and finance resources](https://www.gov.uk/topic/schools-colleges-childrens-services/school-college-funding-finance)

- [Financial Benchmarking and Insights Tool (FBIT)](https://financial-benchmarking-and-insights-tool.education.gov.uk/) is a benchmarking tool which allows anyone with a role relating to school resource management to:
  - benchmark a school's spending against other similar schools
  - identify areas for improvement and share best practice with other schools
  - produce a workforce deployment plan
  - easily access commercial resources, guidance and frameworks provided by DfE
  - build a report to share analysis with governors that the DfE offers against each cost category
  - include bespoke functionality to customise comparator groups, model data scenarios and support a school beginning to engage with Integrated Curriculum and Financial Planning (ICFP)

- [Helping schools manage resources and money: guidance for governors](https://www.gov.uk/government/publications/helping-schools-manage-resources-and-money-guidance-for-governors) – checks to use early in the annual budget planning cycle and when looking ahead at the 3 to 5-year position

- [Get help buying for schools – a free procurement service for schools and multi-academy trusts](https://gethelpbuyingforschools.campaign.gov.uk/)

- [Procurement Act 2023 – guidance documents](https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents) – boards have a legal responsibility to ensure compliance with the Procurement Act

- [Procurement in schools and trusts from the National Governance Association](https://www.nga.org.uk/knowledge-centre/procurement-schools-trusts/)

4.People

Information on governance roles, appointments, support and staff well-being.

4.1 Building an effective team

The [School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/contents/made)](https://www.legislation.gov.uk/uksi/2012/1034/contents/made) provides that anyone appointed to the governing body **must** have the skills to contribute to the effective governance and the success of the school.

An effective governing body needs:

- governors with a diverse range of skills, experiences and backgrounds, who actively contribute to discussions
- to work closely with school leaders and the governance professional (clerk)
- a strong culture which:
  - aligns with the values of the school
  - promotes ethical conduct, diversity, and inclusivity
  - contributes to effective governance and good decision making
- to hold themselves and school leadership to account for ethical practice, ensuring the principles of ethical leadership are embedded in training and development

Governors need to have:

- a strong commitment to the role and to improving outcomes for children
- an inquisitiveness to question and analyse
- a willingness to learn

The governing body has a collective responsibility, effective governors:

- learn from other governors on the governing body with more experience or knowledge
- undertake training where needed so they can engage fully with discussions and strategic decision making

Where foundation governors have been appointed to a governing body by the religious authority (for example the diocese), they are chosen for their ability to preserve and develop the religious character and ethos of the school, in addition to the characteristics listed above. Governing bodies should work with the appropriate religious authority to ensure that this requirement is met.

Governing bodies should use their skills to oversee the strategic success of the school but not get involved in the work itself. For example, a person with financial skills should scrutinise the school's accounts but not help prepare them.

For more information, read the statutory guidance in the [constitution of governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools) (under 'The skills governing bodies need').

4.1.1 Create a diverse governing body

The governing body needs to reflect the diversity of the community the school serves, in line with the Equality Act 2010. This:

- promotes an inclusive school environment
- provides diverse role models for staff and young people
- provides a variety of skills, experiences, qualifications, characteristics, perspectives and backgrounds
- promotes open debate informed by a range of voices and views
- prevents the governing body being dominated by one perspective
- promotes effective decision making

Having a diverse governing body with no inappropriately close personal or business ties to the school or with each other can help ensure there is sufficient challenge to decisions and strategic functions.

Governing bodies are encouraged to [collect and publish diversity information (https://www.gov.uk/guidance/what-maintained-schools-must-publish-online#governors-information-and-duties)](https://www.gov.uk/guidance/what-maintained-schools-must-publish-online#governors-information-and-duties) about themselves, which should be widely accessible to members of the school community and the public. Governors can opt out of sharing their information, including protected characteristics, at any given time, including after publication of diversity data.

See [Equality, diversity and inclusion (https://www.gov.uk/guidance/governance-in-maintained-schools/2-strategic-leadership#equality)](https://www.gov.uk/guidance/governance-in-maintained-schools/2-strategic-leadership#equality) for further details.

For more information:

- data protection toolkit for schools (https://www.gov.uk/guidance/data-protection-in-schools) for information about protecting personal data and how to fulfil duties under the Equality Act

- GovernorHub Knowledge: 'recruit missing talent - resources for tackling diversity on your board (https://schoolgovernors.thekeysupport.com/the-governing-body/recruitment-and-competence/recruiting-and-retaining-governors/recruit-missing-talent-resources-help-you-tackle-diversity-your-board/)' includes resources to help boards remove barriers and develop a more inclusive culture

- National Governance Association's everyone on board campaign (http://www.nga.org.uk/News/Campaigns/Everyone-on-Board-increasing-diversity-in-school-g.aspx), which explains how to recruit diverse governors and includes their report on increasing participation in school and trust governance (https://www.nga.org.uk/knowledge-centre/increasing-participation-in-governance/)

- National Governance Association's governing board diversity indicators form (https://www.nga.org.uk/knowledge-centre/governing-board-diversity-indicators-form/), designed to help governing bodies gather membership data

- Governors for Schools' how to diversify your board (https://governorsforschools.org.uk/app/uploads/2020/10/Inclusion-crib-sheet-1.pdf) and improving the inclusivity and diversity of school boards in England (https://governorsforschools.org.uk/app/uploads/2021/09/5b.-Improving-the-inclusivity-and-diversity-of-school-boards-in-England.pdf)

- the National Black Governors Network (https://nbgn.co.uk/) (NBGN)

4.1.2 Induction, training and development
Local authorities are obliged to secure the provision of training to governors under section 22 of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/22).

A governing body is responsible for:

- allocating a governance training and development budget

- identifying appropriate induction and ongoing development requirements

- providing an induction for new governors, associate members and the governance professional

- identifying specific training such as safeguarding, Prevent, (https://www.support-people-susceptible-to-radicalisation.service.gov.uk/prevent-duty-training-learn-how-support-people-susceptible-radicalisation) and how to keep pupils safe online, ensuring that all governors and the governance professional have read and follow part 2 of keeping children safe in education guidance (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

- encouraging everyone on the governing body and the governance professional to develop their knowledge and skills

A governor that persistently fails to attend training or development may be in breach of the governing body's code of conduct, and it may be necessary for the chair to consider their position.

Elected parent and staff governors, like co-opted governors, will need to have access to any support and training to ensure they can operate effectively in their role.

The Hoot (https://thehoot.news/) is a free resource that provides news and updates on governance across the sector. You can also access podcasts, webinars, events and training opportunities.

4.2 Appointing people to the governing body

The governing body is responsible for selecting and appointing new and existing governors to new or vacant positions. However, there are some exceptions as:

- some foundation governors are appointed by the diocesan bishop or by the diocesan authority

- staff and parent governors are elected by their peers

- the local authority can nominate a governor, but it is for the governing body to agree their appointment

- other bodies may have a role in appointments

Governors are recommended to serve on no more than 2 governing boards unless in exceptional circumstances.

4.2.1 Making parent and staff elections open and secure
Governing bodies and local authorities (where appropriate) should make sure all parents, carers and staff (whether they are interested in standing or voters) are well informed about parent and staff governor elections.

Further details are available in guidance on the constitution of governing bodies The constitution of governing bodies of maintained schools statutory guidance (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools) (sections 28 to 30).

The school should use a secure and reliable voting system. Elections can be held electronically, but postal ballots **must** be available for all parent governor elections (https://www.legislation.gov.uk/uksi/2012/1034/schedule/1/made) as set in The

[School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/schedule/1/made)](https://www.legislation.gov.uk/uksi/2012/1034/schedule/1/made).

4.3 Undertaking checks for new and existing governors

4.3.1 Disclosure and Barring Service (DBS) checks
[Enhanced DBS checks (https://www.gov.uk/government/organisations/disclosure-and-barring-service)](https://www.gov.uk/government/organisations/disclosure-and-barring-service) are required for governors. This does not include a barred list check unless they are involved in regulated activity, in addition to their governance duties. Read the statutory guidance [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) (maintained school governors section) for more information.

4.3.2 Check for section 128 direction
The Secretary of State for Education has the power under section 128 of the Education and Skills Act 2008 to issue a direction prohibiting an unsuitable individual from being, or continuing to be, involved in the management of an independent school. Anyone subject to such a direction is automatically disqualified from being a governor of a maintained school by virtue of schedule 4 to [School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/contents/made)](https://www.legislation.gov.uk/uksi/2012/1034/contents/made).

The school can check that anyone applying for a governor role is not disqualified by a section 128 direction. To check:

- a governor not doing regulated activity – access via the organisational portal of the [DfE Sign-In service (https://services.signin.education.gov.uk/)](https://services.signin.education.gov.uk/)
- a governor doing [regulated activity (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) – an enhanced DBS check with children's barred list information needs to be carried out (you **must** select 'child workforce independent schools' in the enhanced DBS check)

4.3.3 'Right to work' governor checks
Right to work checks do not apply to governors because they are not employees.

Checks may be required if those undertaking voluntary work receive some form of remuneration or benefits in kind. Your local authority or the Home Office may be able to provide further information on the right to work checks in the case of volunteers.

Further guidance is available in the National Council for Voluntary Organisations (NCVO)'s [volunteers from overseas](#)

(https://www.ncvo.org.uk/help-and-guidance/involving-volunteers/recruiting-and-welcoming-volunteers/volunteers-from-overseas/#/refugees-and-asylum-seekers) page.

4.4 Suspending and removing governors

4.4.1 Suspending governors
The governing body can suspend a governor, including local authority governors, for up to 6 months at a time for a limited number of reasons outlined in regulation 17, The School Governance (Roles, Procedures and Allowances) Regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/regulation/17/made).

Governing bodies should follow the procedure set out in the regulations.

4.4.2 Removing governors
Governing bodies can remove elected parents and staff governors and co-opted governors by a majority decision, providing they follow the procedure set out in The School Governance (Constitution) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/regulation/25/made).

The Constitution of governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools) guidance sets out that governing bodies should only exercise the power to remove an elected governor in exceptional circumstances.

Local authority governors can only be removed by the local authority that nominated them (in accordance with regulation 22 of The School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/regulation/22/made)). The governing body can ask a local authority to remove a local authority governor.

Other appointing or nominating bodies can remove individual governors that they have appointed or nominated, where applicable. This will differ depending on the specific category of governor.

4.5 The chair of the governing body

The chair is responsible for:

- leading the governing body and ensuring its effectiveness, with support from the vice chair and the governance professional

- championing high standards of governance and continuous improvement

- setting and agreeing the governing body meeting agenda with support from the senior executive leader and the governance professional

- having honest conversations with governors, associate members and committee members who are not committed to or are ineffective in their role

The chair is usually responsible for the line management of the headteacher and the governance professional (clerk) for their governance role where they are employed directly by the school. However, these functions may be delegated to a panel or committee of the governing body.

The chair sets expectations for professional standards of governance, creating the right conditions to support the governing body's discussions and decision making. They need to make sure governors:

- understand what is expected of them and are committed to their role

- contribute their relevant skills, knowledge and experience

- participate constructively in meetings and display the behaviours expected of them

- are actively involved in the work of any committees they are a part of

- receive appropriate induction, training and development

[Governing strategically in your school or academy trust (https://www.gov.uk/government/publications/effective-governance-resources/governing-strategically-in-your-school-or-academy-trust-resources)](https://www.gov.uk/government/publications/effective-governance-resources/governing-strategically-in-your-school-or-academy-trust-resources) has more information about the role of a chair.

4.5.1 Chair's action

The chair **must** not act alone in carrying out the functions of the governing body. However, the chair (or if they are unable to act, the vice-chair) can act on behalf of the governing body where they are of the opinion that a delay would likely be seriously detrimental to the interests of:

- the school

- any pupil at the school or their parent or carer

- a person who works at the school

This covers all powers, including those in [regulation 19(2) (https://www.legislation.gov.uk/uksi/2013/1624/regulation/19/made)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/19/made) which are otherwise non-delegable.

Decisions taken under chair's action should be reported in writing to the governing body as soon as possible and recorded in governing body minutes.

The National Governance Association has published further guidance on [using chair's action (https://www.nga.org.uk/news-views/directory/advice-insight-using-chairs-action/)](https://www.nga.org.uk/news-views/directory/advice-insight-using-chairs-action/).

