

Local Governing Body Terms of Reference and Constitution

Approved November 2022

Summary

A Trust Board may decide to set up one or more Local Governing Bodies (LGB) sometimes known as Advisory Boards to oversee an academy or group of academies in the academy trust. Local Governing Bodies are made up of Governors. The trust board will decide which, if any, governance functions they will delegate to local governing bodies which is set out in the Trust's written Scheme of Delegation.

The Membership of the Local Governing Bodies will be made up of a total of 11 Governors, as follows:

Elected Parent Governors	2
Elected Staff Governor	1
Trust appointed Governors	7
Head of School or Principal	1

The appointment of the LGB Chair is made by the Trust Board.

The term of office for an LGB Chair, shall be 12 months for the date of appointment (which may be renewable).

Trustees delegate powers and functions to the Local Governing Body through a written Scheme of Delegation which will be reviewed annually by the Trust Board.

Quorum is 3 governors other than the heads of school (including at least one Trust appointed governor).

The executive head will be 'in attendance' at LGB meetings, as required.

The LGB appoint may appoint a Vice Chair for a twelve-month period term (which may be renewed), as they see fit.

The term of office for Governors is 4 years or in the case of the Sixth Form collage 2 years. Governors may be re- appointed or re-elected if eligible.

Trustees reserve the right to remove or alter any delegation at any time, whilst having due regard to, but not being bound by, the views of the LGB.

Terms of Reference

Purpose	Accountable to the Trust Board for the duties and responsibilities delegated to it through the Scheme of Delegation including the implementation of actions to comply with the statutory regulations.
Duties	<ul style="list-style-type: none">– Provides oversight and monitoring of the school or college performance, providing support and challenge to secure positive outcomes for children and students.– Determines any local procedures or policies in line with the Trust’s scheme of delegation and monitors compliance at a local level.– Being the Trust Board’s local point of consultation and review on matters such as Trust policy, vision and strategy.– Representing the view of the school or college and its stakeholders to the Trust.– Scrutinising detailed information on pupil progress and attainment and, if necessary, challenging assumptions.– Responsible for challenging the assumptions of the academy’s Pupil Premium strategy as well as monitoring of the strategy and its impact.– Monitoring key policies, as determined in the trust’s policy scheme of delegation for their effectiveness.– Monitoring progress being made towards meeting trust key strategic priorities and aims.– Carrying out panel work when required.– Contributing to the recruitment and performance management of key staff, as determined by the written scheme of delegation.
Quorum	The quorum necessary for the transaction of business shall be three Governors who are members of the LGB.

Appointment Process

All members, trustees and governors are required to have an enhanced Disclosure and Barring Service (DBS) check, a section 128 direction check and a right to work/identity check. These checks will be undertaken by the executive team.

In addition, all trustees or governors will be expected to complete a 'fit for purpose' form (supplied by the governance professional) confirming their eligibility to take on either role.

All volunteer appointments are subject to a satisfactory Disclosure and Barring Service check, which will be undertaken prior to confirmation of an appointment.

Staff Governors

The trustees shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the academy and, where there are any contested posts, shall hold an election by a secret ballot.

All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Trustees.

The trustees may delegate the running of the election to the LGB.

Parent Governors

Parent or carer governors of the LGB shall be elected by parents or carers of registered children and or students at the school or the college. He or she must be a parent of, or have parental responsibility for, a student at the academy at the time when he or she is elected.

The Trustees shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent governors. The Trustees may delegate the running of the election to the LGB.

A staff governor (either teaching staff or associate staff), is elected to the governing board by those paid to work at the school. Under the scheme of delegation, the election process is for the Trust Board to decide. The role of the staff governor is not – and should not – be any different to that of any other governor. Staff governors can take part in the full range of roles and responsibilities of the LGB, including matters of staffing and policies which affect staff. Staff governors, like the rest of the board, bring professional knowledge and personal experience that can be used to enhance the governing board's knowledge, and inform decision making.

Where, there is a conflict of interest, then, like any other governor (or trustee), they would be required to leave the discussion and any subsequent vote, as set out in the trust's conflicts of interest policy. To be clear, a staff governor is not a 'delegate' or representative of other staff members, they are free to contribute and vote freely in the best interests of

the school. They do not speak and act in accordance with the wishes of the majority of staff, and should not canvas the opinion of staff.

As staff governors are effectively holding HT's/SLT to account it can obviously be challenging. However, the core functions of governance (holding SLT to account) should be paramount. Staff governors have equal rights and collective responsibility, with the rest of the governing body.

Where a vacancy for a parent governor is required to be filled by election, the Trustees (of LGB where the Trustees have delegated the election process) shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered student at the School is informed of the vacancy and that it is required to be filled by election, informed that he or she is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

Parent governors will be required to step down from any other academy within the Trust representation body and will be ineligible to take part in any other representation body.

Any election of persons who are to be the parent governors which is contested shall be held by secret ballot. The arrangements made for the election of the parent governors shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he or she prefers, by having his or her ballot paper returned to the academy by a registered student at the academy.

