**Terms of Reference for Local Governing Bodies of the XXXXXX Academy Trust**

**These Terms of Reference are established in order to support the effective operation of the academies within XXXX**

These Terms of Reference should be read in conjunction with the Financial Regulations and the Trust’s Scheme of Delegation.

They may only be amended by the Board of Trustees

Under Article XXX of the XXXX Academy Trust’s Articles of Association, the Trustees:

a) may appoint committees to be known as Local Governing Bodies for each Academy (and the same Local Governing Body may be appointed for more than one Academy); and

b) may establish any other committee.

Under Article xxx the constitution, membership and proceedings of any committee shall be determined by the Trustees. The establishment, terms of reference, constitution and membership of any committee of the Trustees shall be reviewed at least once in every twelve months. Terms of reference of individual Local Governing Bodies (LGBs) must be approved by the Board of Trustees (the Board) of the Academy Trust. The Board may review and amend these terms of reference from time to time. These terms of reference provide the framework within which an LGB shall operate.

The membership of any committee of the Trustees may include persons who are not Trustees, provided that (with the exception of the Local Governing Bodies) a majority of any such committee shall be Trustees. Except in the case of a Local Governing Body, no vote on any matter shall be taken at a meeting of a committee of the Trustees unless the majority of members of the committee present are Trustees.

Under Article xxx the functions and proceedings of the Local Governing Body shall be subject to regulations made by the Trustees from time to time. Local Governing Bodies may also be established solely for the purpose of fulfilling an advisory function to the board of Trustees.

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**All reference to the Local Governing Body will be referred to forthwith as the LGB.**

**Membership of the LGB**

The structure of the LGB will be agreed by the Board and may be amended from time to time. The LGB may recommend candidates to the Board as potential Trust Governors for notified vacancies. Any amendment to the constitution of the LGB must be agreed by the Board.

The LGB will be composed, where possible, of xx members: The CEO (*ex officio*), Executive Headteacher / Headteacher / Head of School[[1]](#footnote-1), at least and no more than xx staff elected members, no more than elected xx parent members and a maximum of xx Trust members.

No more than one third of the LGB may be employees of the Trust.

The LGB may only appoint Co-opted Governors (who will also be known as Trust Governors) with the consent of the Board of Trustees.

The terms of office for any LGB Governor shall be four years except for the CEO or Headteacher / Head of School. Subject to remaining eligible, Governors may put themselves forward for re-appointment for a further term of four years. Any further terms of office thenceforth must be approved by the Board of Trustees prior to appointment.

The LGB may continue to act notwithstanding a temporary vacancy in its composition.

Existing governors at a school before it converts to an Academy within the Academy Trust shall be permitted (at the discretion of the Trustees) to serve out the balance of their term as a Local Governor otherwise all Governors will start a new term of office from the date of conversion to academy status.

The members of the LGB shall, upon their appointment or election, give a written undertaking, via the Trust’s Code of Conduct, to the Members and Board of Trustees to uphold the objects of the Company as set out in the Articles of Association and all policies and procedures agreed by the Trust or LGB from time to time.

**Chair and Vice of the LGB**

The Chair and Vice Chair shall be appointed annually at the start of each academic year by the members of the LGB.

No person may act as Chair if they are an employee of the Trust.

Where the Board of Trustees considers that there is not a suitable person to act as Chair or Vice Chair from among the members of the LGB, they shall make the appointment.

In the event that the Chair is unable to attend an LGB meeting, the Vice Chair may take the chair or any other member may be appointed for the purpose of that one meeting.

**Governance Professional to the LGB**

The Governance Professional shall be appointed by the LGB for such term, at such remuneration and upon such conditions as they may think fit and any Governance Professional appointed may be removed by them. The Governance Professional may not be an LGB member.

However, in the event that the Governance Professional is unable to attend a meeting, the LGB members may appoint any one of their number or any other person to act as a record-taker for the purpose of that one meeting.

**Quoracy**

No business can be conducted unless at least half of the governors (rounded up to a whole number) of the total number of governors holding office on the date of the meeting are present. In the event of the Executive Headteacher / Headteacher / Head of School[[2]](#footnote-2) being unable to attend a meeting, the Head of School or Deputy Headteacher (whichever is relevant) may be asked to take his/her place for that meeting having discussed in advance of the meeting any issues contained in the agenda.

**Working Practice**

1. The LGB will meet as often as is necessary to fulfil its responsibilities but, as a minimum, the LGB will meet at least once each term.
2. The Governance Professional will prepare an agenda in consultation with the Chair and Executive Headteacher / Headteacher / Head of School[[3]](#footnote-3).
3. The Governance Professional will circulate an agenda and any papers at least one week before a meeting of the LGB.
4. It will be assumed that each member of the LGB will have read any papers as long as they have been circulated in accordance with Point 3 above.
5. A register of attendance shall be kept for each LGB meeting and shall be published annually
6. All recommendations and decisions made at a meeting of the LGB will be recorded accurately in writing. These minutes will be forwarded by the Governance Professional of the LGB at least one week before the next LGB.
7. The minutes are to be circulated to all governors when approved for circulation by the Executive Headteacher / Headteacher / Head of School2 and the Chair of Governors. Minutes are to be also circulated to Members and Trustees of the Board. Confidential minutes may, at the discretion of the Chair and Executive Headteacher / Headteacher / Head of School2, only be circulated to certain Governors; for example, only those appointed to the Pay Committee
8. Any LGB member shall be able to participate in meetings of the LGB by telephone or video conferencing provided that (s)he has given reasonable notice to the Governance Professional and that the LGB members have access to the appropriate equipment.
9. The Board may request the Chair of the LGB to attend any Board meeting and present a summary of the issues discussed and recommendations made at any previous LGB meeting.
10. Any Trustee of the Academy Trust may attend any meeting of the Local Governing Body.
11. Any member of an LGB may ask the Chair to invite persons who are not members of the LGB to attend its meetings.
12. Each member of the LGB shall have one equal vote. Where there is an equal division of votes, the Chair of the LGB will have the casting vote.
13. A governor who, without the consent of the LGB, has failed to attend their meetings for a continuous period of six months beginning with the date of the first such meeting the governor fails to attend, is, on the expiry of that period, disqualified from continuing to hold office as a governor of that academy.
14. All members of the LGB should be asked to sign the Trust’s Code of Conduct, on an annual basis - ideally at the first meeting in the autumn term.
15. All decisions reserved for the LGB shall be determined by the Board and will be reviewed at least annually via the review of the Trust’s Delegation of Functions document.

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| **Authority, remit and responsibilities of the LGB**  The powers and functions delegated by the Board of Trustees to the LGBs are set out in the scheme of Scheme of Delegation (SoD) as approved by the Board of Trustees and in summary include the following:   * To oversee the running of the academies in terms of learning, standards, safety and wellbeing. * To hold local academy leadership to account for academic performance, quality of care and provision. * To oversee and monitor the effectiveness of learning strategies. * To ensure that the academies are conducted in accordance with the objects of the Trust, the terms of any Trust governing the use of the land which is used for the purposes of an academy, any agreement entered into with the Secretary of State for the funding of the academies and these Terms of Reference. * To consider monthly budget monitoring information and make recommendations to the Executive Headteacher / Headteacher / Head of School[[4]](#footnote-4) in relation to any potential overspending. * To act as a critical friend to the Executive Headteacher / Headteacher / Head of School4 (including but not limited to advice in relation to annual budget proposals). * To adopt financial prudence in managing the financial affairs of the Trust in so far as these relate to the academy and are delegated to them in order to support the Board of Trustees and its committees in relation to proper use of funds and delivering high quality education provision. * To represent the views of the community (including but not limited to, in discussions on budget issues that relate to community engagement and activity and make recommendations to the Executive Headteacher / Headteacher / Head of School4). * To support the Executive Headteacher / Headteacher / Head of School4 in recruitment and selection, grievance, disciplinary and exclusion process where appropriate. * To promptly implement and comply with any policies or procedures communicated to the LGB by the Board of Trustees * To support the Trust’s recommendations and bring matters of concern to the attention of the Board of Trustees. |

**Local Governing Body meetings**

The Local Governing Body will meet at least once a term and, at each meeting, may focus on any of the following issues-

* Monitoring the School Improvement Plan
* Finance
* Premises
* Curriculum
* Personnel
* Health & Safety
* Achievement and Attainment (to be included within the Executive Headteacher Headteacher’s/ Headteacher’s Report)
* Safeguarding (to be included within the Executive Headteacher / Headteacher’s Report)
* Attendance (to be included within the Executive Headteacher / Headteacher’s Report)
* Behaviour (to be included within the Executive Headteacher / Headteacher’s Report)

Each of the above may have a Lead Governor (to be appointed at the first meeting of the Autumn Term). These Lead Governors will have responsibility for monitoring the relevant sections of the School Development Plan and for ensuring that all matters as outlined in the relevant terms of reference for the Local Governing Body (see **Appendix 1**) are adhered to at meetings at the appropriate time during the academic year.

**Suspension or removal of LGB members**

A person shall be ineligible for appointment to the LGB and, if already appointed, shall

immediately cease to be a LGB Member if the relevant individual:

* is or becomes disqualified from holding office under the Articles;
* is or becomes disqualified from holding office as a governor of a school or academy;
* is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
* is barred from any regulated activity relating to children;
* is or becomes bankrupt or makes any arrangement or composition with his/her creditors generally; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
* is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed or any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974);
* has been fined for causing a nuisance or disturbance on school/academy premises during the 5 years prior to or since appointment or election as an LGB Member;
* refuses to an application being made to the Disclosure and Barring Services (DBS) for a criminal records check;
* commits a serious breach of the code of conduct or any standing order or protocol implemented by the Trustees;
* is absent without the permission of the LGB Members from all their meetings held within a period of six months and the LGB Members resolve that his/her office be vacated;
* resigns his/her office by notice in writing to the Chair;
* in the case of the Head of School/Headteacher/Executive Headteacher[[5]](#footnote-5), they cease to be the Head of School/ Headteacher/Executive Headteacher5;
* their term of office expires and they are not re-appointed.

The Trustees shall have the right at their sole discretion to remove or suspend (on such

terms as they see fit) any LGB Member by written notice to the Chair.

#### APPENDIX 1

**The following matters will be referred to within each LGB meeting as appropriate**

**Finance Matters**

Fi. The preparation of the annual budget will be undertaken by the Executive Headteacher / Headteacher / Head of School5 and School Business Manager/Finance Manager with a view to it being formally scrutinised at an appropriate meeting of the LGB . The budget will then be recommended for approval by the Board of Trustees at their next available Board meeting.

Fii. To review the actual expenditure against budget on at least a termly basis, and take remedial action as required.

Fiii. To review the school’s Financial Regulations on a regular basis and recommend their approval to the Board annually

Fiv. To approve expenditure of sums in excess of the Executive Headteacher / Headteacher / Head of School6 limit (currently £xxxk) as set out in the Financial Regulations and Scheme of Delegation.

Fv. To note all virements and to approve virements in excess of the Executive Headteacher / Headteacher / Head of School6 limit (currently £xxxk) as set out in the Financial Regulations and Scheme of Delegation.

Fvi. To review 3 / 5 year budget projections and make recommendations for future financial planning, in accordance with the School Development Plan and the Financial Regulations and Scheme of Delegation.

Fvii. To adopt policies relating to Finance as approved by the xxxxxx

Fviii. To determine plans for the expenditure for Capital Funding for recommendation to the Board of Trustees

Fix. To consider matters relating to business and commercial sponsorship, as appropriate.

Fx. To monitor reports of income and expenditure of all trading accounts

Fxi. To agree, determine and review annually, charges and leases for the letting of the academy premises including the grounds.

##### Premises Matters

Pi. To ensure that buildings, equipment, and materials are safe and present no risk to health as far as is reasonably practicable.

Pii. To review, monitor and implement the Trust’s Health and Safety Policy and to ensure that there is an annual Health and Safety Audit, and to elect a governor with particular responsibility for health and safety.

Piii. To review and monitor security arrangements on the academy premises.

Piv. To review and monitor the maintenance and improvement of site and buildings

Pv. To monitor building works in consultation with the Executive Headteacher / Headteacher / Head of School[[6]](#footnote-6) and the Local Authority and provide progress reports as appropriate.

Pvi. To make and review recommendations for the future premises provision and asset management for the School Development Plan.

Pvii. To adopt policies relating to premises matters as approved by the xxxxxx

Pviii. To control the use of the premises outside of the school day and ensure that national and LA directions for community out-of-hours use are followed.

Pix. To review and monitor the provision of any extended academy’s activities.

Px. To assist in the appointment of architects, builders, ground maintenance teams, surveyors etc, according to the established procedures laid down by the Trust, and to monitor all aspects of their work.

**Curriculum Matters**

Ci. To monitor the implementation and delivery of the curriculum.

Cii. To consider, review and adopt policies relating to the curriculum.

Ciii. To review and approve the School Development Plan and the academy’s Self Evaluation Form.

Civ. To monitor the following, and take action as appropriate, in conjunction with the Board:

* 1. The National Curriculum and LA policy statements
  2. The overall academy organisation
  3. Pupil disciplinary matters
  4. Pastoral care
  5. Sex and relationship education
  6. Social, Moral, Spiritual & Cultural including Fundamental British Values
  7. Staff training and development
  8. The Home/School Agreement
  9. The academy Prospectus and academy website
  10. Special Educational Needs & Disabilities (SEND)
  11. Child protection issues
  12. Foundation stage matters
  13. School meals
  14. Educational visits
  15. The school uniform policy statement
  16. The provision for religious education and collective worship

Cv. To monitor the academy’s responsibilities relating to the assessment of children with special educational needs and disabilities and to the spending and impact of the Pupil Premium Grant / Sports Premium Grant

Cvi. To review when appropriate the assessment arrangements for pupils at the end of each key stage.

Cvii. To monitor the procedure for parental complaints about curriculum provision and other matters.

Cviii. To monitor the provision of information given to parents.

Cix. To appoint individual governors to monitor specific responsibilities

**HR Matters**

HRi. Together with the Executive Headteacher / Headteacher / Head of School[[7]](#footnote-7), make recommendations concerning the staffing establishment, including the number of posts of responsibility to be allocated.

HRii. To approve procedures for the recruitment and appointment of staff to the leadership group in line with the Trust Pay Policy

HRiii. In the event of a vacancy for the post of Executive Headteacher, Head of School or Deputy Headteacher:

* In consultation with the Board of Trustees, the LGB will agree a Selection Panel who will determine the job specification and person requirements, draw up the job advertisement and prepare the academy information pack.
* Selection criteria and interview arrangements shall be decided by the Selection Panel.
* The Interview Panel will consist of at least two Trustees and either one or three Governors (ie a panel of either three or five).
* The Board shall meet, if practical, on the evening of the interview to ratify the recommendation by the Interview Panel to appoint but, in any event, within a maximum period of 48 hours.

HRiv. The recruitment and appointment of staff below the leadership group will be delegated to the Executive Headteacher / Headteacher / Head of School[[8]](#footnote-8), who will decide the level of Governor involvement on a case-by-case basis.

HRv. Appointment of support and non-teaching staff shall be delegated to the Executive Headteacher / Headteacher / Head of School8, who will decide the level of Governor involvement on a case-by-case basis.

HRvi. To consider recommendations from the Executive Headteacher / Headteacher / Head of School8 regarding applications from staff for secondments or leave of absence if required; the majority of these will be required to be submitted to the Board for formal confirmation.

HRvii. To consider recommendations from the Executive Headteacher / