



GOVERNORS HANDBOOK

"A Framework for Partnership"

2006 Version

(Amended October 2006)

FOREWORD

As Jersey has a long and proud tradition of voluntary activity in virtually all aspects of the life of the community, it is perhaps surprising then that, prior to the 1990's, Jersey schools, with the notable exception of Victoria College, did not have governing bodies. The community's involvement in our schools only found expression through the Conseil Scolaires, the Advisory Sub-Committees for secondary schools and Parent Teacher or Home School Association.

It was against this background that the former Education Committee established governing bodies for each of its secondary schools, and Rouge Bouillon School. The provisions for governing bodies are set out in the Education (Jersey) Law 1999.

The establishment of governing bodies has brought to schools a body of people who are, in many cases, unfamiliar with States' procedures or educational concepts. However, what they bring is both important and significant: a wide range of experience in the world outside schools, interest, commitment and a recognition of the importance of education. Schools need the perspectives of non-educationalists to keep them in touch with, and to help them to communicate their purposes and needs to those they serve.

Four aspects of the governor's role are predominant:

- to support;
- to advise;
- to mediate;
- to secure and exercise accountability,

In exercising this role, governors:

- consent to and legitimise the exercise of authority by the head of the school and functioning of the institution;
- are 'protective' of their school - enthusiastically so, once they see how heads, deputies and teachers work and how complex and exacting is the demand upon them;
- elected or co-opted, are there to represent the interests of the community to the school; hold the school accountable to the community and represent the interests of the school to the community.

The purpose of this handbook is to provide governors with that information needed to understand and perform their role, responsibilities and duties effectively.

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Director of Education, Sport and Culture
September 2005

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Legislative Framework

The role, constitution and proceedings of a governing body and the duties a headteacher in relation to it are defined in the Education (Jersey) Law 1999, under Article 57 which gives effect to the Fourth Schedule. The Law also sets out the terms of the relationship between the Governing Body, the Department for Education, Sport and Culture (the Department) and the States of Jersey.

It is important that you understand the provisions of the Law, particularly as they affect you and your fellow governors.

PART ONE

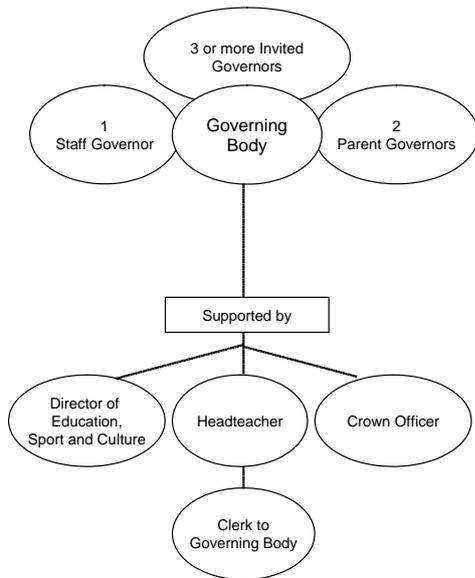
A FRAMEWORK FOR PARTNERSHIP

ROLE, RESPONSIBILITIES AND DUTIES

1.1. Composition of a governing body

A governing body is made up of a combination of elected, nominated and invited governors, supported by the Headteacher, Director of Education, Sport and Culture (or his nominee) and may be advised by the Attorney General and Solicitor General (or their nominee).

Figure 1: Composition of governing body



The number of governors may vary depending on the type of school and the composition of governing bodies for 'provided' schools is shown on Table 1

Table 1 Membership of Governing Bodies for Provided Schools

	11-16 School s Hautlie u Rouge Bouillon	Colleges VC/VCP; JCG/JCGP
Parent governor s	2	4 (2 from secondary College; 2 from preparatory school)
Invited governor s	minimum of 3	
Staff governor s	1	2 (1 from secondary College; 1 from preparatory

		school)
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1.2. Different types of Governor

parent governors: elected by the parents of pupils at the school and must have children at the school at the time of election;

staff governor: elected by, and from, the staff of the school;

invited governors: chosen by the parent, staff governors in order to reflect an appropriate balance of interests and to help provide links with the local community.

Such members might have:

- a) academic or teaching background;
- b) professional, commercial or financial experience;
- c) association past or present with the school;
- d) involvement in work with or for the local community;

1.3. Role of Governors

Governors are appointed to provide:

- stronger links between the school and the community it serves;
- a wide experience of the outside world;
- an independent view and common sense approach
- a visible form of accountability for the Headteacher and staff of the school;
- support for the Headteacher and staff.

A governor is expected to:

- prepare for, attend and contribute to meetings of the Governing Body and possibly Sub-Committees of the Governing Body;
- work as a member of the Governing Body, not as an individual, for the best interests of the school;
- represent others i.e. those who appointed or elected him/her;

- show an interest in school affairs;
- become well informed about education in general and about his/her school in particular;
- become familiar with the role, responsibilities and duties;
- participate in training to improve effectiveness.

Governors must act as independent individuals in discussions and must also act in accordance with decisions formally taken by the Governing Body. Parent governors may wish to find out the views of their fellow parents but do not have to do so before speaking or acting as a governor. Parents can approach any governor, although a parent with a specific concern should normally be advised to take it up with the Headteacher in the first instance.

Teacher governors are not elected to represent directly the interests of the staff, but to ensure that professional expertise is brought to bear on issues under discussion by the governors. Teacher governors may report back and, in so doing, promote the partnership between governors and staff.

If governors are to play a constructive and independent role, it is important that they consider themselves school governors first and representatives of a particular interest group second.

1.4. Support for the Governing Body

The Governing Body is supported and advised by a number of professional staff, principally the Headteacher who has both a right to attend all meetings of the Governing Body and a duty to attend when required by the Governing Body. However, the Headteacher has no voting rights. In addition, the Director, or his nominee, may be in attendance to give advice but would not have voting rights. A clerk, responsible for the administration of the work of the governors, will also be in attendance. (It is a matter for the Governing Body to determine any provision for the remuneration of the clerk). Other members of staff or relevant advisers may be invited to attend meetings of the Governing Body as required. Meetings of the Governing Body may be attended by the Minister for Education, Sport and Culture (the Minister) or another person nominated by him.

When in attendance, the Minister or his nominee has no voting rights. Meetings of the Governing Body may also be attended in an advisory capacity, by the Attorney General and Solicitor General or a person nominated by either of them for that purpose.

1.5. Responsibilities and Duties of the Governing Body

An effective governing body will:

- have the quality of children's learning at the heart of all its business;
- be united around a common vision shared with the Headteacher and staff and expressed in the School Development Plan;
- have clear and achievable goals.

The Minister may, by Order, delegate to a Governing Body any of the functions of the Minister in relation to that school, excluding any power to make an enactment. Before making an Order, the Minister must consult with interested parties and bodies.

