

2000 No. 2122

EDUCATION ENGLAND

**The Education (School Government) (Terms of Reference)
(England) Regulations 2000**

Made - - - - - *27th July 2000*

Coming into force *1st September 2000*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on the Secretary of State by sections 38(3), 44(5)(d) and 138(7) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Government) (Terms of Reference) (England) Regulations 2000 and shall come into force on 1st September 2000.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

“the 1998 Act” means the School Standards and Framework Act 1998;

“school teacher” means a teacher employed at one or two schools by a local education authority or by the governing body of a foundation, voluntary aided or foundation special school, but does not include a teacher employed under a fixed term contract of employment the term of which is less than one year;

“school year” means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July.

(2) In these Regulations, unless the context otherwise requires, references to—

(a) a governing body are references to the governing body of a community, foundation, or voluntary school or a community or foundation special school; and

(a) 1998 c. 31; for the meaning of “regulations” see section 142(1). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

- (b) a head teacher are references to the head teacher of a community, foundation, or voluntary school, or a community or foundation special school.

Terms of reference

3.—(1) In this regulation the term “governing body” includes the temporary governing body of a new school.

(2) In exercising their functions, the governing body shall have as their terms of reference the principles that they shall—

- (a) act with integrity, objectivity and honesty in the best interests of the school; and
- (b) be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested persons.

(3) Nothing in paragraph (2)(b) shall require the governing body to disclose material relating to—

- (a) a named teacher or other person employed or engaged, or proposed to be employed or engaged, at the school;
- (b) a named pupil at, or candidate for admission to, the school; or
- (c) any matter which by reason of its nature, the governing body or a committee of the governing body are satisfied should remain confidential.

The role of the governing body

4.—(1) The governing body shall exercise their functions with a view to fulfilling a largely strategic role in the running of the school.

(2) The governing body shall establish a strategic framework for the school by—

- (a) setting aims and objectives for the school;
- (b) setting policies for achieving those aims and objectives;
- (c) setting targets for achieving those aims and objectives.

(3) The governing body shall monitor and evaluate progress in the school towards achievement of the aims and objectives set and regularly review the strategic framework for the school in the light of that progress.

(4) In exercising the functions in paragraphs (2) and (3) above, the governing body shall—

- (a) (subject to any other statutory provision) comply with any trust deed relating to the school; and
- (b) consider any advice given by the head teacher under regulation 5(2) below.

(5) The governing body shall act as “critical friend” to the head teacher, that is to say, they shall support the head teacher in the performance of his functions and give him constructive criticism.

The role of the head teacher

5.—(1) The head teacher shall be responsible for the internal organisation, management and control of the school, and the implementation of the strategic framework established by the governing body.

(2) The head teacher shall advise the governing body in relation to the establishment and review of the strategic framework, and in particular the head teacher shall—

- (a) formulate aims and objectives for the school, for adoption, with or without modification, or rejection by the governing body;
- (b) formulate policies for the school for achieving those aims and objectives, for adoption, with or without modification, or rejection by the governing body; and
- (c) formulate targets for the achievement of those aims and objectives for adoption, with or without modification, or rejection by the governing body.

(3) The head teacher shall report at least once every school year to the governing body on the progress made towards achieving the aims and objectives set and in particular towards meeting specific targets set.

Delegation of the governing body's functions

6. Without prejudice to the generality of regulation 4(1) above, in deciding whether or how to exercise any power to delegate their functions, including the general power in regulation 41 of the Education (School Government) (England) Regulations 1999^(a) the governing body shall have regard to—

- (a) the requirement in regulation 4 above that they should exercise their functions with a view to fulfilling a largely strategic role in the running of the school; and
- (b) the responsibility of the head teacher for the internal organisation, management and control of the school.

7. The head teacher shall comply with any reasonable direction of the governing body in performing any function delegated to him by the governing body.

The school curriculum policy

8.—(1) The head teacher shall formulate a policy for the secular curriculum of the school (“the curriculum policy”) for adoption by the governing body.

(2) The head teacher shall review the curriculum policy every school year and shall formulate any necessary changes to the curriculum policy for adoption by the governing body.

(3) The head teacher shall implement the curriculum policy adopted by the governing body.

(4) The governing body shall—

- (a) consider the curriculum policy formulated by the head teacher and adopt it, with or without modifications, or remit it to the head teacher for reformulation;
- (b) monitor, evaluate and review the implementation of the curriculum policy; and
- (c) consider and adopt, with or without modifications, or reject any changes to the curriculum policy proposed by the head teacher.

The performance management policy

9.—(1) The governing body shall, no later than 31st December 2000, establish a written policy (“the performance management policy”) setting out how school teacher appraisal at the school is to be implemented.

(2) In this regulation “school teacher appraisal” means the system of appraisal of head teachers and other school teachers governed by the Education (School Teacher Appraisal) (England) Regulations 2000^(b) (“the Appraisal Regulations”).

(3) If directed to do so by the governing body, the head teacher shall formulate a performance management policy.

(4) The governing body shall consider and adopt, with or without modifications, or reject a performance management policy formulated by the head teacher in pursuance of paragraph (3).

(5) The governing body shall review the performance management policy every school year.

(6) Following such review, the governing body shall, if they see fit, amend the performance management policy.

(7) Before establishing the performance management policy in accordance with paragraph (1), or amending it in accordance with paragraph (6), the governing body shall secure that all school teachers at the school are consulted.

^(a) S.I. 1999/2163.

^(b) S.I. 2000/1620.

(8) If directed to do so by the governing body, the head teacher shall consult all other school teachers at the school about the formulation of a performance management policy or the amendment of the performance management policy.

(9) The head teacher and the governing body shall implement the policy.

(10) The governing body shall make a copy of the performance management policy available for inspection at the school at any reasonable time by—

- (a) any school teacher employed at the school;
- (b) any person involved in the inspection of the operation of the school teacher appraisal system;
- (c) any external adviser appointed in accordance with the Appraisal Regulations.

27th July 2000

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to the governing bodies and head teachers of maintained schools (that is to say community, voluntary, foundation, community special and foundation special schools). They set out two principles to operate as terms of reference for governing bodies. They also deal with the respective roles and responsibilities of governing bodies and head teachers.

Under the Regulations the governing body are to carry out their functions with a view to fulfilling a largely strategic role in the school. As part of this role, they are to set up a strategic framework for the school, setting aims and objectives for the school, setting priorities and targets for the achievement of those aims and objectives and adopting policies for achieving those aims and objectives.

The head teacher has responsibility under the Regulations for the internal organisation, management and control of the school, for advising the governing body in relation to the strategic framework and for implementing the strategic framework set out by the governing body.

In delegating functions to the head teacher the governing body are required to have regard to their largely strategic role in the school. When the governing body delegate functions to the head the head must obey their reasonable instructions about how that delegated power is to be exercised.

The Regulations confer particular functions on the governing body and head teacher in respect of the preparation of a policy for the school curriculum and the establishment of a performance management policy for the school. The latter is a policy document for the school to complement the statutory framework for appraisal of school teachers.

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