4.5.2 Electing a chair and vice chair from the existing governing body

Governing bodies need to have effective succession planning arrangements in place for the position of chair and vice-chair. This involves:

- a strategic process to identify, develop, and prepare governors to move into the role of chair or vice-chair
- ensuring a smooth transition and continuity of effective leadership within the governing body

The governing body **must** elect the chair and vice-chair from the governing body. The roles can be shared if it is in the best interests of the school. Read [The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/regulation/7/made)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/7/made) for more information.

The chair and vice-chair **must** not be a governor who is employed at the school as a teacher, or any other member of the school's staff.

To share expertise, an experienced chair may wish to consider stepping down or moving on to another school or academy trust after a reasonable time, for example after 2 terms of office (8 years) as a governor.

4.5.3 Appointing a chair from outside the governing body

A governing body can advertise for a chair from outside the governing body, however it needs to ensure that there is a vacant governor position on the governing body for the new chair to be appointed to.

In schools with a religious character the relevant religious authority should be approached for advice where a governing body is struggling to fill the role of chair.

4.6 Recruiting a headteacher

The governing body has legal responsibility to select a headteacher, by following [The School Staffing (England) Regulations 2009 (https://www.legislation.gov.uk/uksi/2009/2680/contents/made)](https://www.legislation.gov.uk/uksi/2009/2680/contents/made).

There **must** be a single executive leader role at the top-of-the-line management chain of the school. This role can be a job share, however, the ex-officio role on the governing body still carries one vote only.

It is essential that governing bodies adopt recruitment procedures that help deter, reject or identify people who might pose a risk or abuse children. Further information can be found in [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2).

An effective governing body is proactive at putting in place a succession plan that addresses anticipated, and possible unexpected, changes in its school leadership so that the school can continue to deliver its strategy.

Governing bodies **must** ensure that a member of staff is appointed to carry out the headteacher functions if the outgoing headteacher leaves before a replacement is appointed. This should be an interim arrangement only, as outlined in [section 35 of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/35)](https://www.legislation.gov.uk/ukpga/2002/32/section/35).

Further guidance and a toolkit on [recruiting a headteacher (https://www.gov.uk/government/publications/recruiting-a-headteacher)](https://www.gov.uk/government/publications/recruiting-a-headteacher) is available.

Schools with a religious character
In schools with a religious character an alternative process will apply for recruiting a headteacher.

See [staffing and employment advice for schools (https://www.gov.uk/government/publications/staffing-and-employment-advice-for-schools)](https://www.gov.uk/government/publications/staffing-and-employment-advice-for-schools) which contains more information.

4.6.1 Recruiting a deputy headteacher
There is no legal requirement to appoint a deputy headteacher. Where the governing body has decided to appoint one or more deputy headteachers they **must** follow the process in The School Staffing (England) Regulations 2009 and adopt recruitment procedures that help deter, reject or identify people who might pose a risk to children.

4.7 Consideration of staff wellbeing, workload and working conditions

The governing body should:

- consider the work-life balance of all staff

- ensure the school adheres to [The Working Time Regulations 1998 (http://www.legislation.gov.uk/uksi/1998/1833/contents/made)](http://www.legislation.gov.uk/uksi/1998/1833/contents/made)

It may wish to consider designating a governor as a wellbeing champion to provide strategic support to the school leadership team as appropriate.

The [education staff wellbeing charter (https://www.gov.uk/guidance/education-staff-wellbeing-charter)](https://www.gov.uk/guidance/education-staff-wellbeing-charter) and [school workload reduction toolkit (https://www.gov.uk/guidance/reducing-workload-in-your-school)](https://www.gov.uk/guidance/reducing-workload-in-your-school) include useful information and resources to support schools.

The following resources are available to provide further guidance:

- [school teachers' pay and conditions (https://www.gov.uk/government/publications/school-teachers-pay-and-conditions)](https://www.gov.uk/government/publications/school-teachers-pay-and-conditions)
- [The School Staffing (England) Regulations (https://www.legislation.gov.uk/uksi/2009/2680/regulation/3/made)](https://www.legislation.gov.uk/uksi/2009/2680/regulation/3/made) 2009
- Health and Safety Executive (HSE)'s [stress and mental health at work (https://www.hse.gov.uk/stress/index.htm)](https://www.hse.gov.uk/stress/index.htm)

Governing bodies and school leaders are encouraged to consider the Planning and Resources Review Group's recommendations on:

- [marking (https://www.gov.uk/government/publications/reducing-teacher-workload-marking-policy-review-group-report)](https://www.gov.uk/government/publications/reducing-teacher-workload-marking-policy-review-group-report)
- [lesson planning (https://www.gov.uk/government/publications/reducing-teacher-workload-planning-and-resources-group-report)](https://www.gov.uk/government/publications/reducing-teacher-workload-planning-and-resources-group-report)
- [data management (https://www.gov.uk/government/publications/reducing-teacher-workload-data-management-review-group-report)](https://www.gov.uk/government/publications/reducing-teacher-workload-data-management-review-group-report)

The '[Making data work (https://www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response)](https://www.gov.uk/government/publications/teacher-workload-advisory-group-report-and-government-response)' report also provides recommendations and principles to reduce unnecessary workload relating to data evidence and collection.

4.7.1 Flexible working

The governing body and the school leadership team is encouraged to consider implementing flexible working practices.

The [flexible working in schools (https://www.gov.uk/government/publications/flexible-working-in-schools/flexible-working-in-schools--2)](https://www.gov.uk/government/publications/flexible-working-in-schools/flexible-working-in-schools--2) guidance can help to develop and implement these policies.

4.8 Governance support and the governance professional (clerk)

All governing bodies **must** have a clerk, who is the governing body's governance professional. This is required by [the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/part/2/made)](https://www.legislation.gov.uk/uksi/2013/1624/part/2/made).

Strong governance support and an effective governance professional will help to:

- contribute to the governing body's efficiency, effectiveness, productivity and compliance
- support an understanding of the governing body's role, legal responsibilities, strategic activities, safeguarding and organisational culture

The governance professional **must** not be a governor or the headteacher, as set in [regulation 10(2) (https://www.legislation.gov.uk/uksi/2013/1624/regulation/10/made)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/10/made). However, if the governance professional is absent from a meeting, a governor can be appointed to take minutes for that meeting ([regulation 10(3) (https://www.legislation.gov.uk/uksi/2013/1624/regulation/10/made)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/10/made)).

The governing body **must** listen to the independent advice the governance professional provides and have regard to that advice when exercising its functions.

An effective governing body:

- understands the level of governance support they require
- understands the knowledge, skills and behaviours needed to deliver professional governance support
- sets standards for the service it expects from the governance professional
- evaluates the performance of the governance professional in carrying out the governance support role

The school can get governance support through:

- employing the governance professional directly
- contracting with a governance professional
- buying into a local authority's governor services

The Chartered Governance Institute's [competency framework (https://www.cgi.org.uk/professional-development/competency-framework)](https://www.cgi.org.uk/professional-development/competency-framework) can support with evaluating the performance of the governance professional.

The National Association of Governance Advisory Services produces a [handbook for clerks and governance professionals (https://nagas.org.uk/about-us/role-of-the-clerk-governance-professional/)](https://nagas.org.uk/about-us/role-of-the-clerk-governance-professional/).

4.8.1 The governance professional
The role of the governance professional is to:

- provide independent governance advice, guidance and effective administrative support to the governing body

- support the governing body to meet high standards of governance, including fulfilling legal or regulatory requirements and decision making

- help the governing body to understand its role and legal duties

- support the chair to facilitate strategic debate and decision making

- promote the flow of information throughout the governance structure

The governance professional receives direction from, and is accountable to, the governing body for their governance work. This will normally be through the chair.

Appraisal of the governance professional for their governance support at the school is important and we recommend this is undertaken by the chair.

The governing body supports the governance professional in identifying, accessing and attending training and development so they can:

- maintain their governance knowledge

- provide accurate advice

- make sure the governing body complies with its duties

The governing body is responsible for ensuring the governance professional receives appropriate remuneration for the governance role, and that this is reflective of the skills, experience and advice they bring.

Further resources are available regarding the governance professional role:

- National Governance Association's resources for [governance professionals (https://www.nga.org.uk/Governance-professionals.aspx)](https://www.nga.org.uk/Governance-professionals.aspx) and [career pathway for governance professionals (https://www.nga.org.uk/training/governance-professional-career-pathway/)](https://www.nga.org.uk/training/governance-professional-career-pathway/)

4.9 Time off work for governing

In accordance with the [Employment Rights Act 1996 (https://www.legislation.gov.uk/ukpga/1996/18/section/50)](https://www.legislation.gov.uk/ukpga/1996/18/section/50), employers **must**:

- give employees who serve on a governing body 'reasonable time off' to carry out their duties
- agree with the employee on what is 'reasonable'

Time off can be paid but this is not required by law. Read the guidance on [time off for public duties (https://www.gov.uk/time-off-work-public-duties)](https://www.gov.uk/time-off-work-public-duties).

4.10 Paying governors

School governance is based on the principle of voluntary service and paying people is subject to legal restrictions. The government is committed to maintaining and promoting this principle.

There is no legal power for schools, local authorities or the government to pay individuals on maintained school governing bodies for their governance duties.

4.10.1 Interim executive board (IEB) payments
Where an IEB has been put in place, a local authority may choose to pay IEB members. Payment should only be offered:

- when this is in the best interests of the school
- until a full governing body is appointed

For more information on IEBs, read the guidance on [schools causing concern (https://www.gov.uk/government/publications/schools-causing-concern--2)](https://www.gov.uk/government/publications/schools-causing-concern--2).

4.11 Allowances, expenses and other payments

There are other limited, specific circumstances in which individuals serving on governing bodies can receive payments from their school. This should only take place where it is clearly in the best interests of the school.

4.11.1 Governing body allowances and expenses
If the governing body has a delegated budget, they can pay allowances or expenses to governors and associate members appointed by the governing body, see [School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/part/6/made)](https://www.legislation.gov.uk/uksi/2013/1624/part/6/made).

As outlined in the [departmental advice for school leaders, governing bodies and maintained schools (https://www.gov.uk/government/publications/school-governance-regulations-2013)](https://www.gov.uk/government/publications/school-governance-regulations-2013) on the regulations, this should be:

- in accordance with a policy or scheme created by the school and approved by the governing body

- for expenditure incurred to enable the person to perform governance duties but does not include loss of earnings for attending meetings

- paid at a rate set out in the scheme and limited to the amount shown on the provided receipt

Travel expenses **must** not exceed the [HMRC approved mileage rates (https://www.gov.uk/government/publications/rates-and-allowances-travel-mileage-and-fuel-allowances)](https://www.gov.uk/government/publications/rates-and-allowances-travel-mileage-and-fuel-allowances).

Where the governing body does not have a delegated budget, the local authority can pay relevant allowances and expenses, which may be at a different rate decided by them. Receipt as proof of expenditure is required to make a claim.

4.11.2 Paying for goods and services

Governing bodies may pay for goods and services including those provided by governors.

Governors **must** not put themselves in a position where personal interests conflict with governance duties unless they are authorised to provide the goods or services. They **must** declare their interest where appropriate.

If a conflict exists, the governing body may want to take steps to:

- be assured that receiving the goods or services is in the best interests of the school and will help it achieve its purposes

- manage, and be seen to manage, any conflicts

- be open and accountable

- consider the advantages and disadvantages of using the goods and services

5.Governance structures

An overview of governance structures and how governing bodies **must** be constituted.

5.1 The governing body's constitution

Governing bodies of maintained schools **must** be constituted under the [Constitution Regulations 2012 (http://www.legislation.gov.uk/uksi/2012/1034/regulation/13/made)](http://www.legislation.gov.uk/uksi/2012/1034/regulation/13/made). Statutory guidance is available on the [constitution of governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools).

Governing bodies of federated schools **must** be constituted under the [Federation Regulations 2012 (http://www.legislation.gov.uk/uksi/2012/1035/contents/made)](http://www.legislation.gov.uk/uksi/2012/1035/contents/made). Further guidance on [federations governance processes (https://www.gov.uk/government/publications/governance-in-federations/federations-guidance-on-the-governance-processes)](https://www.gov.uk/government/publications/governance-in-federations/federations-guidance-on-the-governance-processes) is available.