Within the functions already delegated by the Department, there is little, if anything to do with a school, its buildings, pupils and staff that is not in some way the concern of its Governing Body. However, the Governing Body is obliged to meet the demands of legislation and to ensure that the policies of the Department for Education, Sport and Culture (the Department) are put into effect. **The responsibilities of a governor must be seen in terms of policy-making and review and not in the context of day to day management, which is the function of the Headteacher.**

The following paragraph outlines the responsibilities of the Governing Body and may be considered in conjunction with Table 2 (page 17) which illustrates the division of responsibilities between the Governing Body and Headteacher:

Agreeing and maintaining the aims and policies of the school:

A school must have a clear statement of its aims and objectives which establishes the foundation for the development of its policies, planning and practice. The

statement must be consistent with the policies, framework and guidelines determined by the Department. The Headteacher has a responsibility to develop the statement and to agree it with the Governing Body which will ensure that the aims of the school are met when agreeing statements of policy.

The development and application of the school's policy on discipline:

The Headteacher has a responsibility to develop and agree with the Governing Body a clear policy on the standards of behaviour that are expected of pupils, how to provide these standards and how to tackle unacceptable behaviour.

The Headteacher must report to the Governing Body any suspensions and exclusions of pupils and the Governing Body must ensure that such suspensions are in accordance with the requirements laid down in Article 36(2) of the Education (Jersey) Law.

Providing outside advice and acting as a link between the local community and the school:

The Governing Body may have a significant role in providing advice and contribution in certain areas, including:

- promoting links with industry and commerce;
- promoting liaison between teachers and parents;
- promoting the school's image in the local community;
- organising resources for some aspects of the school's work;
- giving help with management training or financial planning;
- checking local and parental reaction to school developments.

Communication with parents and production of an annual report for the Department to be published to parents:

The Governing Body must publish an annual report to the Department and parents, containing:

- the dates of meetings held by the Governing Body and brief descriptions of any outcomes or decisions;

- names of the members of the Governing Body, together with their designation and terms of office;
- information about the next election of parent governors;
- a summary of the school's budget and how money was spent over the year;
- names and responsibilities of members of staff;
- information about examination results;
- information on school attendance;
- details of the curriculum;
- details of standards of behaviour;
- details of how to make representations to the Governing Body.

Ensuring that the Jersey Curriculum is delivered:

The Governing Body must ensure that the curriculum promotes the intellectual, spiritual, moral, cultural and physical development of the pupils at the school and prepares such pupils for the opportunities, responsibilities and experiences of adult life. The curriculum must be broad, balanced, relevant and differentiated according to each child's ability. In fulfilling this function the Governing Body must take account of the Department's policies for the curriculum.

The Governing Body will invite the Headteacher to provide advice for them on particular aspects of the curriculum.

The Governing Body may adopt the Department's curriculum policy statement or publish its own statement which includes elements additional to the Department's statement. In such circumstances the statement must be referred to the Department for its approval.

Monitoring and evaluating the work of the school:

The Governing Body has a responsibility to keep under review the degree to which the school is achieving its goals and making progress towards its aims. The Headteacher will provide the Governing Body with the information and advice which it needs in respect of those activities of the school which it considers to be important indicators of the school's performance. The Governing Body may require periodic reports on the major departments and the pastoral system. The Governing Body will

receive reports of all formal reviews and evaluations available through, for example, the Department's scheme for monitoring and evaluation.

The Governing Body also has a responsibility to obtain information on how the school is perceived in the community it serves by, for example, securing the views of parents, pupils, staff and employers.

The Governing Body must gain insight into the nature of educational opportunities being provided and the complexity of the teacher's task by visiting classes in progress. The Headteacher will be responsible for making appropriate arrangements for this to occur.

The Headteacher will be responsible for developing the Governing Body's information system, working within general guidance provided by the Governing Body about the aspects of the school's activities on which information is required and the form in which it is required.

Determining teaching and non-teaching staff establishments:

The Department determines policy and allocates a maximum level of establishment based on that policy. The Headteacher has a responsibility to develop and agree with the Governing Body a staffing plan including the number of teaching and non-teaching staff which is consistent with the school's budget and the delivery of the curriculum. Before making appointments the Governing Body must seek and take account of the advice of the Director on the number and mix of staff which would be suitable for the school.

The appointing, developing and disciplining of staff:

The States of Jersey is the employer of the staff of the school. However, a teacher (or other persons employed by the Department to work within a particular provided school shall be accountable to the Headteacher and the Governing Body as well as to the Department. The Governing Body has particular responsibilities for the selection and management of staff as defined in the appointments procedures established by the Department.

Appendix B provides guidelines for the involvement of the Governing Body in appointments procedures.

The Governing Body must ensure that the Department's Schemes for Performance Management for non-teaching staff apply to all relevant staff in the school and may have a role to play in providing information for the appraisal of the Headteacher. However, while the Chairman of the Governing Body may have access to the targets that have been agreed for the Headteacher through the Department's Scheme for Performance, Review and Appraisal, the Governing Body will not have access to the performance reviews of other members of staff.

The Governing Body, working with the school, may have a useful role to play in helping to resolve problems which occur when a member of staff has a grievance concerning unfair or unprofessional treatment, or when a headteacher believes that the conduct of a member of staff is unsatisfactory.

Appendix C provides details of Grievance and Disciplinary Procedure

The Planning cycle of the school as reflected in the School Development Plan:

The Governing Body has an important role to play in the consideration, approval and review of the School Development Plan. This plan is designed to address needs for development set in the context of the school's aims and values, its existing achievements and Department and national policies and initiatives. The minimum requirement is that detailed objectives are set for one year with objectives for future years provided in outline.

The purpose of development planning is to assist the school in the management of available resources and effective management of developments so that the quality of teaching and standards of learning are improved.

The Governing Body must decide how it should be involved in development planning.

The Governing Body should contribute to a review of the school's strengths and weaknesses and will have views about priorities for the first and subsequent years. However, it is the responsibility of the Headteacher, after discussion with the governors and staff, to prepare a draft development plan for approval by the governors. Following approval, the Headteacher will lead staff in implementing plans. The Headteacher will report the outcomes of the development plan to the governors and, where practicable, the governors should observe the changes and improvements in the school which have arisen directly from the plan.

Managing the school's budget:

The Governing Body is responsible for approving and monitoring the school's annual budget.

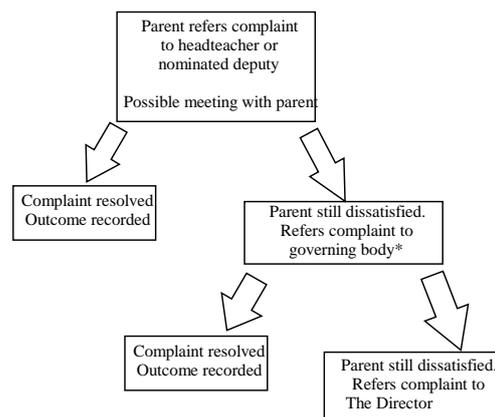
In accordance with legislation and the policies of the Department, the Governing Body will establish formal procedures and timetables for planning the budget to ensure that all relevant factors are considered. The Headteacher will prepare detailed estimates of expenditure and income sufficiently in advance of each financial year to allow for consideration and approval by the Governing Body. There must be clear, identifiable links between the school's annual budget, the development plan and statement of aims. The Governing Body will determine limits of delegation and virement (transfer of money from one budget heading to another) which may be exercised on its behalf by the Chairman and/or headteacher.

