

KINGSDOWN SECONDARY SCHOOL

GOVERNANCE DOCUMENT

Preamble

Kingsdown is a small school and it is expected that the proprietor, governors, headteacher and staff will work together in a spirit of cooperation and collaboration for the good of the school and its pupils within a framework that is transparent and open. The purpose of this document is to clarify where ultimate responsibility lies in the event of a dispute. It is informed by:

- Independent School Regulations and Ofsted Framework for Section 162A Inspections
- Schoolteachers' Pay & Conditions Document
- A Guide to the Law for School Governors

Introduction

Kingsdown Secondary School is wholly owned by MRCS Ltd. MRCS Ltd (in the person of its Managing Director) is **the proprietor** and is the responsible body for legal purposes. (Education Act 2002). The proprietor will be held responsible by the Department of Education for the running and management of the school. If the school is found to be operating illegally it is the proprietor who is liable for prosecution. The Proprietor is ultimately responsible for ensuring that all the Regulations for Independent schools are complied with. <http://www.dcsf.gov.uk/reg-independent-schools/>

Responsibilities of the proprietor

1. The proprietor is the 'employer' of all the staff of the school (teaching and non-teaching) and has the ultimate responsibility for hiring and firing of all staff. It is his duty to ensure that the school is fully compliant with all employment law (including Equalities legislation, Health and Safety at Work, grievance and disciplinary procedures and Employers' Liability insurance). The proprietor must hold a current CRB check that has been countersigned by the Department and is responsible for ensuring that the Central Register of employees is maintained in accordance with regulations.
2. The proprietor is the owner of the school premises and is responsible for their maintenance and upkeep and ensuring compliance the regulations for independent schools and with any other statutory requirements for school premises. He is responsible for ensuring that the buildings are adequately insured.
3. The proprietor is responsible for the welfare of all pupils in the school and must ensure that all regulations relating to the safeguarding of children and young people are adhered to including reporting to the ISA if necessary. He is responsible for representing the school at Complex Strategy meetings which may be called to consider allegations against the headteacher.
4. The proprietor is responsible for setting the admissions policy for the school and for securing the agreement of the Department for any 'material changes' to these. The

proprietor is responsible for reviewing any permanent exclusions from the school and arranging for any appeal against the exclusion. His decision as to whether the exclusion should be upheld or not is final. He has responsibilities under the DDA and the RR(A)A for ensuring that no aspect of the admissions or exclusions procedures unlawfully discriminate against pupils or parents who are covered under the Acts.

- a. The Regulatory Reform (Fire Safety) Order 2005 (RRFSO) (see www.opsi.gov.uk/si/si2005/20051541.htm) was introduced on 1 October 2006. The order places responsibility on the proprietor to: carry out a fire risk assessment (formally recorded and regularly reviewed so as to keep it up to date);
 - b. produce a fire risk policy which includes the elimination or reduction of risks from dangerous substances;
 - c. develop fire procedures and provide staff training (repeated periodically where appropriate);
 - d. ensure the safety of staff or anyone else legally on the school premises;
 - e. carry out fire drills and contact emergency services when necessary;
 - f. appoint one or more competent persons (with sufficient training, experience and knowledge) to assist in taking preventive and protective measures (including fire fighting and evacuation);
 - g. have a suitable system for the maintenance of: clear emergency routes and exits (with doors opening in the direction of escape), signs, notices, emergency lighting where required, fire detectors, alarms and extinguishers (the maintenance should be by a 'competent person' (for example, ISO9001 certified or BAFE approved);
 - h. provide staff and any others working on the school site with fire safety information.
5. The proprietor is responsible for allocating the school budget, for income and expenditure (although he may delegate these tasks to the headteacher) and for reporting annually to placing authorities on the previous year's expenditure of income generated by fees.
 6. The proprietor is responsible for convening a panel (one of whose members should be independent of the school management) to hear any complaints under Stage 3 of the complaints procedure.
 7. The proprietor is responsible for ensuring that all parents/carers and Local Authorities have access to his address and telephone number (including out of school term details).
 8. The proprietor is responsible for securing the DfE's consent for any material changes to the school ('material changes are explained in part F of the Regulations)
 9. The proprietor should (with the Governing Body) appoint a School Improvement Partner to undertake the headteacher's performance management and make recommendations about the headteacher's pay and to monitor the overall performance of the school.

Responsibilities of the Governing Body

The Governing Body is purely **advisory** – it has no legal or financial responsibilities. However the proprietor gives the responsibility for developing the educational character of the school and determining its strategic direction to the governing body and relies on the expertise vested in the governors to monitor and challenge the school. It meets at least termly (twice in the Autumn term) and more often if required. When possible dates are agreed at the start of the school year and reminders (and agendas) sent out at least one week before the scheduled meeting. The Headteacher's report should be sent out with the agenda and any other papers governors are being asked to consider although emergency items may be tabled on the night. Meetings are minuted and minutes are available for scrutiny by any person with a legitimate interest in the running of the school (including staff, parents/carers, placing authorities and Ofsted.)