5.1.1 Instrument of government
The constitution of all governing bodies **must** be set out in its instrument of government ('the instrument').

Find out how to manage the process of creating or amending an instrument in the [guidance for governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools).

Where relevant, amendments to the instrument of government **must** be approved by foundation governors and may require consent from the religious authority for the school, for example the diocese.

Read [The School Governance (Constitution) (England) Regulations 2012, part 5 (https://www.legislation.gov.uk/uksi/2012/1034/part/5/made)](https://www.legislation.gov.uk/uksi/2012/1034/part/5/made) for more information.

5.2 The governing body's membership requirements

The total membership of a governing body **must** be no fewer than 7 governors and **must** include:

- at least 2 parent governors, elected where possible, otherwise appointed
- the headteacher (ex-officio), unless they resign the office of governor
- only one elected staff governor

- only one local authority governor, nominated by the local authority and appointed by the governing body
- foundation governors or partnership governors where appropriate, as specified in [the School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/regulation/14/made)](https://www.legislation.gov.uk/uksi/2012/1034/regulation/14/made)

The governing body can also appoint co-opted governors as permitted by their instrument of government and as it considers necessary.

However, co-opted governors can only be elected as staff governors where they would not make up more than a third of the governing body, when they are counted with the staff governor and the headteacher. This is in accordance with the [(Constitution Regulations 2012 – Part 3 regulation 13) (https://www.legislation.gov.uk/uksi/2012/1034/regulation/13/made#:~:text=13.%20%E2%80%94%20(1)%20The%20governing%20body%20of%20every,than%20seven%20governors.%20(d)%20one%20local%20authority%20governor)](https://www.legislation.gov.uk/uksi/2012/1034/regulation/13/made).

Governors **must** be 18 or over at the time of election or appointment.

An effective governing body is:

- focused
- no larger than needed to carry out its functions effectively

A smaller governing body is likely to be:

- cohesive
- dynamic
- able to act more decisively on delivering its agreed strategic priorities

5.2.1 Governing body meetings
Governing body meetings **must**:

- take place at least 3 times a year as set out in [The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (https://www.legislation.gov.uk/uksi/2013/1624/contents)](https://www.legislation.gov.uk/uksi/2013/1624/contents)
- have the appropriate quorum to carry out its business (regulation 14)

However, the governing body and its committees are recommended to meet regularly to discharge their responsibilities.

The governing body:

- ensures all governors and the governance professional can participate fully in meetings

- considers committee or panel meetings being held at suitable times so that all governors and the governance professional can participate as appropriate
- can decide how to hold meetings, such as face to face, virtually or using a hybrid model

Guidance is available from the Chartered Governance Institute on [good practice for virtual board and committee meetings (https://www.cgi.org.uk/knowledge/resources/good-practice-for-virtual-board-and-committee-meetings)](https://www.cgi.org.uk/knowledge/resources/good-practice-for-virtual-board-and-committee-meetings).

5.2.2 The governing body's committees and panels

The governing body may delegate its functions in line with the [School Staffing (England) Regulations 2009 (http://www.legislation.gov.uk/uksi/2009/2680/contents/made)](http://www.legislation.gov.uk/uksi/2009/2680/contents/made), however, the governing body remains responsible for ensuring that delegated responsibilities are carried out.

Committees or panels can:

- be established for a specific purpose (including exclusions and disciplinary matters)
- include individuals from another school (joint committee)
- contain people not elected to the governing body

The governing body's committees or panels can include associate members appointed for their specific skill or knowledge but who are not governors.

Certain functions of the governing body cannot be delegated, as outlined in [School Staffing (England) Regulations 2009 (http://www.legislation.gov.uk/uksi/2009/2680/contents/made)](http://www.legislation.gov.uk/uksi/2009/2680/contents/made) and regulation 19(4) of the [School Governance (Roles, Procedures and Allowances) (England) 2013 (https://www.legislation.gov.uk/uksi/2013/1624/regulation/19)](https://www.legislation.gov.uk/uksi/2013/1624/regulation/19). These include functions relating to:

- headteacher duties, entitlements and performance
- procedures for the regulation of staff conduct and discipline and dealing with a lack of staff capability
- safer recruitment training for interviewers
- appointment of the headteacher and deputy headteacher

5.3 Types of governors

5.3.1 Co-opted governors

Co-opted governors are people who, in the opinion of the governing body, have the skills and experience required to contribute to the effective governance and success of the school. They act in the best interests of the school and wider community.

5.3.2 Parent governors

A governing body **must** have at least 2 parent governors (https://www.legislation.gov.uk/uksi/2012/1034/regulation/13/made). Parent governors bring valuable knowledge and perspectives to the governing body.

Parent governor positions are filled by an election. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 (https://www.legislation.gov.uk/uksi/2016/204/pdfs/uksi_20160204_en.pdf) states that in a federation, there are only 2 parent positions open to all those with parental responsibility across all of the schools in the federation. Where there are not enough parents or carers to hold an election, individuals may be appointed directly to the governing body, see The School Governance (Constitution) (England) Regulations 2012 schedule 1 (https://www.legislation.gov.uk/uksi/2012/1034/schedule/1/made).

Parent governors act as any other governor does. They are there to operate and make decisions in the best interest of their school, not in the interests of their child or the interests of other parents' children.

5.3.3 Staff governors

The governing body **must** include one staff governor in accordance with The School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/regulation/13/made).

The position of staff governor is open to any member of staff working in the school, including teaching and non-teaching staff, but excludes the headteacher who can take up the ex-officio position on the governing body. See section 7 and section 13 of the The School Governance (Constitution) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1034/regulation/7/made).

In a federation, the staff governor position is open to all staff across all the schools in the federation.

Staff governors act as any other governor does. They are there to operate and make decisions in the best interest of their school, not their own or other staff interests.

5.3.4 Foundation governors

Foundation governors are either appointed or take the role by virtue of an office they hold (for example, ex officio). They are appointed to:

- secure the character of the school and where relevant, preserve and develop religious character

- uphold compliance with the foundation's governing documents, for example, the trust deed as outlined in [schedule 24, paragraph 13 Education Act 1996 (https://www.legislation.gov.uk/ukpga/1996/56/schedule/24/paragraph/13)](https://www.legislation.gov.uk/ukpga/1996/56/schedule/24/paragraph/13)

The number of foundation governors and the identity of the body or bodies appointing them (such as a church authority, voluntary trust or organisation) will be set out in the instrument of government (see Annex A, section B2 of the [constitution of governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)).

5.3.5 Partnership governors
Partnership governors are only needed in foundation and foundation special schools that do not have a foundation. They act in the best interests of the foundation school and the wider community.

Where foundation schools with a religious character do not have a foundation, they have a role to preserve and develop such religious character.

5.3.6 Local authority governors
A local authority governor is a governor that has been nominated by the local authority (though does not need to be connected to a local authority) and appointed by the governing body.

The governing body should make clear its eligibility criteria for local authority governors and a local authority needs to make every effort to understand the governing body's requirements to identify and nominate suitable candidates.

The governing body decides whether the local authority nominee meets the eligibility criteria. If it chooses to reject the candidate, it will need to explain this decision to the local authority.

A local authority governor, like any other governor, **must** govern in the interests of the school and not advocate the interests of the local authority.

5.3.7 Associate members
The governing body can appoint associate members to serve on one or more of its committees.

The definition of associate member is wide. Registered pupils and staff at the school, and people who want to contribute specifically on issues related to their area of expertise (for instance, finance) can be appointed as associate members.

Associate members:

- are not governors and they are not recorded in the instrument of government

- can be under 18 years old

- are appointed for a period between one and 4 years

- can be reappointed at the end of their term

- can attend full governing body meetings but cannot vote

- can be assigned voting rights at committee level if they are 18 or over

- may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil

5.3.8 Surplus governors

A school may have more governors in a particular category than is provided for in its instrument of government. This could arise where the governing body has reconstituted and reduced in size but does not secure enough governor resignations.

Guidance on managing this process is available in the statutory guidance for the [constitution governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools) (section B3).

5.4 Terms of office

The standard term of office for all categories of governor is a fixed period of 4 years, but this may be varied for particular categories or individuals in the instrument of government.

Terms of office for additional governors are set by those appointing and can be up to a maximum of 4 years.

Ex-officio governors stop being a governor when the position entitling them to be a governor ends.

Read the statutory guidance on the [constitution of governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools) (section C4) for further details.

5.5 Maintained school federations

A federated governing body's role is to set the strategic objectives of all schools in the federation.

A governing body's decision to federate **must** follow the process in the School Governance (Federations) Regulations 2012 (http://www.legislation.gov.uk/uksi/2012/1035/contents/made).

The governance of federations (https://www.gov.uk/government/publications/governance-in-federations) guidance provides information on constituting a federated governing body and the processes for setting up, leaving and dissolving a federation.

5.6 Joining or forming a multi-academy trust

Every governing body should consider whether converting to an academy and forming or joining a multi-academy trust under the leadership of a single trust board would be in the best interest of the school.

In a school with a religious character, the governing board will need the consent of the relevant religious authority to apply to become an academy. In Church of England and Catholic schools this will be in accordance with the diocesan bishop's academisation strategy.

Governing bodies can read our converting to an academy (https://www.gov.uk/government/collections/convert-to-an-academy-documents-for-schools) documents for more details.

5.7 Publishing information about governance structures and individuals in governance roles

5.7.1 Being transparent
As publicly funded organisations whose purpose is for the public good, it is important that schools have a culture of transparency and welcome public scrutiny.

Openness about governance arrangements and decisions helps the school's parents, carers and wider communities to understand and navigate the organisation and creates a relationship based on trust.

5.7.2 The school's website
The school should publish information about their governing body and its committees, in line with the constitution of governing bodies of maintained

schools [(https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools).

The governing body or school should publish up-to-date details of its governance arrangements on its website in an accessible format. For example, the information should be on a webpage without the need to download or open a separate document.

This should also set out the:

- structure and remit of the governing body and any committees
- attendance records for each governor in the governing body and at committee meetings over the last academic year

Details of what information **must** be published can be found in statutory guidance for the [constitution governing bodies of maintained schools (https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools)](https://www.gov.uk/government/publications/constitution-of-governing-bodies-of-maintained-schools).

It may also be helpful to add the governance professional's contact information to the school's governance web page.

The 'governors' information and duties' section of [what maintained schools **must** publish online (https://www.gov.uk/guidance/what-maintained-schools-must-publish-online#governors-information-and-duties)](https://www.gov.uk/guidance/what-maintained-schools-must-publish-online#governors-information-and-duties) has more information.

[Data protection toolkit for schools (https://www.gov.uk/guidance/data-protection-in-schools)](https://www.gov.uk/guidance/data-protection-in-schools) contains further information about protecting personal data and how to fulfil duties under the Equality Act.

5.7.3 Get Information About Schools (GIAS)
Everyone involved in the governance of a school holds an important public office.

To ensure transparency on who governs our schools, the Department for Education (DfE) established a [national database of governors (https://www.gov.uk/government/news/national-database-of-governors)](https://www.gov.uk/government/news/national-database-of-governors). This can be accessed through [Get Information About Schools (GIAS) (https://get-information-schools.service.gov.uk/)](https://get-information-schools.service.gov.uk/).

GIAS allows DfE to identify individuals who have a role in governance, and it also helps governing bodies, as well as DfE, to identify where people govern in more than one school or academy trust.

Schools **must** provide up-to-date information about their chair and governors on GIAS to the Secretary of State for Education as required by [section 538 of the Education Act 1996 (https://www.legislation.gov.uk/ukpga/1996/56/section/538)](https://www.legislation.gov.uk/ukpga/1996/56/section/538). Portions of this information will be used to populate the GIAS database.

A recent update to GIAS now allows for the inclusion of governance professionals on the service. Guidance on [how to update your organisation's governance details (https://www.get-information-schools.service.gov.uk/Guidance/Governance)](https://www.get-information-schools.service.gov.uk/Guidance/Governance) is available.

Governing bodies may want to make it clear in their code of conduct that information about individuals will be published on the school's website and on [GIAS (https://get-information-schools.service.gov.uk/)](https://get-information-schools.service.gov.uk/).

Any governors who fail to provide information may be in breach of the governing body's code of conduct.