The Governing Body should ensure that planned expenditure for each financial year does not exceed the available budget, as adjusted within agreed limits. The Headteacher should provide regular reports to the Governing Body on spending against the approved budget and the Governing Body should monitor the amount of each budget allocation in the light of known activity.

Dealing with Complaints

The Governing Body should determine a formal procedure for dealing with those complaints which are not covered by legal

regulations. Parental and other complaints sometimes arise from misunderstandings. These can normally be dealt with satisfactorily through informal discussions with, for example, the class or form teacher or the Headteacher. However, there are occasions when a parent, or member of the public, is dissatisfied after the initial contact with the school and wishes to take the matter further. In such circumstances, the following procedure could be followed:



*Careful thought needs to be given to the exact procedures to be adopted by the Governing Body. It is important to avoid drawing in Governors at the initial stage who may be needed later to deal with an appeal.

Implementation of the Health and Safety (Jersey) Law:

The Health and Safety (Jersey) Law requires an employer to have a Health and Safety Policy in place. It is the responsibility of the Governing Body to agree and monitor a policy which meets any provisions determined by the States or relevant States' Departments to ensure, so far as it is reasonably practicable, the health, safety and welfare of pupils, staff and others who have access to the premises. In exercising this responsibility they should be satisfied that:

- plant and systems of work are safe and without risk to health;
- such information, instruction, training and supervision which is necessary to ensure appropriate standards for health and safety are maintained.

Communication of resolutions to the Department:

The Governing Body may pass resolutions on any of the range of issues associated with the organisation and operation of the school, which will be considered by the Director and submitted to the Minister in appropriate cases. The Director will be responsible for ensuring that a formal response is provided within a reasonable time.

The use of school premises outside normal school hours:

The Department is committed to the use of school premises for the general benefit of the community and the Governing Body carries a responsibility to ensure that appropriate access is provided to the premises in accordance with the Department's policy and guidelines.

PART TWO
A FRAMEWORK FOR PARTNERSHIP
CONSTITUTION AND PROCEDURES

2.1. Constitution

Membership

i) A governing body of a school shall consist of:

a) for each school which it is the Governing Body, two persons each of whom is the parent of a pupil in that school, elected by the parents of the pupils in that school and each referred to in this Schedule as a “parent governor”;

(b) for each school for which it is the Governing Body, one member of the staff of the school elected by the staff, and referred to in this Schedule as “a staff governor”; and

(c) three or **more** persons co-opted by the persons holding office pursuant to clauses (a) to (c), and each referred to in this Schedule as an “invited governor”.

ii) A parent governor, a staff governor and an invited governor shall hold office as a governor for three years save that, when the Governing Body is established, of the first persons elected or co-opted to it as governors -

(a) half of the parent governors shall be elected to hold office for a period of one year and the other half shall be elected to hold office for a period of three years;

(b) a staff governor shall hold office for a period of two years; and

(c) the invited governors shall be respectively co-opted for a period of one, two and three years.

Election of Chairman and Vice Chairman

iii) Subject to sub-paragraph (iv), each year, the members of the Governing Body shall elect from among their number a chairman and vice-chairman.

iv) A staff governor shall not be eligible to be chairman or vice chairman.

v) A person who vacates the office of governor, chairman or vice-chairman shall be eligible for re-election or co-option, as the case may be.

Duty of the Headteacher regarding elections

vi) It shall be the duty of a headteacher to conduct any election within his school of a parent governor or a staff governor, in accordance with guidance issued by the Department.

Restriction of membership

vii) No person may be a member of more than one governing body without the express approval of the Department.

Cessation of membership

viii) A staff governor shall be disqualified for continuing to hold such office upon his ceasing to be a member of the staff of the school by which he was elected.

ix) A governor may resign by tendering his resignation, in writing, to the chairman.

x) A governor, may be removed from office by the other members of the Governing Body if, without the prior agreement of the chairman, he fails attend two consecutive meetings of the Governing Body.

xi) A governor may, for good and urgent cause, be -

(a) suspended or removed from office by the other members of the Governing Body or by the Minister.

xii) Where the Minister removes from office all of the members of a governing body, the Minister shall make such arrangements as may be necessary for the formation of a new governing body.

Frequency of meetings

xiii) A governing body shall meet at least once in every term of the school.

Rights of attendance

xiv) Every meeting of a governing body may be attended by:

a) the Director or a person nominated by him for the purpose;

b) each headteacher of a school for which it is the Governing Body;

c) the Minister or his nominee; and

d) the Attorney General and Solicitor General or a person nominated by either of them for the purpose.

xv) Each member of a governing body, other than a head teacher, shall have a vote on any decision, and the decision shall be determined by a simple majority.

Establishment of Procedures

xvi) Except as expressly provided in this Schedule, a governing body may establish its own procedures.

Remuneration

xvii) The members of a governing body shall not be entitled to any remuneration, but the reasonable expenses of the Governing Body and its members shall be defrayed out of the budget for the school.

2.2. Elections

Parent governor elections

The elections must be made by a secret ballot, either by post or 'pupil-post'. If, at any school the number of parents standing for election is equal to or less than the number of vacancies, the Headteacher must declare those parents to be governors.

Elections should normally be held early in the Autumn Term and before the first meeting of the Governing Body to be held in the school year. The Headteacher is responsible for giving appropriate publicity to the election process when a vacancy occurs, distributing nomination forms and setting out the timetable for each stage.

Any candidate will require a proposer and seconder other than spouse, drawn from those eligible to vote.

The Headteacher shall act as returning officer for the school and candidates receiving the highest number of votes shall be elected.

Each parent will receive a ballot paper containing the names of all nominees and will be entitled to vote for as many candidates as there are vacancies. Ballot papers should be returned to the Headteacher.

The count shall be arranged by the Headteacher and candidates may be present for the count. If there is a tie, after a recount, the candidates with the youngest child at the school shall be elected.

The results of elections shall be notified to all parents.

Staff governor elections

The elections must be made by a secret ballot. If only one member of staff stands for election the Headteacher must declare that member of staff to be a governor.

Elections should normally be held early in the Autumn Term and before the first meeting of the Governing Body to be held in the school year. The Headteacher is responsible for giving appropriate publicity to the election process when a vacancy occurs, distributing nomination forms and setting out the timetable for each stage.

Any candidate will require a proposer and seconder drawn from the staff of the school. The Headteacher shall act as returning officer for the school and the candidate receiving the highest number of votes shall be elected.

Each member of staff will receive a ballot paper containing the names of all nominees and will be entitled to vote for one candidate. The Headteacher will arrange for the ballot papers to be deposited in the ballot box.

