

## **Performance Review Panel for the Acting Headteacher**

It is not possible for anyone who has made a formal complaint against the acting headteacher about her behaviour/management to undertake that person's performance review. This would, therefore, exclude Sheila Benlier from the process.

In these circumstances, it is appropriate that the review should be conducted by the two remaining governors appointed to the panel.

You should advise the acting headteacher and, if needs be, I will speak to Sheila Benlier.

## **Public Access to Governing Body Meetings**

I understand at the last meeting the governing body allowed two ex parent governors to attend as observers for the whole meeting and that the question of access for non-governors may arise again.

There is no right of access to a meeting for anyone who is not a governor, except the Head and Clerk. If the question of anyone else attending arises, then it is up to the governing body to decide. Although documents that are not confidential must be made available for inspection by the public after a meeting, the meetings of the governing body are private.

The advice of the LEA is that parents are not given observer status at meetings of the governing body, because:

- the privacy of meetings is necessary to avoid constraining the discussion at a governing body meeting
- the presence of parent observers often leads to confused lines of communication as there are already governors who are elected as being representative of parents
- governors operate collectively to an agreed protocol that cannot be extended to observers

## **Co-option**

When deciding whom to co-opt the governing body should make sure that their membership reflects a balance of interest. A person cannot nominate himself or herself to be co-opted, either at a meeting or any other times. A nomination must be made by a member of the governing body or by the LEA via the Clerk for consideration at a meeting.

At present there is one vacancy and one nomination on the agenda for tonight's meeting. There is no obligation to consider anyone else unless proposed by a member of the governing body.

I thought it would be helpful if I provided this advice in writing which can be shared with the governing body if need be.

## **Potential Conflict of Interest**

Further to our telephone conversation in relation to the matter of potential conflict of interest, I hope the following information is useful. I appreciate from our conversation that you are clear about this but, as discussed, it is helpful to have advice in writing.

The advice is in relation to a situation where the governing body is to make a decision affecting the access of neighbouring residents to part of the school site.

Where a governor is a resident who stands to gain or lose access to part of the site or is related to someone in that position, there is a clear conflict of interest and the governor must not be present or participate in any deliberations or decision the governing body may take on the matter. Whenever a conflict of interest arises the person in question must leave the meeting.

More generally, whenever there is likely to be a material gain or loss to a governor (or relation) arising from a decision of the governing body then there is a conflict of interest and the requirement to withdraw from the meeting applies. However, the conflict of interest must relate to the matter under consideration and not to a hypothetical 'knock on', that could be once or twice removed from the matter under consideration. In the case of a local Councillor, the fact that they rely on local residents votes is not a conflict of interest as it is not the same as having an interest in the matter under discussion.

Obviously, where a governor has no interest of the kind described above there is no conflict. Governors can at times appear to be partisan and to promote the interests of one group over another. This is to some extent to be expected in debates on the governing body but is not a conflict of interest of the kind referred to above.

The governing body represents a variety of interests in the local community, including local residents. The promotion of local residents' interests that appear to conflict with the best interests of the school or pupils is not a conflict of interest as defined by the regulations. The conflict only arises when they have the kind of direct material interest referred to above and as defined in the regulations.

The regulations governing this are the School Government Regulations 1999 which can be found at the back of the Governors Guide to the Law folder. To clarify the quorum for election of Chair, it is two thirds of the actual number of governors.

It is worth clarifying the situation regarding confidentiality at the beginning of the meeting and emphasising the collective responsibility of everyone on the governing body once a decision has taken on an issue.

### **The School Budget**

Cecilia McEvoy from Education Finance has forwarded your e-mail concerning the projections for the school budget. I am responding to your request for advice as to what reasonable expectations you should have in terms of the management of the budget and role of the finance committee.

Although it is not possible to comment on the detail of the school's finances, the following comments would still be applicable to the situation you have described.

**New Budget Commitments:** It is not clear how significant the additional administrative hours are or whether they are permanent or not. However, where it is necessary to employ additional hours on a temporary basis it would be right for the Headteacher to do this providing it is within budget. It seems this was the assessment at the time and that you were consulted rather than asked to make a decision.

On the other hand, if there is a permanent additional financial commitment, or a permanent change to the staffing structure, this should be agreed by the finance committee because of the possible implications on other spending priorities in the long term.

**Contingency:** A variation of 1% in the staffing budget is not unusual at period 6, but should, as it has done, prompt questions from the governors. The question of whether the contingency has been eroded depends very much on the accuracy of the budget projections for all areas of the budget at this stage in the year. It appears from your note that the suggestion to 'wait and see' implies there may not be a projected overspend of 2% in the budget when the position is reviewed in December.

The important point for the governors is to be confident in the accuracy of the projections and perhaps more discussion could take place about this.

As the need to increase the staffing commitment in this way was unforeseen, it would be a legitimate call on the contingency for this year.

**Oversight of the Budget:** In any event, where you or the committee have concerns over the budget it is right to ask the Headteacher to account for that through a meeting of the committee as you have done. The Headteacher is the chief professional adviser to the Governing body and should advise on the merits of competing spending priorities where budget reductions may need to be considered. The same applies where surplus funds are to be allocated. However, it is for the governing body to decide where any reductions should be made if they become necessary. Although reductions in other areas to compensate for overspend in administrative hours may not be necessary it is clear you are not happy with the suggestions made.

The choice of spending priorities is one of the most important parts of the relationship between the Headteacher and the Governing Body. It is something that must be anticipated and options should be considered in detail well in advance of any action. It is also an area where governors and management team must have a common understanding of the school's development priorities. One way of addressing this and supporting the management team is to talk to the Chair and Headteacher with a view to discussion at the governing body on the need to clarify a process for agreeing such priorities. This should help avoid concerns over the planning and monitoring process for the budget.

I hope you find this useful. Perhaps this can be considered as an area for training and development for the governing body.

### **Staffing Matters at Meetings**

I am writing to raise certain concerns with you about decisions taken at the finance committee meeting on 04/10/01 about staffing matters.

As you will know, no member of the school staff can be involved in any decision about an individual's pay. I note that Mabel Hearn and Pat Beckwith, the two governors present with yourself and the Headteacher at the meeting, both work in the school and were party to decisions about the Headteacher's pay.

The clerk who covered the meeting raised separately with me the fact that performance appraisal of the Headteacher, in conjunction with the LEA, had not taken place either in 2000/01 or this year. Yet I note that the finance meeting approved a salary upgrade for the Headteacher even though, with the introduction of performance management, this is dependent on the Headteacher achieving the objectives set by the appraisers the previous year.

It also appears from the minutes that Ms Hearn was party to the decision to approve her own upgrading as SAO.

The Headteacher's written report on the implementation of the policy over the last year is also understanding.

As this raises a number of issues about process, I suggest that we meet together with the Headteacher and Carol Moore, clerk to the governing body to clarify the status of these decisions and ensure that the school fulfils its legal obligation.