The following GIAS information is available to the public:

- full name
- appointing body, for example governing body, foundation, parents and staff
- date of appointment (when term of office begins)
- date term of office ends
- the status of the person (for example the chair of the governing body)

In addition, the following information is collected to help identify people, but is not published:

- postcode
- date of birth
- previous names
- direct email address for chair

When collecting information from governors, schools need to make them aware that it will be shared with DfE. They will also need to explain why the information is being collected and how it will be used.

Access is restricted to a small number of users who need it to fulfil their official responsibilities.

Details about the GIAS [privacy notice (https://get-information-schools.service.gov.uk/privacy)](https://get-information-schools.service.gov.uk/privacy) and [service information (https://get-information-schools.service.gov.uk/responsibilities)](https://get-information-schools.service.gov.uk/responsibilities) is available.

5.8 Collaboration

5.8.1 Between governing bodies

2 or more governing bodies can arrange for any of their functions to be carried out jointly, as well as allow those functions to be delegated to a joint committee. This is set out in [The School Governance (Collaboration) (England) Regulations 2003 (http://www.legislation.gov.uk/uksi/2003/1962/contents/made)](http://www.legislation.gov.uk/uksi/2003/1962/contents/made).

Individual governing bodies retain legal responsibility and corporate liability for all decisions made on their behalf. Governing bodies **must** therefore make sure that they receive regular reports, including signed minutes, from any joint committees they agree to establish.

Maintained schools may also enter into [collaborative arrangements (http://www.legislation.gov.uk/uksi/2007/1321/contents/made)](http://www.legislation.gov.uk/uksi/2007/1321/contents/made) with further education colleges using joint committees.

5.8.2 Between academies and maintained schools

Maintained schools are not allowed to share governance arrangements and form formal joint committees with academies under the [The School Governance (Collaboration) (England) Regulations 2003 (https://www.legislation.gov.uk/uksi/2003/1962/contents/made)](https://www.legislation.gov.uk/uksi/2003/1962/contents/made). However, they may collaborate informally.

6.Evaluation

How regular evaluation can be carried out on the effectiveness of governance and the school's performance.

6.1 Evaluating governance

An effective governing body will review its own performance regularly.

The governing body can evaluate the effectiveness of their governance through a combination of self-assessment tools, independent perspectives, and skills audits.

Evaluation considers:

- the governing body's effectiveness and the quality of its decision making
- its impact on efficiency and reducing unnecessary workload for governors and staff
- the skills needed for governance

- readiness for growth, if appropriate
- individual performance of governors, for example their contribution to governing body meeting discussions

Governing bodies may want to consider commissioning an external review of governance to get an independent assessment of its governance effectiveness and the areas for development.

Tools to help with evaluating governance can be found in:

- the National Governance Association's [governing board self-evaluation questions (https://www.nga.org.uk/knowledge-centre/governing-board-self-evaluation-questions/)](https://www.nga.org.uk/knowledge-centre/governing-board-self-evaluation-questions/) ('20 questions') and [governing board skills audit (https://www.nga.org.uk/knowledge-centre/governing-board-skills-audit/)](https://www.nga.org.uk/knowledge-centre/governing-board-skills-audit/)
- the Education Endowment Fund's [guide for governing boards (https://educationendowmentfoundation.org.uk/support-for-schools/bitesize-support/guide-for-governing-boards)](https://educationendowmentfoundation.org.uk/support-for-schools/bitesize-support/guide-for-governing-boards)

You can also contact your local authority or governor service provider.

6.2 External reviews of governance (ERGs)

External reviews of governance (ERGs) provide independent assessment of the governing body's effectiveness and areas for development. An ERG is not an audit or inspection, they can:

- be a more powerful diagnostic tool than self-evaluation
- bring an independent perspective
- identify areas for capacity and capability building for governors and governance support
- identify areas for further learning and development
- provide support to a governing body at key growth or transition points
- be arranged by the governing body at any time
- be recommended by DfE or other authority

We recommend that ERGs are conducted routinely as part of a wider programme of self-assessment and improvement. It is particularly important that they are conducted before a governing body undertakes any significant change, such as converting to an academy.

6.2.1 Recommended external reviews of governance

In cases where DfE or another authority recommends an ERG, it is important the governing body:

- understands the reasons for the review and the improvement needs that have been identified
- ensures they are clear on this before a review is commissioned
- arranges the review promptly
- ensures the external review is independent and objective
- avoid conflicts of interest (or potential perceived conflicts of interest) between governing bodies or governing body members and potential reviewers

Any consideration of a conflict of interest should be recorded in writing along with any steps taken to manage it before the reviewer is engaged.

As set out in the support and intervention in schools (https://www.gov.uk/government/publications/schools-causing-concern--2) guidance, local authorities should note the recommendations made to maintained schools as part of ERGs.

These reviews may include recommendations that may reveal a failure of governance that is prejudicing standards of school performance, and this in turn could warrant the local authority issuing a warning notice to improve.

Further guidance on ERGs for schools (https://www.gov.uk/guidance/external-reviews-of-governance-whats-involved) is available.

The Chartered Governance Institute has produced guidance for governing board performance reviews (https://www.cgi.org.uk/services/board-performance-review) and a code of practice for governing board reviewers, which governing bodies may find useful.

7.Compliance

Guidance for governing bodies on how to meet their legal and regulatory responsibilities with regards to compliance.

7.1 Overview

The governing body is responsible for ensuring legal and regulatory compliance across a range of areas, including but not limited to:

- general principles of education law
- responsibilities as operators of an educational institution, such as:
  - [health and safety (https://www.hse.gov.uk/education/index.htm)](https://www.hse.gov.uk/education/index.htm)
  - [estate management (https://www.gov.uk/guidance/good-estate-management-for-schools)](https://www.gov.uk/guidance/good-estate-management-for-schools)
  - [information management (https://ico.org.uk/for-organisations/)](https://ico.org.uk/for-organisations/)
  - [employment law (https://www.gov.uk/browse/employing-people)](https://www.gov.uk/browse/employing-people)
  - conditions and obligations imposed by funding or regulatory bodies

The procedures, terms of reference and allowances of the governing body are set out in the [School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 (http://www.legislation.gov.uk/uksi/2013/1624/made)](http://www.legislation.gov.uk/uksi/2013/1624/made).

[Detailed guidance on the regulations (https://www.gov.uk/government/publications/school-governance-regulations-2013)](https://www.gov.uk/government/publications/school-governance-regulations-2013) is available.

This section has information, guidance and resources to help the governing body understand these duties in more detail but does not provide a complete list of key duties or responsibilities.

7.2 Education

7.2.1 The curriculum
The school curriculum in state-funded schools **must**:

- be balanced and broadly based
- promote the spiritual, moral, cultural, mental and physical development of pupils
- prepare pupils for the opportunities, responsibilities and experiences of later life

This is set out in the [Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/78)](https://www.legislation.gov.uk/ukpga/2002/32/section/78).

Responsibility for the curriculum is shared between the headteacher, the governing body and the local authority to a limited extent.

7.2.2 Pupils with special educational needs and disabilities (SEND)
Governing bodies have legal duties in relation to pupils with SEND that are set out in the [Children and Families Act 2014 (https://www.legislation.gov.uk/ukpga/2014/6/contents)](https://www.legislation.gov.uk/ukpga/2014/6/contents) and **must** have regard when exercising their SEND functions to the statutory guidance in

the SEND code of practice (https://www.gov.uk/government/publications/send-code-of-practice-0-to-25). This includes ensuring that a teacher or headteacher at the school is designated as the special educational needs coordinator (SENCO).

The SEND code of practice sets out an expectation that there should be a member of the governing body or a sub-committee with specific oversight of the school's arrangements for SEND.

Special educational needs (SEN) and disabilities: guidance for school governing boards (https://www.gov.uk/government/publications/sen-and-disability-duties-guidance-for-school-governing-boards/special-educational-needs-sen-and-disabilities-guidance-for-school-governing-boards) is available.

Many pupils with SEN will have a disability. Schools also have duties under the Equality Act 2010 in relation to disability - see section 2.1.2, Equality, diversity and inclusion.

7.2.3 Looked-after and previously looked-after children
A governing body **must** appoint:

- a designated teacher who is appropriately qualified to support the educational achievement of looked-after children
- a member of staff responsible for promoting the educational achievement of looked-after and previously looked-after children

Governing bodies' responsibilities are set out in statutory guidance the designated teacher for looked-after and previously looked-after children (https://www.gov.uk/government/publications/designated-teacher-for-looked-after-children).

This duty is outlined in the Children and Young Persons Act 2008 (https://www.legislation.gov.uk/ukpga/2008/23/contents) and the Designated Teacher (Looked After Pupils etc) (England) Regulations 2009. (https://www.legislation.gov.uk/uksi/2009/1538/made)

Become, a charity for children in care and young care leavers has published further guidance on children in care for school governors (https://becomecharity.org.uk/children-in-care-guide-for-school-governors/).

7.3 Funding and finances

7.3.1 School funding
Every year the Department for Education (DfE) uses the schools national funding formula (NFF) (https://www.gov.uk/government/publications/national-

[funding-formula-for-schools-and-high-needs)](#) to distribute core funding for 5 to 16-year-old pupils (reception to year 11) in mainstream state-funded schools in England.

There are separate formulas for:

- sixth-form
- high needs
- early years funding

The schools NFF allocates funding primarily based on pupil numbers and pupil characteristics, including additional funding for deprived pupils and pupils with low prior attainment.

Schools also receive funding which does not change with pupil numbers, such as lump sum contributions to fixed costs.

The dedicated schools grant (DSG)

The schools NFF determines how much funding is allocated to each local authority through the [dedicated schools grant (DSG) (https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-2025-to-2026)](https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-2025-to-2026).

Each local authority then sets its own local formula to distribute their DSG allocations among schools within its local area.

This local formula:

- determines the final allocations for maintained schools which the department then uses to fund academies in the same local authority
- ensures that maintained schools and academies are treated similarly in terms of their funding

Maintained schools receive their funding directly from their local authority, who receive the DSG.

Governing bodies that govern more than one school (federation) can ask to pool their funding together.

Teachers' pay additional grant

In both financial years 2023 to 2024, and 2024 to 2025, mainstream schools were allocated additional funding through the [Teachers' pay additional grant (TPAG) (https://www.gov.uk/government/publications/teachers-pay-additional-grant-2024-to-2025)](https://www.gov.uk/government/publications/teachers-pay-additional-grant-2024-to-2025). This funding was allocated to support schools with the September 2023 teachers' pay award.

From April 2025, this funding has been rolled into the 2025 to 2026 NFF and has ceased to exist as a separate grant for local authority maintained

mainstream schools.

Teachers' pension employer contribution grant

In the financial year 2024 to 2025, mainstream schools were allocated funding through the [Teachers' pension employer contribution grant (TPECG) (https://www.gov.uk/government/publications/teachers-pension-employer-contribution-grant-2024-for-schools-high-needs-settings-and-local-authorities-2024-to-2025)](https://www.gov.uk/government/publications/teachers-pension-employer-contribution-grant-2024-for-schools-high-needs-settings-and-local-authorities-2024-to-2025). This funding was provided to support schools with increases to teacher pensions contributions from April 2024. From April 2025, this funding has been rolled into the 2025 to 2026 NFF and has ceased to exist as a separate grant for local authority maintained mainstream schools.

Core Schools Budget grant (CSBG)

In the financial year 2024 to 2025, mainstream schools were allocated funding through the [Core schools budget grant (CSBG) (https://www.gov.uk/government/publications/core-schools-budget-grant-csbg-2024-to-2025/core-schools-budget-grant-csbg-methodology-september-2024-to-march-2025--2)](https://www.gov.uk/government/publications/core-schools-budget-grant-csbg-2024-to-2025/core-schools-budget-grant-csbg-methodology-september-2024-to-march-2025--2). This funding was provided to support schools with overall costs, including the 2024 teachers' pay award and support staff pay award. From April 2025, this funding has been rolled into the 2025 to 2026 NFF and has ceased to exist as a separate grant for local authority maintained mainstream schools.