By-elections

Where by-elections become necessary due to cessation of membership, staff movements or resignations, the term of office of the person elected shall be for a period to complete the normal term of the member replaced. At the discretion of the remaining governors, a by-election need not be held if the time remaining to serve is less than two school terms.

2.3. Sub Committees of the Governing Body

The creation of Sub Committees can help to spread the workload of the Governing Body and enable it to conduct its business more efficiently. Sub Committees may be given power to take decisions or act on behalf of the Governing Body in a range of matters including:

- the appointment of staff;
- the allocation of monitoring of the school's budget;
- determination of staffing structure and allowances;
- issues relating to school buildings;
- staff grievances and discipline;
- complaints.

Sub Committee decisions must be reported to the Governing Body at its next meeting and responsibility for decisions taken under delegated authority remains with the Governing Body. The chairman of a Sub Committee has no power to take decisions without reference to the Governing Body. Only the chairman or, if he/she cannot be contacted, the vice chairman may act alone and then only in an emergency. Such action may only be taken when a delay would have some detrimental effect on the school or someone associated with it.

Establishing Sub Committees

When Sub Committees are established or new members appointed, at least two-thirds of the Governing Body must be present. People who are not governors may sit on Sub Committees but may not vote.

Key issues

When setting up Sub Committees, governors should consider:

- how many Sub Committees are needed;
- how they inter-relate;
- what their terms of reference should be;
- what their membership should be;
- how to ensure consistency in decision making;
- how to review performance.

Typically, Sub Committees may be appointed for the following areas of responsibility:

- personnel;
- finance;
- premises;
- curriculum;
- pupil related matters.

2.4. *Governors Liability*

A governing body, under the Education (Jersey) Law 1999 is a Body Corporate and,

as such, although the Governing Body may be liable for action, individual members are not ordinarily liable for actions brought against the Governing Body in the exercise of its duties and responsibilities unless an offence is committed under the Health and Safety at Work (Jersey) Law 1989 with the consent or connivance of or is attributable to neglect on the part of an individual member.

PART THREE
PARTNERSHIP WITH THE HEADTEACHER

Partnership with the Headteacher

3.1. Division of Responsibilities

The Governing Body is responsible for school policies, working within the framework of legislation and the policies of the Department. The implementation of policy and the day to day running of the school is the responsibility of the Headteacher and the senior management team.

Establishing a close and balanced partnership is, of course, helped by the fact that the Headteacher will usually be in attendance at all meetings of the Governing Body.

Headteachers have some powers and duties which are specifically theirs by Law or under their contract of employment. Others may be delegated to them by the Governing Body. The Table below outlines the division of responsibilities between the Governing Body and the Headteacher.

Table 2 Division of Responsibilities

	Governing Body	Headteacher
Planning	The Governing Body and the Headteacher agree the aims, values, ethos and priorities of the school. These will be identified in the School Development Plan.	
Curriculum	<p>may determine the curricular policy in consultation with the head;</p> <p>encourages governors to take an interest in specific curricular areas;</p>	<p>draw up school curriculum plans, taking account of legal/Department requirements;</p> <p>ensures detailed implementation of the curriculum;</p>
Staffing	<p>agrees staffing plan and allocation of supplementary allowances; within the policy agreed by the Department, determines procedures for appointing staff and participates accordingly;</p> <p>adjudicates on personnel issues referred to it.</p>	<p>draws up staffing plan;</p> <p>selects staff within the limits of delegation agreed by the Governing Body;</p> <p>manages staff and handles personnel issues.</p>
Publicity	<p>approves publicity materials, including school brochure.</p>	<p>produces publicity materials.</p>
Premises	<p>receives regular reports on inspections;</p> <p>ensures use of premises meets the Department's policy on community use.</p>	<p>ensures regular inspections carried out;</p> <p>implements the Department's policy for use of premises.</p>
Finance	<p>approves budget;</p> <p>agrees limits for delegation and virement.</p>	<p>draws up budget;</p> <p>incurs expenditure within delegated limits.</p>

3.2. Effective Partnerships

Like all partnerships, that between schools' governors and headteachers depends on trust and needs to be worked at continually. From time to time, it should be reviewed jointly. The desired constructive relationship will more easily be achieved if governors are kept well informed about what is happening in the school. There should be a regular flow of information to and from the

governors, irrespective of the frequency of meetings. There should be a culture of participation with every governor having his/her own areas of responsibility.

The Chairman of the Governing Body should keep in close touch with the Headteacher as a good rapport is particularly important to the smooth running of the school.

PART FOUR

CODE OF PRACTICE FOR THE GOVERNANCE OF SCHOOLS

4. The Code of Practice

4.1. The governance of schools

The governance of schools is a function of considerable importance and authority vested almost entirely in people who are essentially volunteers, whether elected, co-opted or appointed, whose range of experience, expertise and interests may be very diverse. In all schools, governors can bring commitment, interest and common-sense to the table, while others bring well-developed formal planning, decision making and problem solving skills.

The Model Code of Practice is designed to assist headteachers and members of the governing bodies in the normal conduct of their general responsibilities, so that a balanced view of governance is maintained, harmony is achieved, and unnecessary, debilitating conflict is avoided.

It offers sound procedures for use by the Governing Body of this school in the fulfilment of its function, as defined in the 'Framework for Partnership'.

The Conditions of Employment of the Headteacher, as defined in the current agreements between the Department and Jersey Association of Headteachers, are recognised in the Code of Practice.

4.2. General principles

The Governing Body acknowledges its accountability to parents, the community and to the Department.

The Governing Body will act corporately, and will conduct its business properly, with the best interests of the education of the pupils and the school at the core of its considerations and decision making.

The Governing Body is committed to open government, subject to any requirements for confidentiality, consultation with relevant individuals and groups, and to decision making based on facts and relevant information.

The Governing Body views its functions as being largely strategic, both in its involvement during the planning stages and

also the adoption and monitoring of policy. The Governing Body will take into account the Headteacher's Conditions of Employment when considering any matter which is properly his or her responsibility.

All policies required by the Department will be adopted in consultation with the Headteacher.

4.3. Roles

4.3.1 The Chairman

The Chairman and Vice Chairman will be elected at the first meeting in the academic year. In the absence of both the Chairman and the Vice Chairman from any meeting thereafter, those present will elect from among their number a person to take the Chair for that meeting.

The Chairman will ensure that all business of the Governing Body is conducted openly and that **all** members are given equal opportunities to participate fully in all discussions and decision making.

The Chairman will be responsible for reasonable inter-meeting liaison with the Headteacher, for receiving correspondence, not sent to the Clerk, or the Headteacher, on behalf of the Governing Body and for reporting in full any actions which he or she has undertaken on behalf of the Governing Body.

The Chairman will use sparingly, and only in cases of emergency, his or her additional power to act individually and to call meetings of the Governing Body at shorter notice than normal. Any action taken by the Chairman between meetings will be reported to the next meeting of the Governing Body.