Where the number of parents standing for election is less than the number of vacancies, the Trustees may appoint a person who is the parent of a registered student at the academy. A person serving on the local governing body shall cease to hold office if:

Resignation and removal

- He or she resigns his office by giving notice in writing to the governance professional of the LGB;
- The Head teacher, principal or a staff governor ceases to work at the school or college.
- Trustees terminate the appointment of a governor whose presence or conduct is deemed by the trustees, at their sole discretion, not to be in the best interests of the Trust, School or college.
- For the avoidance of doubt, a parent governor shall not automatically cease to hold office solely by reason of their child ceasing to be a student at the school or college.

**Disqualification of
Governors of the
Local Governing
Body**

A person shall be disqualified from serving on the local governing body if he or she would not be able to serve as a trustee in accordance with Articles of the Association.

**Appointment of
LGB chair**

The appointment and removal of Chair is made by the Board of Trustees, for a period of 12 months, which may be renewed.

**Process for electing
Vice-chair**

A vice chair will be elected for a period of 12 months and may be renewed.

Prior to the meeting

The governance professional invites written applications from trustees or governors, via email.

Any applications received after the stated date shall not be considered (unless no applications have been received).

At the meeting

The process for the appointment of the Vice Chair will be tabled on the agenda at the start of the meeting.

The business of appointing the new Vice Chair will be coordinated by the governance professional.

The meetings must be quorate.

If no applications have been received, the governance professional seeks interest at the meeting. If no interest is expressed then the process is repeated. In the event that no volunteers, to the chair the meeting, are forth-coming then the meeting will be cancelled and another meeting arranged.

Those present will decide whether there is a need for a candidate (s) to leave while the election process is taking place.

Where there are is more than one candidate interested to take on the role of Chair a secret ballot will be facilitated by the governance professional. The decision of appointment is made by majority vote. In the event of a tie a second ballot will be held.

The governance professional will record the outcome of the election process in the meeting's minutes.

Conflicts of interest

The Code of Conduct requires Governors and Trustees to be honest and open with regard to conflicts of interest. A perceived conflict of interest arises where a reasonable person observing the meeting and knowing the individuals involved could be concerned that such a conflict might exist.

Governors and Trustees must not use their position for personal gain in business, political or social relationships. Therefore, a governor or trustee who has, or may be perceived to have, such a personal interest in a particular matter under consideration should declare that interest, withdraw from all discussions relating to it and take no part in any vote on such matter.

Management of conflicts of interest shall be determined by the Trust's Conflicts of Interest Policy.

Proceedings at LGB meetings

The LGB shall meet at least four times a year and shall hold such other meetings as governors may consider to be necessary.

Meetings of the LGB shall be convened by the governance professional to the LGB, who shall send the governors written notice of the meeting and a copy of the agenda at least seven clear days in advance of the meeting. Where there are matters demanding urgent consideration, the Chair or, in his/her absence, the Vice-Chair, may waive the need for seven days' notice of the meeting and substitute such notice as he or she thinks fit.

Any governor shall be able to participate in meetings of the governors by telephone or video conference provided that he or she has given reasonable notice to the governance professional of the LGB and that the governors have access to the appropriate equipment.

The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof or any defect in the election, appointment or nomination of any person serving on the LGB.

Every matter to be decided (where appropriate) at a meeting of the LGB shall be determined by a majority of the votes of the governors present and entitled to vote on the matter. Every governor shall have one vote. Where there is an equal division of votes, the Chair of the meeting shall have the casting vote. A governor may not vote by proxy.

The governance professional shall ensure that a copy of the agenda for every meeting of the governors, the draft minutes of every such meeting (if they have been approved by the Chair

of that meeting), the signed minutes of every such meeting and any report, document or other paper considered at any such meeting are stored on governor hub.

Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice Chair shall act as the chair for the purposes of the meeting. Where the Vice Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice Chair, the governors of the local governing body shall elect one of their number to act as chair for the purposes of that meeting.

General

In the exercise of its delegated powers and functions, the governors of the LGB shall:

- Ensure that the school and college is conducted in accordance with the aims and objectives of the Trust, the terms of any trust governing the use of the land which is used for the purposes of the Academy, any agreement entered into with the Secretary of State for the funding of the Academy and these terms of reference;
- Promptly implement and comply with any policies or procedures communicated to the local governing body by the Trustees from time to time;
- Review its own policies and practices on a regular basis, in view of any advice or recommendations made by the Trustees, in accordance with the scheme of delegation.
- Work closely with the Trustees and act with integrity, objectivity and honesty in the best interests of the Trust and the academy;
- Be open to the Trustees about decisions and be prepared to justify those decisions;
- Governors shall be expected to report to the Trust via the executive headteacher's report against KPIs which have been set for the school and or college and provide such data and information regarding the business of the academy and the children or students attending the MAT.
- For the avoidance of doubt, where a power is not expressly delegated to the local governing body it will be deemed to have been retained by the Trust regardless of whether it is specified in the Trust Scheme of Delegation
- Trustees reserve the right to remove or alter any delegation at any time, whilst having due regard to, but not being bound by, the views of the LGB