National Insurance contributions (NICs) grant

In the financial year 2025 to 2026, mainstream schools are being allocated funding through the [National Insurance contributions (NICs) Grant (https://www.gov.uk/government/publications/national-insurance-contributions-nics-grant-and-early-years-national-insurance-contributions-ey-nics-grant-for-2025-to-2026/national-insurance-contributions-nics-grant-methodology-april-2025-to-march-2026)](https://www.gov.uk/government/publications/national-insurance-contributions-nics-grant-and-early-years-national-insurance-contributions-ey-nics-grant-for-2025-to-2026/national-insurance-contributions-nics-grant-methodology-april-2025-to-march-2026). This funding is being provided to support schools with the increases in employer National Insurance contributions from April 2025.

Mainstream schools with eligible special units or resource provision (SURPs) will receive additional funding, on top of their mainstream allocation, to support the higher staffing costs that schools with SURPs typically face.

From April 2026, this funding is expected to be rolled into the 2026 to 2027 NFF.

Pupil premium

The [Pupil premium (https://www.gov.uk/government/publications/pupil-premium)](https://www.gov.uk/government/publications/pupil-premium) grant is funding to improve educational outcomes for disadvantaged pupils in state-funded schools in England.

School leaders **must** adhere to the [conditions of grant (https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2023-to-2024)](https://www.gov.uk/government/publications/pupil-premium-allocations-and-conditions-of-grant-2023-to-2024) published annually for pupil premium.

Further information on the 'menu of approaches' and how schools should use their pupil premium can be found in [Using pupil premium: guidance for school leaders (https://www.gov.uk/government/publications/pupil-premium)](https://www.gov.uk/government/publications/pupil-premium) and in the Education Endowment Foundation's (EEF's) [guide to using pupil premium (https://educationendowmentfoundation.org.uk/guidance-for-teachers/using-pupil-premium)](https://educationendowmentfoundation.org.uk/guidance-for-teachers/using-pupil-premium).

In accordance with grant conditions, a governing body should scrutinise a school's pupil premium strategy statement and discuss the rationale for pupil premium spending with the school leadership team. It will need to consider pupil needs and high-quality evidence as part of its decisions.

The governing body will discuss with school leaders how it will:

- monitor the progress of eligible pupils

- evaluate and sustain the impact of its strategies

PE and sport premium
Schools are accountable for how they use the [PE and sport premium funding (https://www.gov.uk/guidance/pe-and-sport-premium-for-primary-schools)](https://www.gov.uk/guidance/pe-and-sport-premium-for-primary-schools) allocated to the school.

The funding **must** be spent for the purpose it was provided – to make additional and sustainable improvements to the PE, sport and physical activity offered.

Details of what the funding cannot be used for is listed in the guidance and includes but is not limited to, capital expenditure or teaching the minimum requirements of the national curriculum.

Governors should:

- monitor how the funding is being spent

- determine how it fits into school improvement plans

- assess the impact it is having on pupils

In addition to the above, the chair **must** sign off the school's digital reporting form return detailing how the school has used its PE and sport premium allocation. If the school chooses to publish its own prepared report rather than a downloaded copy of its digital form return, the report should be signed off by the chair prior to its publication.

16 to 19 funding
Funding for 16 to 19 year olds is allocated by DfE through separate arrangements. Basic funding is calculated using the 16 to 19 funding formula.

Find out more about [how 16 to 19 funding works (https://www.gov.uk/guidance/16-to-19-funding-how-it-works)](https://www.gov.uk/guidance/16-to-19-funding-how-it-works).

7.3.2 Charging for school activities

Governing bodies **must** comply with the law on charging for school activities, set out in sections 449-462 of the Education Act 1996. The department has published guidance on [charging for school activities (https://www.gov.uk/government/publications/charging-for-school-activities)](https://www.gov.uk/government/publications/charging-for-school-activities) to help schools develop their charging and remissions policy.

7.3.3 School companies

Governing bodies may form school companies to undertake certain activities, as set out in the [Education Act 2002, chapter 3, sections 11 to 13 (https://www.legislation.gov.uk/ukpga/2002/32/part/1/chapter/3)](https://www.legislation.gov.uk/ukpga/2002/32/part/1/chapter/3).

Schools and school companies are separate legal entities.

7.4 Health and safety

School premises and the accommodation and facilities provided **must** be kept up to a standard, where, as much as reasonably possible, the health, safety and welfare of pupils are guaranteed as required by regulation 6 of The [School Premises (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1943/regulation/6/made)](https://www.legislation.gov.uk/uksi/2012/1943/regulation/6/made).

The employer is responsible for the health and safety of employees, pupils and visitors in workplaces, as required by the [Health and Safety at Work Act 1974 (https://www.legislation.gov.uk/ukpga/1974/37/contents)](https://www.legislation.gov.uk/ukpga/1974/37/contents). The employer in an educational setting depends on the type of school.

The local authority is the employer within:

- community schools
- community special schools
- maintained nursery schools
- voluntary controlled schools

The governing body is the employer within:

- foundation schools
- foundation special schools
- voluntary-aided schools

Employers have a duty of care to:

- protect the health, safety and welfare of their employees under the health and safety legislation

- ensure that non-employees are not exposed to risks in their health and safety

Governing bodies should regularly monitor and review their health and safety policies to ensure risks are captured and managed if removal of the risk is not reasonably practicable.

The governing body needs to seek assurance that where there are potential health and safety risks:

- appropriate corrective action is being taken

- learning is being shared

- improvements are being put in place

Guidance on health and safety: responsibilities and duties for schools (https://www.gov.uk/government/publications/health-and-safety-advice-for-schools/responsibilities-and-duties-for-schools) outlines how the law affects governing bodies, executive leaders and other school staff.

7.5 Inspections

7.5.1 Ofsted school inspections
Ofsted's school inspection handbook (https://www.gov.uk/government/publications/school-inspection-handbook-eif) provides details of state-funded school inspections and monitoring, including how:

- governors are involved

- effective governance is assessed and reported

Handbooks and frameworks (https://www.gov.uk/government/collections/ofsted-handbooks-and-frameworks) that cover other settings are also published.

Ofsted considers responses to its Parent View (https://parentview.ofsted.gov.uk/) survey and governing bodies can access the Parent View: toolkit for schools (http://www.ofsted.gov.uk/resources/parent-view-toolkit-for-schools) for more information.

When a school is notified of a graded inspection, the governing body **must** take reasonable steps to notify parents of registered pupils and other prescribed persons. This is set out in the Education Act 2005 s6 with The

[Education(School Inspection) (England) Regulations 2005, regulation 4 (https://www.legislation.gov.uk/uksi/2005/2038/regulation/4/made)](https://www.legislation.gov.uk/uksi/2005/2038/regulation/4/made).

When the school receives its final report, the governing body **must**:

- send all parents a copy within 5 working days
- provide a copy to any member of the public who requests it, at reasonable times and places
- publish details on a website of how to access the report, for example by linking to the school's report on the [Ofsted website (http://www.ofsted.gov.uk/)](http://www.ofsted.gov.uk/)
- consider translating the report into other languages where appropriate

This is in accordance with [The Education (School Inspection) (England) Regulations 2005 (regulation 6 (https://www.legislation.gov.uk/uksi/2005/2038/contents/made)](https://www.legislation.gov.uk/uksi/2005/2038/contents/made)).

7.5.2 Section 48 inspections

The governing body of a voluntary or foundation school with a religious character **must** secure a [section 48 inspection (https://www.legislation.gov.uk/ukpga/2005/18/section/48)](https://www.legislation.gov.uk/ukpga/2005/18/section/48) of any denominational education and the content of the school's collective worship under the [Education Act 2005 (https://www.legislation.gov.uk/ukpga/2005/18/contents)](https://www.legislation.gov.uk/ukpga/2005/18/contents).

The governing body **must** ensure these inspections take place within the time periods specified in law, as set in The Education (School Inspection) (England) Regulations 2005 with [The Education (School Inspection) (England) (Coronavirus) (Amendment) Regulations 2021 (https://www.legislation.gov.uk/uksi/2021/845/regulation/5/made)](https://www.legislation.gov.uk/uksi/2021/845/regulation/5/made).

When choosing an inspector, the governing body **must** consult the relevant bodies, depending on the designation of the school (see [The Education (School Inspection) (England) Regulations 2005 (https://www.legislation.gov.uk/uksi/2005/2038/regulation/9/made)](https://www.legislation.gov.uk/uksi/2005/2038/regulation/9/made)).

A grant is available towards the cost of the section 48 inspection. Faith groups generally manage the process for claiming this, but governing bodies may claim the grant directly where they arrange the inspection themselves.

The section 48 report

Inspectors **must** prepare a report and send it to the school within 15 working days from the end of the inspection for factual checking.

A governing body **must**:

- make reasonable arrangements for the public to inspect the report

- ensure that every parent of a registered pupil where the school provides denominational education, or who takes part in acts of collective worship as inspected, receives a copy of the report as soon as is reasonably practicable

- provide a copy to anyone else who asks for it

- the [Education Act 2005 section 49 (https://www.legislation.gov.uk/ukpga/2005/18/section/49)](https://www.legislation.gov.uk/ukpga/2005/18/section/49) has further details

7.6 Political impartiality

All governing bodies and headteachers **must** not allow the promotion of one-sided political views as set out in [Section 407 (https://www.legislation.gov.uk/ukpga/1996/56/section/407)](https://www.legislation.gov.uk/ukpga/1996/56/section/407) of the Education Act 1996. So where political issues are covered, opposing views **must** be presented in a balanced way.

This applies both to the teaching of any subject and to extra-curricular activities. In relation to junior pupils, governing bodies and headteachers **must** actively forbid the pursuit of partisan political activities and the promotion of partisan political views as set out in [Section 406. (https://www.legislation.gov.uk/ukpga/1996/56/section/406)](https://www.legislation.gov.uk/ukpga/1996/56/section/406).

The governing body should actively promote staff awareness of the statutory requirements and relevant information, including guidance on [political impartiality in schools (https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#role-of-local-authorities-school-proprietors-academy-trusts-and-headteachers)](https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#role-of-local-authorities-school-proprietors-academy-trusts-and-headteachers).

7.7 Protecting and sharing information

7.7.1 Data protection and retention
Schools and governing bodies **must** comply with data protection legislation and handling personal data in line with it. For example they **must**:

- provide a statement or privacy notice to individuals whose personal data is being processed or held

- respond to requests for personal data or subject access requests within one calendar month

This is in accordance with The Data Protection Act (DPA) 2018 and UK General Data Protection Regulations (GDPR).

Governing bodies **must** retain all records and documentation in line with regulations and retention guidelines. DfE guidance on [record keeping and management (https://www.gov.uk/guidance/data-protection-in-schools/record-keeping-and-management)](https://www.gov.uk/guidance/data-protection-in-schools/record-keeping-and-management) may help with this.

The Information Commissioner's Office (ICO) has published [resources on UK GDPR (https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/)](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/), including guidance about [accountability and governance (https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/)](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/).

DfE guidance on [data protection in schools (https://www.gov.uk/government/publications/data-protection-toolkit-for-schools)](https://www.gov.uk/government/publications/data-protection-toolkit-for-schools) provides further information.

7.7.2 Freedom of Information
The governing body is responsible for ensuring the school complies with the [Freedom of Information Act 2000 (https://www.legislation.gov.uk/ukpga/2000/36/contents)](https://www.legislation.gov.uk/ukpga/2000/36/contents) (FOIA). There **must** be a Freedom of Information (FOI) publication scheme in place.

The governing body should make sure that all staff members are aware of the FOIA and how requests for information are handled by the school. They may choose to charge a fee to cover some costs, which **must** be calculated according to the FOI and [Data Protection (Appropriate Limits and Fees) Regulations 2004 (https://www.legislation.gov.uk/uksi/2004/3244/contents)](https://www.legislation.gov.uk/uksi/2004/3244/contents).

An FOI request **must** be responded to within 20 working days of receipt (not including school holidays).

Further guidance on [freedom of information (https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/)](https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/) is available.

7.7.3 Cyber security
Governing bodies need to understand the considerable damage cyber security attacks can cause to their schools. At least one governor should complete cyber security training.

The ability to predict, prevent and respond to cyber threats is vital in protecting the school's IT and online services and the large amounts of sensitive personal data it holds.

Governing bodies will seek assurances from senior leaders that their school is adequately prepared if a cyber incident occurs and that as governors, they are aware of cyber risks.