Governors are responsible for:

1. **Providing professional support to the proprietor and senior leaders**
2. Being involved in the appointment of the Headteacher as requested by the proprietor or and other educational staff as requested by the Headteacher
3. Sitting on panels to hear for example (but not exhaustively) exclusion appeal by pupils and their parents/carers, competency, disciplinary or grievance appeals by staff, Stage 2 or 3 complaints as requested by the proprietor or headteacher.
4. Receiving termly reports from the headteacher (and an Annual Report in the Autumn Term) concerning all aspects of the school including
 - Admissions and exclusions
 - Attendance
 - Pupil progress
 - Health and safety and welfare issues
 - Policy Reviews
 - Staffing issues including resignations and new appointments
 - Curriculum
 - Complaints
5. Visiting the school to observe and report on aspects of it in action particularly in areas where a governor has a particular interest or expertise
6. Acting as a 'critical friend' and supporting and challenging the headteacher, **senior leaders** and the proprietor on any aspect of the school
7. Advising on the strategic direction of the school through contributions to and discussions of (for example and not exhaustively): the School Improvement Plan, any required Ofsted action plans, new and revised school policies, proposals for 'material changes' to the school's registration
8. Representing the school as required eg at Open Mornings/evenings, celebratory assemblies, meetings with Ofsted, placing authorities etc.

9. Arranging the Performance Management of the Headteacher and making recommendations with respect to the performance related aspect of the headteacher's pay.

Membership

There may be a maximum of 8 governors. The proprietor and the headteacher are ex officio members of the governing body. Individuals may be asked to serve as Governors because they have a professional or personal interest in the school. Any governor may nominate an individual to serve on the governing body but s/he must be ratified at a meeting of the full governing body. Governors details are published on the school website and in the Prospectus. The Chair of the Governing Body may be nominated by any governor but is elected by all governors. In the event of a contest candidates must be given the opportunity to explain why they should be elected Chair at a full meeting of the Governing Body before the election takes place. The Chair of Governor's term of office is five years. All Governors must be CRB checked before receiving any information about individuals at the school.

A person is disqualified from holding or from continuing to hold office as a governor if he or she:

- is detained under the Mental Health Act 1983 during his or her period of office;
- fails to attend the governing body meetings – without the consent of the governing body – for a continuous period of six months, beginning with the date of the first meeting missed (not applicable to ex officio governors);
- is subject to a bankruptcy restriction order or an interim order;
- has had his or her estate sequestrated and the sequestration order has not been discharged, annulled or reduced;
- is subject to:
 - i) a disqualification order or disqualification undertaking under the Company Directors Act 1986
 - ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989
 - iii) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
 - iv) an order made under Section 492(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order);
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under Section 34 of the Charities and Trustees Investment (Scotland) Act 2005 from participating in the management or control of any body;
- is included in the list of people considered by the Secretary of State as unsuitable to work with children;
- is disqualified from working with children or subject to a direction under Section 142 of the Education Act 2002;
- is disqualified from registration for childminding or providing day care;
- is disqualified from registration under Part 3 of the Childcare Act 2006;
- has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) in the five years before becoming a governor or since becoming a governor;

- has received a prison sentence of two-and-a-half years or more in the 20 years before becoming a governor;
- has at any time received a prison sentence of five years or more;
- has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor;

Resignation and Removal

A governor may resign at any time by writing to the Chair and stating that they no longer wish to serve. There is no requirement for a governor to give any reason for resigning but it would be helpful to the school to be aware of any issues pertaining to the school. Governors should act at all times with honesty and integrity and be ready to explain their actions and decisions to staff, pupils, parents and anyone with a legitimate interest in the school. In the event that a governor's conduct gives rise to concern s/he should be offered the opportunity to meet with the Chair and discuss the matter. If the matter is serious, particularly if it involves a breach of confidentiality, a safeguarding issue or if it brings the school into disrepute the Chair may ask for the Governor's resignation. If this is not forthcoming the Governor may be removed from the Governing Body at a full meeting. The Chair of Governors must have regard to the regulations requiring reporting to ISA

Individual governors do not have an automatic right to enter the school whenever they wish. However, they need to be able to visit from time to time in order to develop their understanding of the school. These visits enable them to fulfil their statutory responsibility for the conduct of the school. Governors should arrange their visits with the headteacher, who has responsibility for the day-to-day management of the school.

Responsibilities of the Headteacher

Although the Headteacher is not subject to the terms and conditions laid down in the School Teacher's Pay and Conditions document his/her duties are broadly as defined in that document.

Whole school organisation, strategy and development

- Provide overall strategic leadership and, with others (including the proprietor), lead, develop and support the strategic direction, vision, values and priorities of the school
- Develop, implement and evaluate the school's policies, practices and procedures.
- Monitor that the school is compliant with the Independent School Registration regulations and report to the proprietor and Governing Body if these are not met.

Teaching

- Lead and manage teaching and learning throughout the school. Including ensuring, save in exceptional circumstances, that a teacher is assigned in the school timetable to every class or group of pupils
- Teach.

Health, safety and discipline

- Promote the safety and well-being of pupils and staff.
- Ensure good order and discipline amongst pupils and staff.

Management of staff and resources

- Lead, manage and develop the school workforce, including assessing and managing performance.

- Organise and deploy resources within the school.
- Promote harmonious working relationships within the school.
- Maintain relationships with organisations representing teachers and other members of the school's workforce.
- Lead and manage the school's workforce with a proper regard for their well-being and legitimate expectations, including the expectation of a healthy balance between work and other commitments.

Professional development

- Promote the participation of staff in relevant continuing professional development.
- Participate in arrangements for the appraisal and review of their own performance, and, where appropriate, that of other teachers and support staff.
- Participate in arrangements for their own further training and professional development and, where appropriate, that of other teachers and support staff including induction.

Communication

- Consult and communicate with the proprietor, placing authorities, governing body, staff, pupils, parents and carers.

Work with colleagues and other relevant professionals

- Collaborate and work with colleagues and other relevant professionals within and beyond the school including relevant external agencies and bodies.

Agreed by the Governing Body 29.9.10

Reviewed April 2013.

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