4.3.2 The Headteacher

The day to day management of the school will be the responsibility of the Headteacher.

The Headteacher will be responsible for the fulfilment of those duties allocated under legislation or in his or her conditions of employment.

The Headteacher will be responsible for those functions delegated to him by the Governing Body. These will include responsibility for the day to day management of budget, including defined authority to approve expenditure and to vire funds to levels determined by the Governing Body, so that he or she may fulfil his or her duties efficiently, and may include making recommendations for the employment of all teachers below the level of deputy headteacher and all support staff.

The Headteacher, in consultation with the Governing Body, will determine which policies, other than those required by the Department, should assist him or her in the day to day management of the school.

The Headteacher, in accordance with the Education (Jersey) Law and his or her Terms of Employment, will provide the Governing Body with sufficient information to enable it to fulfil its functions and to that end will present a written report to each meeting of the Governing Body, and to any Sub Committee, on relevant matters arising from a) legislation b) the fulfilment of his or her contractual duties c) any policies, of the Governing Body, as appropriate.

The Headteacher will have the right of attendance at any meeting of the Governing Body and any of its Sub Committees and working parties, provided that he or she is not the subject of disciplinary action being considered at the meeting or that the meeting concerns the re-instatement of an excluded pupil, except for the purpose of providing information or evidence to present a case.

4.3.3 The Clerk

The Governing Body will appoint a clerk who will be responsible for:

- organising agendas in consultation with the Headteacher and the Chairman;
- convening meetings in accordance with the Handbook for Governors as directed by the Chairman or, in the absence of the Chairman, the Vice Chairman;
- minuting meetings unless this is otherwise organised by the Governing Body;

- receiving correspondence on behalf of the Governing Body;
- writing letters on behalf of the Governing Body unless this is otherwise organised;
- liaison with external agencies as required by the Governing Body.

4.3.4 Sub Committees

In order to ensure the most effective conduct of the business, Sub Committees may be set up to advise, inform and make recommendations to the Governing Body, and, in defined instances undertake some or part of the functions of the Governing Body.

Where it is considered appropriate, the Governing Body will delegate to the Headteacher or to another named person some or all of those functions which may be delegated to an individual.

At the beginning of the school year, appropriate Sub Committees (see para 2.3) will be established, each with delegated authority to make decisions on behalf of the Governing Body.

In delegating functions or part of functions to Sub Committees the Governing Body will observe any relevant legislation and the policies of the Department.

Each Sub Committee will give a written report of any meeting held at the subsequent meeting of the Governing Body. Sub Committees working under delegated authority will inform the Governing Body, at its next meeting, of decisions made and action taken.

The Governing Body will recognise the need for expertise in those areas where it does not exist among members and will, if possible, co-opt as appropriate and for specific purposes and duration, persons known to be well-informed and willing to be of assistance.

4.4. Planning, convening meetings and the conduct of business

4.4.1 Calendar of meetings

The Governing Body will determine a provisional timetable for the year's meetings at the first meeting of the Academic Year.

4.4.2 Timing of meetings

Meetings will be held at times convenient to the majority of members and, in setting dates and times, members will be sensitive to any family, social or business commitments that members might have, including the need to work on the following day.

The Governing Body sets a time limit on each meeting of ****hours* from the published starting time, after which any remaining business will be deferred to either a special meeting arranged for the purpose, or to the next meeting, subject to due notice in both cases.

In the event of an evening meeting the Governing Body will not proceed with any business after ****pm*.

****Each governing body should insert its own timings at these points.***

4.4.3 Convening meetings

Normally, all meetings will be convened by the clerk in accordance with this Code of Practice, and the Governing Body will abide by the rules relevant to quorum, voting, the rescinding and altering of decisions, etc.

4.4.4 Agenda

The agenda of each meeting will include:

- Apologies for absence;
- Notification of business to be taken as Any Other Business as the last item on the agenda at this meeting or be placed on the agenda of the next;
- Approval of the Minutes of the last meeting;
- Matters Arising from the Minutes of the last meeting which do not appear elsewhere on the agenda;
- Urgent Late Items, with the permission of the Chairman;
- Correspondence;
- The Headteacher's Report;
- any other reports not forming part of any other agenda item;
- main items of business, usually on curriculum, personnel, finance or

premises, which may differ from meeting to meeting;

- Any Other Business.
- Date and Time of next meeting;

Papers necessary for the full discussion of Agenda items must be sent to governors with the Agenda.

The Governing Body will regard any correspondence, other than a complaint, addressed to the Chairman or the Clerk as being intended for the Governing Body as a whole.

Correspondence received by the Chairman or the Clerk, and any received by the Headteacher on behalf of the Governing Body, will be presented to the next meeting of the Governing Body so that the need for, and the nature of, a reply and action may be considered.

The Governing Body will determine who should normally write letters, or who should write specific letters, on behalf of the Governing Body.

Individual governors will refer any correspondence received on behalf of the Governing Body to the Chairman.

4.4.5 Information and advice

The Headteacher recognises the need to keep the Governing Body fully informed and will present a written report to each meeting of the Governing Body and its Sub Committees on matters related to a) the fulfilment of his or her contractual duties and b) any policies, required of the Governing Body, as appropriate.

The Headteacher will present other information as he or she thinks fit and/or requested by the Governing Body.

The Director will be invited to attend or send his representative to meetings in order to inform and advise the Governing Body.

Where information required by the Governing Body is not readily available, sufficient time will be given for its production at a subsequent meeting.

4.4.6 Discussion and debate

The Chairman will deny the discussion of any matter not relevant to the agenda of any meeting or for which due notice has not been given.

Proposals and decisions will be recorded in the written Minutes of each meeting and presented to the next meeting for approval or amendment and acceptance. The Minutes will be kept in a book or on loose-leaf consecutively numbered pages.

4.4.7 Decisions and voting

In order to be properly constituted a minimum of four governors, who have voting rights, must be present at the time that any decision is taken.

Members of the Governing Body recognise that all decisions must be made by a full meeting of the Governing Body unless an individual or a Sub Committee has been delegated to deal with a specific matter. Consequently, no member of the Governing Body, including the Chairman, will act on behalf of the Governing Body unless delegated to do so. This will not restrict the duty of the Chairman to take action individually where failure to take action would be to the detriment of a pupil, parent or member of staff.

A decision on a matter under discussion is binding upon all members if the Governing Body and will be taken by a simple majority by a show of hands unless any one or more members require a secret ballot. In the event of a tied vote, the Chairman will cast a second or casting vote.

Any proposal to amend or rescind a decision made at a previous meeting shall only take place if the proposal to amend or rescind appears as a separate item on the agenda.

Where one or more members require that a dissenting view be recorded, it will be recorded in the Minutes of the meeting.

4.4.8 Confidentiality

Any matter concerning a named pupil, prospective pupil, his or her parent, employee or prospective employee at the school will remain confidential, as will any

other matter which the Governing Body decided shall be kept confidential.