Further guidance about [meeting digital and technology standards in schools and colleges (https://www.gov.uk/guidance/meeting-digital-and-technology-standards-in-schools-and-colleges/cyber-security-standards-for-schools-and-colleges)](https://www.gov.uk/guidance/meeting-digital-and-technology-standards-in-schools-and-colleges/cyber-security-standards-for-schools-and-colleges) is available.

The National Cyber Security Centre has also published some [questions for governors and trustees (https://www.ncsc.gov.uk/information/school-governor-questions)](https://www.ncsc.gov.uk/information/school-governor-questions).

Guidance to help governing bodies support school leaders in [keeping children safe online (https://www.gov.uk/government/publications/online-safety-in-schools-and-colleges-questions-from-the-governing-board)](https://www.gov.uk/government/publications/online-safety-in-schools-and-colleges-questions-from-the-governing-board) is available. This should be read alongside the statutory guidance [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2).

7.8 Safeguarding and pupil welfare

The governing body has a duty to ensure that it:

- carries out its functions with a view to safeguarding and promoting the welfare of children
- has regard to the statutory guidance issued by the Secretary of State for Education relating to arrangements required to fulfil its safeguarding duties

This is outlined in [section 175 of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/175)](https://www.legislation.gov.uk/ukpga/2002/32/section/175).

The governing body has a strategic leadership responsibility for its school's safeguarding arrangements. They **must**:

- comply with their duties under legislation
- have regard to the [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) guidance
- ensure that policies, procedures and training in their schools are effective and comply with the law at all times

In particular, governors and associate members should ensure they have read and follow 'The management of safeguarding' in [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2).

7.8.1 The Prevent duty

Under the Counter-Terrorism and Security Act (https://www.gov.uk/government/collections/counter-terrorism-and-security-bill), all schools are subject to the Prevent duty. They **must** have regard to the:

- need to prevent people from being drawn into terrorism
- statutory guidance on Prevent duty (https://www.gov.uk/government/publications/prevent-duty-guidance)

All schools should ensure their staff receive training to identify children at risk and have a process in place to make a referral to Prevent (https://www.gov.uk/guidance/making-a-referral-to-prevent) if a concern is identified.

7.8.2 Pupil mental health and wellbeing
Mental health and wellbeing
Schools have a statutory duty to promote wellbeing through section 21 of the Education Act 2002. (https://www.legislation.gov.uk/ukpga/2002/32/section/21)

The other statutory obligations of schools in relation to pupil mental health and wellbeing are covered by wider duties including:

- the curriculum
- behaviour
- SEND
- supporting pupils with medical conditions see section 7.8.3 Supporting pupils in school with medical conditions
- safeguarding

Statutory guidance on these issues sets out how mental health and wellbeing considerations should be included. For example, specifying what needs to be taught in:

- health education
- identification of social, emotional and mental health needs as part of the SEND code of practice (https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)
- information on supporting mental health as part of keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

As part of meeting these statutory responsibilities, schools should ensure they have clear systems and processes in place for:

- early intervention and identification of possible mental health problems
- referral to experienced skilled professionals

- clear accountability

Further guidance on [promoting children and young people's mental health and wellbeing (https://www.gov.uk/government/publications/promoting-children-and-young-peoples-emotional-health-and-wellbeing)](https://www.gov.uk/government/publications/promoting-children-and-young-peoples-emotional-health-and-wellbeing) is available.

Nutrition
Governing bodies **must** ensure the [School Food Standards (https://www.gov.uk/government/publications/standards-for-school-food-in-england)](https://www.gov.uk/government/publications/standards-for-school-food-in-england) are being met and should encourage their schools to have a whole school approach to healthy eating.

[School food: guidance for governors (https://www.gov.uk/government/publications/school-food-standards-resources-for-schools/school-food-guidance-for-governors)](https://www.gov.uk/government/publications/school-food-standards-resources-for-schools/school-food-guidance-for-governors) provides further guidance on the role of the governing body in school food and supporting the school to meet the school food standards.

7.8.3 Supporting pupils in school with medical conditions
Governing bodies **must** ensure arrangements are in place to support pupils with medical conditions.

Governing bodies should ensure that all schools develop a policy for supporting pupils with medical conditions that is:

- reviewed regularly
- readily accessible to parents and school staff

In developing their policy, schools may wish to seek advice from any relevant healthcare professional.

Governing bodies **must** ensure that:

- the arrangements they put in place are sufficient to meet their statutory responsibilities
- policies, plans, procedures and systems are properly and effectively implemented

There should be a named person who has overall responsibility for policy implementation.

The school's arrangements should:

- show an understanding of how medical conditions impact on a child's ability to learn
- increase confidence and promote self-care

- take into account that many of the medical conditions that require support at school will affect quality of life and may be life-threatening

The governing body should ensure that:

- sufficient staff have received suitable training and are competent before they take on responsibility to support children with medical conditions
- any members of school staff who provide support to pupils with medical conditions are able to access information and other teaching support materials as needed

[Supporting pupils with medical conditions at school (https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3)](https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3) has guidance to help governing bodies meet their legal responsibilities and sets out the arrangements they are expected to make, based on good practice.

7.9 Pupil behaviour

The governing body **must** comply with:

- section 88 of the [Education and Inspection Act 2006 (https://www.legislation.gov.uk/ukpga/2006/40/section/88)](https://www.legislation.gov.uk/ukpga/2006/40/section/88)
- the [Education (Educational Provision for Improving Behaviour) Regulations 2010 (https://www.legislation.gov.uk/uksi/2010/1156/made)](https://www.legislation.gov.uk/uksi/2010/1156/made)

It should follow statutory guidance on:

- [alternative provision (https://www.gov.uk/government/publications/alternative-provision)](https://www.gov.uk/government/publications/alternative-provision)
- [behaviour and discipline in schools (https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools-guidance-for-governing-bodies)](https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools-guidance-for-governing-bodies)

Headteachers **must** ensure that the [behaviour policy is published online (https://www.gov.uk/guidance/what-maintained-schools-must-publish-online#behaviour-policy)](https://www.gov.uk/guidance/what-maintained-schools-must-publish-online#behaviour-policy).

The following guidance is available for headteachers, staff and governing bodies:

- [behaviour in schools (https://www.gov.uk/government/publications/behaviour-in-schools--2)](https://www.gov.uk/government/publications/behaviour-in-schools--2)

- use of reasonable force in schools (https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools)
- searching, screening and confiscation in schools (https://www.gov.uk/government/publications/searching-screening-and-confiscation)
- mobile phones in schools (https://www.gov.uk/government/publications/mobile-phones-in-schools)

7.9.1 Suspending or permanently excluding pupils
Behaviour sanctions such as suspension or permanent exclusion **must** follow the school suspensions and permanent exclusions (https://www.gov.uk/government/publications/school-exclusion) statutory guidance. Governing bodies have a duty to consider whether excluded pupils should be reinstated, as set out in part 7 of the statutory guidance.

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (legislation.gov.uk) (https://www.legislation.gov.uk/uksi/2012/1033/contents) has more information.

7.10 School admissions

7.10.1 The school admissions code
The school admissions code (https://www.gov.uk/government/publications/school-admissions-code--2) **must** be followed when carrying out duties relating to school admissions.

It ensures that all school places are allocated and offered in a fair way and should be read alongside:

- the statutory guidance school admission appeals code (https://www.gov.uk/government/publications/school-admissions-appeals-code)
- legislations that affect admissions and admission appeals, including:
    - The School Standards and Framework Act 1998 (https://www.legislation.gov.uk/ukpga/1998/31/contents)
    - The School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/8/made)
    - The School Admissions (Appeals Arrangements) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/9/made)

The local authority is usually the admission authority for:

- community schools

- voluntary controlled schools

However, the governing body may be the admission authority if the local authority, with the governing body's agreement, has delegated responsibility to it for determining admission arrangements.

The governing body is the admission authority for:

- foundation schools

- voluntary-aided schools

The admission authority is legally responsible for admission decisions such as determining the admission arrangements and making the decision on the allocation of school places where the school is oversubscribed.

Governors will need to be aware of their responsibilities under the school admissions code.

7.10.2 Admissions appeals

Admission authorities **must** organise admission appeals in line with the [appeals code (https://www.gov.uk/government/publications/school-admissions-appeals-code)](https://www.gov.uk/government/publications/school-admissions-appeals-code).

Guidance on [admission appeals for school places (https://www.gov.uk/government/publications/admission-appeals-for-school-places)](https://www.gov.uk/government/publications/admission-appeals-for-school-places) is available to help admission authorities understand their roles and responsibilities as set out in the appeals code.

Governing bodies of community or voluntary controlled schools wanting to appeal against a local authority's decision to admit twice excluded children can find out more information about the process in section 6 of the appeals code.

7.11 School attendance

Governing bodies **must** ensure that schools are:

- keeping admission and attendance registers according to [The School Attendance (Pupil Registration) (England) Regulations 2024 (https://www.legislation.gov.uk/uksi/2024/208/contents/made)](https://www.legislation.gov.uk/uksi/2024/208/contents/made)

- providing information requested by the Secretary of State for Education in the termly school census and the daily attendance data in line with the [The Education (Information About Individual Pupils) (England) (Amendment) Regulations 2024 (https://www.legislation.gov.uk/uksi/2024/209/made)](https://www.legislation.gov.uk/uksi/2024/209/made)

Governing bodies should:

- recognise the importance of school attendance and promote it across the school's ethos and policies
- regularly review attendance data – including discussing and challenging trends
- help school leaders focus improvement efforts on the individual pupils or cohorts who need it most
- ensure school staff receive adequate training on attendance
- be assured that school leaders are undertaking their responsibilities on [children missing education (https://www.gov.uk/government/publications/children-missing-education)](https://www.gov.uk/government/publications/children-missing-education) as outlined in the guidance

[Working together to improve school attendance (https://www.gov.uk/government/publications/working-together-to-improve-school-attendance)](https://www.gov.uk/government/publications/working-together-to-improve-school-attendance) has more information on the expectations of governing bodies.

Governing bodies **must** be aware of the advice on children who are absent from school and children missing education in [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2).

All schools and governing bodies should ensure that their pupils with physical or mental health needs receive a suitable and good education.

7.11.1 Parenting measures
If a pupil's attendance or behaviour at school becomes problematic and previous support measures have not worked, governing bodies and local authorities can:

- use parenting contracts
- apply for [parenting orders (https://www.legislation.gov.uk/ukpga/2003/38/part/3)](https://www.legislation.gov.uk/ukpga/2003/38/part/3) or education supervision orders in line with the [Anti-social Behaviour Act 2003 (https://www.legislation.gov.uk/ukpga/2003/38/part/3)](https://www.legislation.gov.uk/ukpga/2003/38/part/3)
- prosecute for absence (in the case of attendance only)

7.12 Intervention

A maintained school will be eligible for intervention if it meets any of the following criteria:

- it is judged by Ofsted to be in a category of concern, which is the school requires special measures or significant improvement – see section 61 and 62 of the Education and Inspections Act 2006

- it has met the definition of a coasting school (see section 60B of the Education and Inspections Act 2006) and the governing body has been notified of this by the Secretary of State for Education

- it fails to comply with a warning notice issued under section 60 or 60A of the Education and Inspections Act 2006

Local authorities and the Secretary of State for Education have a number of powers they can use in maintained schools that are eligible for intervention. The support and intervention in schools guidance (https://www.gov.uk/government/publications/schools-causing-concern--2) contains further details.

7.13 School complaints

7.13.1 Complaints procedures
The governing body **must** establish procedures to deal with all complaints about the school and any community facilities or services it provides, unless alternate statutory procedures apply as outlined in section 29(1) of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/29).

Governing bodies **must** publish the complaints procedure online. This is in line with the School Information (England) Regulations (Amendment) 2016 (https://www.legislation.gov.uk/uksi/2016/451/made).

Our guidance on school complaints procedures (https://www.gov.uk/government/publications/school-complaints-procedures) has information on best practice and a model complaints procedure.

7.13.2 Complaints to DfE
Anyone can complain to the Secretary of State for Education about a school in England.

DfE considers complaints about maintained schools to determine whether, under the Education Act 1996 (https://www.legislation.gov.uk/ukpga/1996/56/section/496) (sections 496 and 497), the governing body has:

- acted unreasonably in the exercise of its powers or performance of its duties under education legislation

- has failed to perform a duty under such legislation

Where this is the case the Secretary of State for Education can intervene and give directions to the governing body relating to the exercise of the power or performance of the duty.

If requested, the governing body **must** [provide relevant information about the complaint (https://www.legislation.gov.uk/ukpga/1996/56/section/538)](https://www.legislation.gov.uk/ukpga/1996/56/section/538).

[Complain about a school (https://www.gov.uk/complain-about-school)](https://www.gov.uk/complain-about-school) has information about the role of the Secretary of State for Education and DfE in the complaints process.

7.13.3 Complaints to Ofsted

By law, and in certain circumstances, Ofsted may investigate complaints from parents about their child's school to decide whether to use its inspection powers.

Ofsted's only power regarding a qualifying complaint is to determine if a school inspection is needed. It cannot investigate individual issues. Qualifying complaints are shared with the lead inspector as part of the evidence base for inspections.

If requested, governing bodies **must** provide relevant information to Ofsted about complaints from parents of pupils at the school.

If Ofsted needs to meet parents as part of the consideration of a qualifying complaint, the body and the local authority **must**:

- work with Ofsted to arrange the meeting

- arrange a meeting date

- notify parents

A body representative can attend the meeting.

If Ofsted prepares a report on a complaint from parents at the school, it **must** be passed to the body, or local authority if it involves a school without a delegated budget. The body or local authority **must** send a copy to all registered parents if requested to do so by Ofsted.

The [School inspection handbook (https://www.gov.uk/government/publications/school-inspection-handbook-eif)](https://www.gov.uk/government/publications/school-inspection-handbook-eif) has more information.

7.14 Length of school week and year

The governing body is responsible for deciding the structure of the school day and the length of the school week. Any decisions about changes to these should be taken in conjunction with the school's leadership team.

Maintained schools and special schools not maintained by a local authority, **must** open for at least 380 sessions (190 days if the school has a typical 2-session day) in a school year. This is in line with [The Education (School Day and School Year) (England) Regulations 1999 (https://www.legislation.gov.uk/uksi/1999/3181/regulation/3/made)](https://www.legislation.gov.uk/uksi/1999/3181/regulation/3/made).

In the case of a foundation, foundation special, or voluntary aided school, the governing body is responsible for determining the dates and times when the school terms and holidays begin and end.

The 'school year' means the period beginning with the first school term to begin after July and ends with the beginning of the first such term to begin after the following July.

[Length of the school week (https://www.gov.uk/government/publications/length-of-the-school-week-minimum-expectation)](https://www.gov.uk/government/publications/length-of-the-school-week-minimum-expectation) guidance sets out a non-statutory expectation that all mainstream, state-funded schools should deliver a minimum school week of 32.5 hours. It includes advice on how to meet that expectation for any schools that are not yet doing so.

7.15 Opening, closing or making organisation changes to a school

Governing bodies and local authorities **must** refer to the guidance on [school organisation (https://www.gov.uk/government/publications/school-organisation-maintained-schools)](https://www.gov.uk/government/publications/school-organisation-maintained-schools) when opening, closing or making organisation changes to maintained schools.

The guidance sets out the processes required by law for these changes to occur.

7.16 Managing school premises

7.16.1 School estate management
We expect schools and responsible bodies to manage their school estate strategically and maintain their estate in a safe, working condition. This includes complying with statutory duties to ensure the health and safety of building occupants.

Governing bodies **must** ensure that buildings:

- provide a safe environment for children, staff and visitors
- comply with all relevant regulations, including, but not limited to:
  - health and safety

  - fire safety

  - the control and management of asbestos

Governing bodies will also ensure they are aware of and apply other relevant guidance. In particular, this should ensure that governing bodies of maintained schools have up-to-date information about the condition of their buildings and a prioritised plan for managing them.

School developments **must** follow normal planning controls.

The School Premises (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1943/contents/made) covers a number of aspects of estate management that maintained schools **must** follow.

Good estate management for schools (https://www.gov.uk/guidance/good-estate-management-for-schools) includes guidance on developing an estate strategy and asset management plan, prioritising maintenance and health and safety compliance. It also provides useful tools and checklists (https://www.gov.uk/guidance/good-estate-management-for-schools/tools-and-checklists) to help manage estates effectively.

You can also find out more from the:

- estate management competency framework (https://www.gov.uk/guidance/good-estate-management-for-schools/estate-management-competency-framework) – helps to build governor capability in managing the school estate
- Condition Data Collection 2 (CDC2) (https://www.gov.uk/guidance/condition-data-collection-2-cdc2-programme) programme and how to access a school condition report for your school
- design and construction of school buildings (https://www.gov.uk/government/collections/school-design-and-construction)
- The School Premises (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/1943/introduction/made)

Building and refurbishment work in England and Wales **must** comply with the Building Regulations 2010 (https://www.legislation.gov.uk/uksi/2010/2214/contents). Guidance is available to help with managing estate projects (https://www.gov.uk/guidance/good-estate-management-for-schools/estate-projects).

7.16.2 Ownership and transfer of land and buildings

Governing bodies need to understand the circumstances of the school, including who owns the land the school uses. The usual basis of occupation is as follows:

- local authorities are the most common landowners
- charitable site trustees are also significant landowners, particularly for schools with a religious character
- governing bodies of maintained schools may also hold freehold or leasehold interests

Land held by charitable site trustees may have been donated for specific charitable purposes and could be subject to restrictions on how it can be used.

There may be:

- several pieces of land which together make up a single school site, and each could have different landowners and arrangements
- multiple interests in a single piece of land

It is important to understand the landowning arrangements and basis of occupation for a school.

Transfer of land when converting to an academy

Governing bodies converting to an academy will need to consider the transfer of land and buildings early in the process and engage with owners of the land and assets where appropriate.

Further guidance and [advice on land transfers when converting to an academy (https://www.gov.uk/government/publications/academy-land-transfer-advice)](https://www.gov.uk/government/publications/academy-land-transfer-advice) is available.

7.16.3 Disposal of land and land transactions

Disposal of land includes:

- sales
- leases
- change of use, in some circumstances

Governing bodies, or any other party holding land for the purposes of a maintained school, may need to [involve the Secretary of State for Education (https://www.gov.uk/guidance/submit-a-school-land-transaction-proposal)](https://www.gov.uk/guidance/submit-a-school-land-transaction-proposal) for some land transactions as set out in:

- [schedule 22 (https://www.legislation.gov.uk/ukpga/1998/31/schedule/22)](https://www.legislation.gov.uk/ukpga/1998/31/schedule/22) and [section 77](https://www.legislation.gov.uk/ukpga/1998/31/schedule/22)

(https://www.legislation.gov.uk/ukpga/1998/31/section/77) (for playing field land) of the School Standards and Framework Act 1998

- schedule 1 of the Academies Act 2010 (https://www.legislation.gov.uk/ukpga/2010/32/schedule/1)

For further support, contact the land transactions team at land.transactions@education.gov.uk.

Land disposal when a foundation or voluntary school closes
If a foundation, voluntary-controlled or voluntary-aided school closes, the governing body, or the charitable site trustees that hold the land, **must** apply to the Secretary of State for Education for a determination on what should happen to publicly funded land they hold.

The Secretary of State for Education may make a statutory direction about what **must** happen to any publicly funded land held for the purposes of the school.

7.16.4 Asbestos in schools
Schools and responsible bodies have a duty to manage asbestos in their schools effectively, in compliance with The Control of Asbestos Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/632/contents/made).

Managing asbestos in your school or college (https://www.gov.uk/guidance/asbestos-management-in-schools) helps schools and responsible bodies understand their duties in relation to asbestos management.

The Health and Safety Executive (HSE) have resources on:

- duty to manage asbestos in buildings (https://www.hse.gov.uk/asbestos/duty/index.htm)

- asbestos management checklist (https://www.hse.gov.uk/education/asbestos-management-checklist.htm) to help schools check whether suitable precautions are in place

- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (https://www.hse.gov.uk/riddor/) including the legal requirement to notify HSE in certain circumstances where asbestos has been disturbed or damaged

7.16.5 Funding for capital investment
Funding for school building condition
School revenue budgets will typically fund:

- day to day maintenance

- checks and minor repairs to buildings

Those responsible for school buildings also have access to capital funding through different routes depending on their size and type. The funding should be used to keep buildings and grounds safe and in good working order by:

- tackling buildings in poor condition

- ensuring compliance with regulations

- addressing health and safety issues

- improving environmental sustainability

Some types of capital funding available for schools include:

- school condition allocations (SCA) (https://www.gov.uk/guidance/school-capital-funding) which local authorities and larger voluntary-aided school bodies receive to improve the condition of the schools they are responsible for

- devolved formula capital (https://www.gov.uk/guidance/school-capital-funding) (DFC) which is allocated directly for individual schools to spend on capital projects that meet their own priorities

- the condition improvement fund (CIF) (https://www.gov.uk/guidance/condition-improvement-fund) which is open for bids each year for small multi-academy and single academy trusts, sixth-form colleges and smaller voluntary-aided school bodies who are not eligible for SCA

- basic need allocations (https://www.gov.uk/government/publications/basic-need-allocations) to support local authorities to meet their statutory duty to secure sufficient school places

- high needs provision capital allocations (https://www.gov.uk/government/publications/high-needs-provision-capital-allocations) which can be used to:
  - adapt classrooms to be more accessible for children with SEND

  - create specialist facilities within mainstream schools

  - continue to provide places in special schools to support pupils with the most complex needs

Funding for voluntary-aided school maintenance work
Responsibility for any work to voluntary-aided school premises is split between the governing body and the local authority.

The governing body is responsible for:

- capital costs relating to school premises, except playing fields

- boundary walls and fences on both playing field and non-playing field land

The local authority is responsible for costs relating to:

- playing fields
- buildings or structures built on them

The Secretary of State for Education makes capital grants available for voluntary-aided governing bodies to support them in meeting their obligations. Legislation limits this to 90% of costs unless the Secretary of State for Education decides exceptional circumstances apply. Local authorities can help governing bodies with their 10% contribution, subject to their own budget.

The School land transactions: guidance on the [Submit a school land transaction proposal (https://www.gov.uk/guidance/submit-a-school-land-transaction-proposal)](https://www.gov.uk/guidance/submit-a-school-land-transaction-proposal) page has more information on the disposal or change of use of publicly-funded land.

7.17 Control and community use of school premises

7.17.1 Day-to-day control of school premises

Governing bodies have day-to-day responsibility for the use of their school premises. They have express statutory:

- control over use of school premises, inside and outside school hours
- powers to provide community facilities and services, and support these from their revenue budgets as set out in section 27 of the Education Act 2002

They **must** work closely with their local authority, given they have some legislative powers over the use of school premises.

Exceptions to the governing body's control over school premises may also exist, for example where:

- land is held by charitable site trustees and the terms of the trust document place restrictions on how the land may be used
- a trust deed transfers control to someone other than the school governors
- the governing body does not hold the freehold of land, and the terms of any lease place restrictions on how the land may be used
- a Transfer of Control Agreement (TOCA) has been made
- the local authority issues directions on how school premises should be used, for example regular booking for youth or community groups
- the school is needed for local or general elections

Voluntary and foundation schools
The governing body for voluntary and foundation schools should work closely with any charitable site trustees who hold on trust the land and assets used for the school. This is to avoid:

- possible conflict with the trust's purposes

- land being lost to the school, in extreme cases

7.17.2 Using premises for charitable purposes
Governors have the power to provide, or enter into contracts to provide facilities or services that will further any 'charitable purpose' for the benefit of:

- pupils at the school or their families

- the local community

This is set out in the [Education Act 2002, section 27 (https://www.legislation.gov.uk/ukpga/2002/32/section/27)](https://www.legislation.gov.uk/ukpga/2002/32/section/27).

Schools that occupy land held by charitable site trustees **must** consult with them to ensure that the intended activities are consistent with their trust.

Facilities or services that may in certain circumstances be provided for a 'charitable purpose' are defined in the [Charities Act 2011 (https://www.legislation.gov.uk/ukpga/2011/25/contents)](https://www.legislation.gov.uk/ukpga/2011/25/contents) as a purpose which:

- falls within a statutory list

- is for the public benefit

Examples of types of provision that may be for charitable purposes include:

- childcare, including before and after school and during the holidays

- adult and family learning

- health and social services

- parenting support

- access to IT or sports facilities

This is not an exhaustive list.

Schools **must** reinvest any profits they make back into the service or the school. Also, if any profit is reinvested in the school, that in itself may be the charitable purpose.

7.17.3 Using premises for extended activities and community services
Subject to some local authority powers, governing bodies can normally charge for:

- providing extended activities and community services

- renting or letting facilities to voluntary groups

Examples of extended activities and community services in maintained schools include:

- nurseries

- children's centres

- before and after-school clubs

- adult education

- breakfast clubs

- childcare outside of school hours, including holiday care

- sport and youth clubs

When making decisions about extended activities and community services, the governing body will need to ensure that:

- they benefit the public

- they are in keeping with any site trust that governs use of the school's premises

- any profits made are reinvested in the service or the school (though where schools occupy land held by charitable site trustees, the use of revenue generated by the school will be at the trustees' discretion)

- they do not conflict with the governing body's statutory duties, particularly to promote high educational achievement in the school

- any childcare is registered where necessary with Ofsted

- appropriate arrangements are in place to keep children safe, such as those outlined in safeguarding guidance for after-school clubs, community activities and tuition (https://www.gov.uk/government/publications/keeping-children-safe-in-out-of-school-settings-code-of-practice) - the governing body should inspect these as needed

- arrangements comply with the statutory requirements for safeguarding children, including:
  - the Childcare Act 2006 (http://www.legislation.gov.uk/ukpga/2006/21/contents)

  - part 2 of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (http://www.legislation.gov.uk/uksi/2018/794/part/2), explained in the statutory guidance Disqualification under the Childcare Act 2006 (https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006)

- safeguarding arrangements are included in any TOCA (for example, a lease or hire agreement) as a condition of use and occupation of the premises, and failure to comply would lead to termination of the agreement

Restrictions on extended activities

A governing body cannot engage in activity that might interfere with their duty to promote high standards of educational achievement at the school. This is set out in [section 21 of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/21)](https://www.legislation.gov.uk/ukpga/2002/32/section/21).

The governors' use of the power set out in [section 27 of the Education Act 2002 (https://www.legislation.gov.uk/ukpga/2002/32/section/27)](https://www.legislation.gov.uk/ukpga/2002/32/section/27) **must** not significantly interfere with the performance of the governing body's duties and is subject to any:

- restrictions in the school's instrument of government or trust deed (if applicable)
- local directions issued by the local authority on control of school premises

7.17.4 Transferring control of premises

Under the Transfer of Control Agreements (TOCAs), a governing body can transfer control of part of their premises to some other body to provide community facilities or services. See [School Standards and Framework Act 1998, Schedule 13 (https://www.legislation.gov.uk/ukpga/1998/31/schedule/13)](https://www.legislation.gov.uk/ukpga/1998/31/schedule/13).

TOCAs allow school facilities to be used without needing ongoing management from school staff. The other body, known as the 'controlling body,' will use the premises during times specified in the agreement.

The 'controlling body' can include:

- local community groups
- sports associations
- service providers

If the transfer covers use of premises during school hours, this **must** have:

- local authority agreement
- agreement from the Secretary of State for Education (for foundation schools)

Local authorities do not have the power to require governing bodies to enter into a TOCA.

Governing bodies at voluntary or foundation schools **must** involve any charitable site trustees that own the land and assets in decisions

about TOCAs.

Leases and licences
In some situations, a lease or licence may be preferable to a TOCA.

While schools commonly enter casual or short-term lettings of their premises, the governing body does not normally have the power to enter into a lease, the exception is if it:

- is the governing body of a foundation school

- holds the freehold

Only charitable site trustees that own the land and assets or local authorities can grant a lease for the land they own.

Governors, local authorities and charitable trustees that own the land should work together to make the best use of their powers for lease and licence arrangements. This will ensure that they are fully compatible with how the land is held.

7.18 School uniform

The governing body decides whether there should be a school uniform and other rules relating to the appearance of its pupils. The guidance on school uniform (https://www.gov.uk/government/publications/school-uniform) contains further information.

Schools and the governing body **must** have regard to DfE's statutory guidance on the cost of school uniforms (https://www.gov.uk/government/publications/cost-of-school-uniforms/cost-of-school-uniforms). This will assist governing bodies when they are developing and implementing their school uniform policies.

7.19 Staffing and performance management

The main staffing functions of the governing body in a maintained school are set out in the School Staffing (England) Regulations 2009 (http://www.legislation.gov.uk/uksi/2009/2680/contents/made). These include the appointment, conduct, suspension and dismissal of staff.

The staffing and employment advice for schools (https://www.gov.uk/government/publications/staffing-and-employment-advice-for-

[schools)](#) contains supporting guidance.

The governing body may delegate its functions relating to staff employment in schools in line with the regulations and with certain exceptions listed in [regulation 4(1) (https://www.legislation.gov.uk/uksi/2009/2680/regulation/4/made)](https://www.legislation.gov.uk/uksi/2009/2680/regulation/4/made).

The governing body remains responsible for ensuring that delegated responsibilities are carried out.

The governing body should meet the requirements and consider the important information set out in [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) when appointing staff.

Governing bodies' statutory duties in relation to staff and headteacher appraisal are set out in [The Education (School Teachers' Appraisal) (England) Regulations 2012 (https://www.legislation.gov.uk/uksi/2012/115/contents/made)](https://www.legislation.gov.uk/uksi/2012/115/contents/made).

7.19.1 Pay and conditions of service

The relevant body (usually the governing body) **must** adopt and take full responsibility for maintaining, updating and implementing a robust and considered pay policy. The [school teachers' pay and conditions guidance (https://www.gov.uk/government/publications/reviewing-and-revising-school-teachers-pay)](https://www.gov.uk/government/publications/reviewing-and-revising-school-teachers-pay) helps governing bodies to determine their approach to headteachers' and teachers' pay.

A pay policy **must** conform to any statutory provisions that are set out within the school teachers' pay and conditions document (STPCD).

In schools where the local authority is the employer, the pay and conditions of service for school support staff **must** be on the scale of grades determined by the local authority.

In foundation and voluntary-aided schools, the governing body is free to determine the pay and conditions of support staff.

Where a maintained school converts to an academy the:

- existing terms and conditions of teachers and support staff are protected under [The Transfer of Undertakings (Protection of Employment) Regulations 2006 (https://www.legislation.gov.uk/uksi/2006/246/contents/made)](https://www.legislation.gov.uk/uksi/2006/246/contents/made)
- statutory guidance on [school teachers' pay and conditions (https://www.gov.uk/government/publications/school-teachers-pay-and-conditions)](https://www.gov.uk/government/publications/school-teachers-pay-and-conditions) remains relevant to any teachers whose contract has not been renegotiated

7.19.2 Discipline, grievance and capability procedures

The governing body **must** approve:

- disciplinary and grievance procedures for staff
- capability procedures for dealing with staff underperformance

They **must** provide a procedure to enable staff to appeal against a decision to dismiss them.

Governing bodies may find the following advice and guidance useful:

- [Teacher capability: guidance for schools when dealing with serious under-performance (https://www.gov.uk/government/publications/teacher-appraisal-and-capability-model-policy)](https://www.gov.uk/government/publications/teacher-appraisal-and-capability-model-policy)
- [managing staff employment in schools (https://www.gov.uk/government/publications/managing-staff-employment-in-schools)](https://www.gov.uk/government/publications/managing-staff-employment-in-schools)
- obligations under employment law and the [ACAS Code of Practice (http://www.acas.org.uk/index.aspx?articleid=2174)](http://www.acas.org.uk/index.aspx?articleid=2174)

7.20 Whistleblowing

The governing body is responsible for agreeing and establishing their school's whistleblowing procedure. Every maintained school should have a whistleblowing procedure.

Maintained schools should:

- appoint at least one member of staff and at least one governor, who other members of staff can contact if they wish to report concerns
- ensure that all staff know about the school's whistleblowing arrangements and who to contact in the local authority where a staff member feels they need to report to someone outside the school

Further guidance on the [whistleblowing procedure for maintained schools (https://www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools)](https://www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools) is available.

[Protect (https://protect-advice.org.uk/)](https://protect-advice.org.uk/) provide free, confidential whistleblowing advice to organisations and employees.

Statutory policies for maintained schools

Information for governing bodies and governance professionals (clerks) on the policies and documents they **must** have.

This is not intended to be a complete list of policies. Unless otherwise stated in relevant statutory or non-statutory guidance, it is up to governing bodies to decide whether and how to delegate the creation, maintenance and approval of policy documents within their school or federation.

Governing bodies remain accountable for these documents and the policies and procedures contained within them.

The list includes a link to where schools can find guidance and, where available, a model policy. Governing bodies should consider seeking advice from their local authority.

Sector organisations can provide advice and, in some cases, model policies. These include from:

- Local authority governor services
- National Governance Association (https://www.nga.org.uk/)
- GovernorHub (https://governorhub.com/)
- Catholic Education Service (https://www.catholiceducation.org.uk/)
- Church of England Education Office (https://www.churchofengland.org/about/education-and-schools)

Statutory policies for governing bodies

Governing bodies of maintained schools **must** have policies on:

- admissions arrangements – school admissions code (https://www.gov.uk/government/publications/school-admissions-code--2)
- behaviour and written statement of principles – keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) and behaviour and discipline in schools: guide for governing bodies (https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools-guidance-for-governing-bodies)
- careers guidance – careers guidance for education providers (https://www.gov.uk/government/publications/careers-guidance-provision-for-young-people-in-schools)
- charging and remissions – charging for school activities (https://www.gov.uk/government/publications/charging-for-school-activities)

- data protection privacy notice – [data protection: privacy notice model documents (https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices)](https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices)

- equality objectives – [Equality Act 2010: advice for schools (https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

- governors' allowances – see part 6 of our guidance on [school governance regulations 2013 (https://www.gov.uk/government/publications/school-governance-regulations-2013)](https://www.gov.uk/government/publications/school-governance-regulations-2013)

- health and safety – [health and safety advice for schools (https://www.gov.uk/government/publications/health-and-safety-advice-for-schools)](https://www.gov.uk/government/publications/health-and-safety-advice-for-schools)

- premises management – [good estate management for schools (https://www.gov.uk/guidance/good-estate-management-for-schools/the-fundamentals-of-good-estate-management)](https://www.gov.uk/guidance/good-estate-management-for-schools/the-fundamentals-of-good-estate-management)

- relationships and sex education and health education – [relationships and sex education and health education (https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education)](https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education)

- safeguarding and child protection – [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

- school attendance – [working together to improve school attendance (https://www.gov.uk/government/publications/working-together-to-improve-school-attendance)](https://www.gov.uk/government/publications/working-together-to-improve-school-attendance)

- school complaints – [school complaints: guidance for maintained schools (https://www.gov.uk/government/publications/school-complaints-procedures)](https://www.gov.uk/government/publications/school-complaints-procedures)

- school exclusions – [school suspensions and permanent exclusions (https://www.gov.uk/government/publications/school-exclusion)](https://www.gov.uk/government/publications/school-exclusion)

- school uniforms – [developing and implementing a school uniform policy (https://www.gov.uk/government/publications/school-uniform/school-uniforms)](https://www.gov.uk/government/publications/school-uniform/school-uniforms) and [cost of school uniforms (https://www.gov.uk/government/publications/cost-of-school-uniforms/cost-of-school-uniforms)](https://www.gov.uk/government/publications/cost-of-school-uniforms/cost-of-school-uniforms)

- special educational needs and disability – [SEND code of practice: 0 to 25 years (https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

- staff behaviour and grievance – [staffing and employment: advice for schools (https://www.gov.uk/government/publications/staffing-and-employment-advice-for-schools)](https://www.gov.uk/government/publications/staffing-and-employment-advice-for-schools) and [keeping children safe in education (https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)

- support for pupils with medical conditions – [supporting pupils with medical conditions at school (https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3)](https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3)
- teachers' pay – [school teachers' pay and conditions (https://www.gov.uk/government/publications/school-teachers-pay-and-conditions)](https://www.gov.uk/government/publications/school-teachers-pay-and-conditions)
- teachers' performance and capability – [model policy for teachers' appraisal and capability (https://www.gov.uk/government/publications/teacher-appraisal-and-capability-model-policy)](https://www.gov.uk/government/publications/teacher-appraisal-and-capability-model-policy)

Review cycle

It is recommended that governing bodies review these policies annually. This is with the exception of the equality objectives policy which can be reviewed every 4 years.