



Governor Allowances Policy

Introduction

This policy replaces any previous policy and follows the DfE regulations and those issued by the London Borough of Harrow.

In line with the college's Equal Opportunities and Special Educational Needs policies, we aim to give all students equal opportunities to take part in all aspects of college life, as far as is appropriate, practicable and compatible with giving regard to health and safety and the efficient education of other students.

This policy takes account of the Government's aim for children to have the support they need under Every Child Matters:

- to be healthy
- to stay safe
- to enjoy and achieve
- to make a positive contribution
- to achieve economic well-being

The policy will follow the five principles of the Children's Plan:

- to support parents and families
- to allow children to reach their full potential
- to enable children to enjoy their childhood whilst preparing for adult life
- to provide services in response to children and family needs
- to use preventative measures to help students avoid the possibility of failure

This policy is based upon the College's commitment to the development and maintenance of good behaviour and a positive and inclusive ethos for all members of the College community.

First Edition: Sept 2012

Revised: July 2016

To be reviewed every 3 years

Rooks Heath College

Forward

Rooks Heath College is a mixed 11 to 18 multicultural comprehensive in the London Borough of Harrow. This policy is formulated by the Governing Body. The policy is subject to review every 3 years by the Governing Body and is subject to their approval.

Background Information

It is a statutory requirement for the Governor Body to have a policy on the payment of Governors' allowances.

The following is a summary of the current position with regard to the payment of allowances as found in the DfE publication "Governors' Handbook."

School governance in England is rooted firmly in the principle of voluntary service. The Government is committed to maintaining and promoting this principle for governors of both academies and maintained schools. This is in line with Charity Law and corporate governance practice in other parts of the public sector.

There are limited, specific, circumstances in which individuals serving as governors can receive payments from their school. However, this should only take place where it is clearly in the best interests of the school or academy.

The law (The School Governance [Roles, Procedures and Allowances] [England] Regulations 2013) allows governing bodies in maintained schools with a delegated budget to choose whether to pay allowances or expenses to governors and associate members of the governing body to cover any costs, such as travel or childcare, which they have incurred because of serving as a governor. Where they choose to do so, it must be in accordance with a policy or scheme. Payments can only be paid for expenditure necessarily incurred to enable the person to perform any duty as a governor. This does not include payments to cover loss of earnings for attending meetings. Travel expenses must not exceed the HM Revenue and Customs (HMRC) approved mileage rates, which are changed annually and are on HMRC website. Other expenses should be paid on provision of a receipt (at a rate set out in the scheme) and be limited to the amount shown on the receipt.

Governing bodies in academies are free to determine their own policy on the payment of allowances and expenses.

Payment for serving as a governor

Paying governors for their role as a governor is subject to very specific legal restrictions. This is true in both maintained schools and academies as set out below.

Maintained schools

There is no legal power for schools, local authorities or the government to pay members of maintained school governing bodies for their duties as governors.

Schools that are performing very poorly may be 'eligible for intervention'. In these schools, the Secretary of State or the local authority with the consent of the Secretary of State has the

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power to replace a governing body with an Interim Executive Board (IEB). They have the power to pay members of an IEB they impose, if they chose to do so. The department would expect payment to be offered to IEB members only when this is in the best interests of the school. The Secretary of State has to date not offered such payment.

The legal power also exists for the Secretary of State or the local authority to appoint any additional governors to a maintained school governing body if the school is 'eligible for intervention'. The Secretary of State has the power to pay any governors they appoint. However, they have not used this power to date, preferring instead to seek an academy solution for the under-performing school.

Academies

Academy trusts are independent charities. Their governors are therefore also charity trustees who must comply with Charity Law. This means that they can only receive payment for carrying out trustee duties if this payment is specifically allowed by the academy's governing document or has express authorisation from the Charity Commission. For academies, this power is not currently in the model Articles of Association and any change to allow payment to trustees would need Charity Commission authorisation.

The Charity Commission will only authorise payment to academy trustees where it has been clearly shown to be in the charity's interests. They will consider issues like the reasons for payment, whether conflicts of interests are managed appropriately, whether the Principal Regulator (for academies this is the Secretary of State for Education) is agreeable and whether payment of any trustees is in the longer-term interests of the charity.

Governing bodies should make provision from within their delegated budget if they anticipate expenditure in making adjustments for disabled governors or in providing support to those governors whose first language is not English.

Any claim for expenses must be processed correctly and records kept. Details of how claims will be dealt with should be given in the policy. Governors' allowances will be subject to audit.

Providing that only actual expenditure is reimbursed governors should not be liable for tax.

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Governors' Expenses Policy

The Governing Body of Rooks Heath College decided at a meeting in December 2011 that it would not pay out of pocket expenses to members of the Governing Body. This was reaffirmed in July 2016.

Widening Access

The Finance and Premises Committee will however consider any requests by individual governors for reimbursement of expenses or for the provision of equipment or other aids as may be necessary to support governors with special needs or where a governor's first language is not English

Costs relating to expenses necessarily incurred by governors with specific needs such as support for the cost of a signer, audio equipment, Braille transcription will be considered on a case by case basis, as will costs e.g. for translation of documents into a community language, for those whose first language is not English.