4.4.9 Public statements

A public statement on behalf of the Governing Body will be made only by the person delegated to make one.

4.4.10 Getting to know the school

The Governing Body regards knowledge of the school as a priority for development in order that it may fulfil its functions efficiently and professionally. It supports informal meetings between the Chairman, or any other member if the Governing Body, and the Headteacher as essential to such development.

The date, times and purposes of such meetings with the Headteacher, and other visits to the school, will be arranged and agreed by both parties in advance, provided that it is accepted that the management of the school must come first and that there must be times where such meetings and visits must be cancelled at short notice. In these instances, the Headteacher will state the reasons for cancellation and make arrangements for another visit.

Governors visiting the school will take care not to disrupt the work of the school, nor to adopt an inspectorial manner.

Governors will, if unable to attend at a time arranged, notify the Headteacher as soon as possible.

On arrival at the school for an arranged visit, Governors will announce their arrival at the School Office and will meet the Headteacher again before leaving.

4.4.11 Access to meetings of the Governing Body

The Governing Body may invite the deputy headteachers to attend its meeting as observers.

The Governing Body will decide which of its meetings, if any, will be open to the public.

If any meetings are open to the public, notice will be given to all parents and other interested individuals and be posted within the school.

4.5. Pecuniary/personal interest

A governor, or a non-governor, present or likely to be present, during the determination of any question from which he or she may gain financially, or in which he or she has a personal interest, will declare that interest and will refrain from taking any part in further discussion, decision making or vote on the relevant issue.

4.6. Complaints

The Governing Body will, in consultation with the Headteacher, adopt and publish a procedure for dealing with general complaints in which the principal procedural requirements are that members should not become prejudiced through inappropriate involvement before formal proceedings, if any, begin. The preliminary phases of such procedures must empower the Headteacher to settle any general complaint informally to the satisfaction of both parties.

4.7. Training

The Governing Body is committed to the development of its expertise and will make full use of training opportunities in areas of governance.

4.8. Distribution

One copy of the 'Handbook for Governors' will be presented to each member of the Governing Body and to new members as they join.

Copies will be presented to the Clerk and the Headteacher.

One copy will be filed as part of the record of the meeting at which it was agreed.

4.9. Review

The Governing Body will review this Code of Conduct at its first meeting of every academic year.

PART FIVE
REPORTING TO THE GOVERNING BODY

5.1. Duty of the Headteacher

The Headteacher has, under Article 57(4) of the Education (Jersey) Law the following duties in relation to the Governing Body:

- The Headteacher of a school shall co-operate with and provide the Governing Body with such information as it may require for the discharge of its duties under Part III of this Schedule including the performance of any function delegated to the Governing Body under Article 58.
- The Headteacher of a school shall consult with the Governing Body on and secure its agreement to any statement that he is required to prepare of the aims and objectives of the school.
- In the discharge of his duty under Article 35, the Headteacher shall consult with the Governing Body on and secure its agreement to the standards and measures determined by him pursuant to that Article.
- The Headteacher shall report to the Governing Body the exclusion of any pupil pursuant to Article 25 or the suspension of any pupil pursuant to Article 36.
- The Headteacher shall provide, within the school, such secretarial services, accommodation and facilities as the Governing Body may reasonably require for its meetings.

5.2. The Need to Report

The Headteacher also has a contractual duty as follows:

"advising and assisting the Governing Body of the school in the exercise of its functions, includingattending meetings of the Governing Body and making such reports to it in connection with the discharge of his function as may be properly required on a regular basis from time to time"

The Headteacher has a duty to inform the Governing Body about the performance of his or her contractual duties, including

matters arising from his or her use of delegated powers.

The Governing Body has a right to ask the Headteacher to report on any aspect of the organisation and work of the school provided that he or she is given sufficient time to do so.

Reports from the Headteacher are to the Governing Body as a whole or one of its Sub Committees as a whole. Individuals may not request reports from the Headteacher nor take action on any without the consent of the Governing Body.

5.3. Means of Reporting

Most aspects of the Headteacher's statutory and contractual duty to advise and report are best fulfilled through the Headteacher's Report written to the Governing Body.

It should be normal practice to report in writing to a meeting of the Governing Body. The written report is an uninterrupted means of conveying accurate and factual information. It informs the Governing Body of actions taken by the Headteacher and constitutes a protective mechanism for him/her and the Governing Body.

Appendices e.g., letters, articles, computer printouts, other school documents should be attached as appropriate. Alternatively, written reports may be necessary for specific Agenda items.

The Headteacher's written report may lead to requests for more detailed explanations of some of its content or to reports on other matters. These should be provided for the next meeting of the Governing Body or the appropriate Sub Committee.

If an oral report is unavoidable its content should be minuted in some detail.

5.4. The Content of Reports

The main purposes of the Headteacher's Report to the Governing Body are to:

- demonstrate the fulfilment of the Headteacher's management functions;
- inform the Governing Body about the progress made in fulfilling the school's

- aims and the meeting of aims and objectives set out in the school development plan;
- highlight the achievements of pupils and teachers;
- raise issues requiring review or decision;
- inform the Governing Body about expenditure in relation to the school's budget.

Matters which would properly form the content of the Headteacher's Report, though some may be better dealt with as separate agenda items or Sub Committee reports, are appended to these notes. Some must be reported because the Governing Body has a right to know; others because the Headteacher has a duty to inform and the remainder are simply regarded as good practice.

5.5. The Presentation of Reports

It is preferable that the Headteacher's written reports are sent to members of the Governing Body at the same time as the notice of the meeting at which they are to be discussed, at least seven days before the meeting. The Headteacher's Report should appear as a separate item on the Agenda. Its

presentation and the control of discussion is the responsibility of the Chairman

In dealing with questions and requests for information, members should reply only to those matters which they are able to address with confidence and, if necessary, seek to defer a reply to the next meeting.

All reports to the Governing Body or one of its Sub Committees are public papers and must be made available at the school to persons wishing to inspect them, unless the Governing Body decides that they shall be confidential. If the Governing Body so decides, then they must be kept separate and not be made available for inspection. Reports in which teachers or other persons employed at the school, or about to be employed, or pupils for admissions, or which might prejudice individuals serving on appeals panels must be confidential to the Sub Committee which receives them.

It is the duty of the Clerk to ensure that all written reports and papers presented to a meeting of the Governing Body are filed as part of the minutes of the meeting and that they are available for public inspection subject to any decisions on confidentiality made by the Governing Body.

5.6. Items to report to the Governing Body

This list suggests subjects for inclusion in the Headteacher's Report to the Governing Body.

Pupils

roll - showing variations from last report;
roll - distribution in year groups and classes;
attendance;
unauthorised absence;
statement absence;
statemented pupils;
exclusions;
discipline;
medicals;
achievements.

Staff

in post;
subject co-ordination;
allowance
responsibilities;
resignations;
appointments;

promotions;
secondments;
absence;
cover of absence;
attendance at courses, with written notes by teachers;
appraisal up-date;
professional development programmes and meetings involving staff.

Visitors

student placements;
assembly speakers;
advisers;
psychologists;
inspectors;
work experience.

Curriculum

comment on external examination results;
comparative table - school v national/Island results;
value added data;
reporting to parents;
internal assessment;
records of achievement;
educational outings;
work experience;
Jersey Curriculum updates;
schemes of work;

special educational needs;
extra curricular activities.

Policies

draft documents for acceptance;
school aims

Financial

budget proposals;
budget setting;
budget monitoring;
income;
contract awarding, progress;
charges for activities.

Budget for Professional Development

funding allocation;
expenditure reporting.

Private funds

audited statement account;
fund-raising events, amount raised and how to be spent.

Premises

security and its monitoring;
health and safety;
fire practices;
illegal entries and vandalism;
repairs and maintenance;
capital schemes;
grounds maintenance reports;
cleaning report.

Resources

planning use of time;
term dates;
emergency closures;
School Development Plan - consultation, approval and review.

Inspections

Validated School Self Evaluation;
self-review;
validation reports;
action plans arising from evaluations.

Special Events

visiting theatre and music; groups;
exhibitions;
awards days;
sports days;
PTA events;
school performance.

APPENDIX A

**Guidelines for the involvement of the Governing Body
in the appointment of staff**

APPENDIX B

Grievance and Disciplinary Procedures for Staff employed in schools

Guidelines for the involvement of the Governing Body in the appointment of staff

- The States of Jersey is the employer of all staff in the school and the Department for Education, Sport and Culture (the Department) determines the establishment for the school. Staff employed to work within a particular school shall be accountable to the Headteacher and Governing Body of the school in accordance with the terms and conditions of employment determined by the employer.
- In all cases the Department may decide to exercise its right to transfer an existing post-holder of a similar post to that advertised and, in such circumstances, the Governing Body will be consulted.
- Where the Department does not exercise the right to transfer, the Governing Body has particular responsibility for the appointment of staff as defined in the appointments policy procedures established by the Department.
- Not all governors are involved in interviewing and selecting staff and, for certain appointments, responsibility may be delegated to the Headteacher.
- All recruitment and selection should be carried out in accordance with the Appointments Commission's Recruitment Code and, where appropriate, "Guidance on Senior Appointments."

A1. Headteacher appointment

A1.1 When a vacancy arises for the post of headteacher, the Director of Education, Sport and Culture (the Director) will produce a draft job description, which relates to the specific needs of the school, together with a statement of the attributes required of the postholder.

A1.2 When the Department does not exercise its right to transfer, the Director will establish an appointment board comprising:

- the Chairman of the Governing Body or his/her nominee;
- the Director of Education, Sport and Culture (ESC) and/or his nominee;
- One further governor drawn from:
 - parent governors or
 - invited governors.

Note 1: the Head of Staff Services (or nominee) shall attend all appointments panels in an advisory capacity to ensure that appropriate standards are maintained.

Note 2 the arrangements define the membership of the appointments panel. The Director may make

such arrangements as deemed appropriate for the panel to receive professional advice during the appointments procedure.

A1.3 The Director will submit the draft job description to the appointment board for approval and may agree to the post being advertised nationally.

A1.4 The Director will be responsible for advertising the post in all schools, the Jersey Evening Post and, if appropriate, nationally.

The post will normally be offered on a permanent basis and, in the case of national recruitment, will be assigned one of the Department's allocation of permanent employee consents.

A1.5 When the post is advertised, the appointment board will be convened by the Director. The Chairman of the appointment board will be the Chairman of the Governing Body or nominee.

A1.6 The appointment board may, on the advice of the Director, draw up a shortlist of candidates. The Director will be responsible for ensuring that shortlisted

candidates are eligible, taking up references and making arrangements for the assessment and interviewing of candidates. All candidates who are shortlisted will be given the opportunity to visit the school and be provided with full information about its size and character.

A1.7 The appointment board has delegated powers to make an appointment which the Director will report to the Minister.

A1.8 The Director must notify all candidates, in writing, of the outcome of their application.

A1.9 The Director, on behalf of the employer, will be responsible for agreeing contractual arrangements with the successful candidate.

A2. Deputy headteacher appointments

A2.1 When a vacancy arises for the post of deputy headteacher, the Headteacher will provide a job description which relates to the specific requirements of the post, together with a statement of attributes required of the postholder.

A2.2 When the Department does not exercise its right of transfer, the job description will be submitted to an appointment board comprising:

- Chairman of Governing Body (or nominee)
- Headteacher
- Director of ESC (or nominee);
- one further governor drawn from:
 - parent governors or
 - invited governors.

Note 1: the Head of Staff Services (or nominee) shall attend all appointments panels in an advisory capacity to ensure that appropriate standards are maintained.

A2.3 The Headteacher will submit the job description to the appointment board for approval. The appointment board may seek the Director's agreement for the post to be advertised nationally.

A2.4 The Headteacher will be responsible for advertising the post in all schools, the

Jersey Evening Post and, if appropriate, nationally.

The post will normally be offered on a permanent basis and, in the case of national recruitment, this will be assigned one of the Department's permanent employee consents.

A2.5 When the post is advertised, the appointment board will be convened by the Headteacher. The Chairman of the appointment board will be the Chairman or nominee.

A2.6 The appointment board may, on the advice of the Headteacher, draw up a short list of candidates which will be submitted to the Director who will be responsible for ensuring that short listed candidates are eligible.

The Headteacher will be responsible for taking up references and making arrangements for interviews. All candidates who are shortlisted will be given the opportunity to visit the school and provided with full information about its size and character.

A2.7 The appointment board has delegated powers to make an appointment which the Director will report to the Minister.

A2.8 Following interview, the Headteacher must notify all candidates, in writing, of the outcome of their application.

A2.9 The Director, on behalf of the employer, will be responsible for agreeing contractual arrangements with the successful candidate.

A3 Other teaching appointments

A3.1 When a vacancy arises for any other teaching appointment, the Headteacher will provide a job description which relates to the specific requirements of the post, together with a statement of the attributes required of the postholder.

A3.2 When the Department does not exercise its right of transfer, the job description will be submitted to an appointment Sub Committee of the

Governing Body which must include the Chairman, or his nominee.

A3.3 The Governing Body will delegate responsibility for all teaching appointments other than headteacher and deputy headteacher, to the Headteacher who will, in such circumstances, convene an appointment board including headteacher, deputy headteacher(s) and/or head of department and nominee of the Director (if that is considered appropriate by the Director).

A3.4 The appointment board has delegated powers to make an appointment which the Headteacher will report to the Governing Body and the Director. If the appointment board wishes not to make an appointment, the Headteacher should submit a report to the Director, setting out the reasons for not making an appointment. At this stage the Headteacher may seek a national advertisement or re-advertisement of the post.

A3.5 The Director may agree to advertise nationally either on a short term contract or permanent appointment.

A3.6 The Director, on behalf of the employer, will be responsible for agreeing

contractual arrangements with the successful candidate.

A4. Non teaching appointments

A4.1 The Governing Body is responsible for ensuring that procedures are consistent with the appointment policy and procedures established for the States of Jersey.

A4.2 The Headteacher may recommend to the Director one of the candidates for appointment.

A4.3 The Director, on behalf of the employer, will be responsible for agreeing contractual arrangements with the successful candidate

APPENDIX B

Grievance and Disciplinary Procedures

Grievance Procedures - Introduction

Grievances can arise from a variety of sources. They can arise among members of the teaching staff or with the Headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the governors of the school or the administration of the school and the Department for Education, Sport and Culture (DfESC). To meet this situation the following provides:

- a procedure which may enable a grievance to be resolved informally and without any recourse to any subsequent stage;
- a completely formal procedure where an informal procedure is inappropriate or has failed.

Procedures

i) Informal

Any member of the school's staff who believes that he/she has been subject to unfair or unprofessional treatment is entitled to make a complaint and seek redress of his/her grievance. In order to do so, the member of staff should raise the matter in the first instance informally with

his/her immediate superior and through him/her with the Headteacher. If that informal action does not resolve the problem then he/she has a right to initiate the following formal procedure:-

ii) Formal

B.1 The member of staff will make a written complaint to the immediate superior and request that the complaint be forwarded to the Headteacher of the school for a formal hearing.

B.2. A formal hearing of the complaint by the Headteacher shall occur within ten working days, in the presence of another senior member of staff who is not directly involved in the complaint. At this hearing, at which the complainant may be accompanied by a staff representative or work colleague if he/she wishes, both the complainant and others involved in the complaint will be given every opportunity to present statements and views on the complaint and the circumstances which gave rise to it. The Headteacher, in consultation with the senior member of staff referred to above, will seek to resolve the problem raised by the complainant and in doing so will have regard to the effective working of the school and the needs of all the parties concerned. A record of the hearing and of any decision reached shall be provided for the parties involved in the complaint within five working days.

B.3. If the complainant considers that the action of the Headteacher has not resulted in the redress of his/her grievance or the Headteacher considers that he/she cannot resolve the problem, the matter will be referred to the Chairman of the Governing Body, either directly by the complainant or by the Headteacher.

In such circumstances, the Chairman of the Governing Body will, within ten working days, consider the record of the hearing by the Headteacher and discuss the grievance with the complainant, the Headteacher and any other parties involved. It will be open to the complainant and any other employee included in such discussions to be accompanied by a staff representative or work colleague if he/she wishes. The Chairman of the Governing Body will be concerned to ensure that the complaint has been fully investigated in every aspect, that the complaint has been fairly treated and that the conclusion reached by the Headteacher was in all circumstances appropriate.

B.4. If either the complainant or the Headteacher is unable to accept the findings of the Chairman of the Governing Body, both will have the right to ask that the matter be reported to the Assistant Director (Schools and Colleges) and to request an opportunity to discuss the complaint with him/her. Copies of any written report presented to the Assistant Director (Schools and Colleges) in connection with the complaint will be made available at the same time to the complainant and the Headteacher, and both complainant and the Headteacher may be accompanied by a staff representative or work colleague when they attend any meeting with the Assistant Director (Schools and Colleges). In such circumstances it will be the responsibility of the Assistant Director (Schools and Colleges) either to resolve the matter and/or determine a course of action. The Assistant Director (Schools and Colleges) must confirm the outcome within five working days of any hearing.

B5. If the complaint brought by the member of staff is against the Headteacher, the member of staff may raise the matter with the Assistant Director (Schools and Colleges) who will nominate a senior member of staff from the Department to undertake the role determined for the Headteacher in this procedure
Disciplinary and Dismissal Procedures

B6. There is no right of appeal against the decision of the Assistant Director (Schools and Colleges).

Note: Before commencing the following procedures, the Headteacher will consider the application of, or will have applied, alternative approaches, e.g. :

- *the Professional Competency and Capability Procedure;*
- *procedures relating to alcohol and the workplace or managing attendance.*

B.7. If the conduct and/or performance of a member of staff employed at the school is deemed unsatisfactory, the Headteacher shall, if he/she judges it necessary, give an informal warning at an early stage to the member of staff who is giving cause for concern, with regard to conduct or performance and at the same time provide such help and advice as may assist the member of staff to achieve the standards required. The Headteacher will record that an informal warning has been given, together with details of advice or support that has been offered. If the unsatisfactory conduct or performance continues or further instances arise the Headteacher shall formally warn the member of staff in writing and record the fact that the warning has been issued. If the unsatisfactory conduct or performance continues, a further formal warning shall be given by the Headteacher and recorded. This second formal warning shall be reported to the Chairman of the Governing Body.

NB *In cases where the Headteacher deems it appropriate, the Headteacher may, in the first instance, formally warn the member of staff and record the fact that the warning has been issued. In such circumstances, the Headteacher will provide such help and advice as may assist the member of staff to achieve the standards required.*

B.8. If, following the second warning, the Headteacher considers that the conduct and/or performance of a member of staff is still below the standards required in his/her post, he/she shall report this in writing to the Chairman of the Governing Body. A copy of this report shall also be forwarded to the Assistant Director (Schools and Colleges).

NB *In cases of serious misconduct the Headteacher may proceed immediately to reporting to the Chairman of the Governing Body without providing those warnings detailed in C5.*

B.9. The Chairman will consider the report and discuss it with the member of staff as well as the Headteacher and any other parties involved. At any discussion involving a member of staff he/she may be accompanied by a staff representative or work colleague if he/she so wishes. Should the Chairman be unable to resolve the issue, he/she shall convene a special Sub Committee of the Governing Body which shall meet as soon as possible to consider the issue. This special Sub Committee must not include the Headteacher nor the staff governor. The Sub Committee may issue a formal reprimand or recommend to the Assistant Director (Schools and Colleges) that the member of staff be suspended or dismissed.

B.10. If the circumstances are such that the Assistant Director (Schools and Colleges) determines to dismiss the member of staff then he/she will advise the Headteacher and Chairman of the Governing Body. Should the member of staff wish to appeal this decision, he/she will be suspended on full pay. Arrangements will then be made as soon as possible (and within ten working days) for a hearing with the Director. Copies of any report presented to that hearing will be supplied to the member of staff concerned. The Director will be supported by the Chief Officer of States' Human Resources or his nominee at the hearing.

The member of staff will be entitled to attend (accompanied by a staff representative or work colleague) any hearing at which the report is discussed and his/her appeal is considered and may submit written representations in advance of the meeting. The member of staff will be advised of the Director's decision as soon as possible after the meeting.

B.11. In a case of alleged gross misconduct or urgency the Assistant Director (Schools and Colleges), on receipt of a report from the Headteacher, may immediately suspend (on full pay) a member of staff pending further investigations and report the facts to the Director. Such intervention must also be reported to the Chairman of the Governing Body.



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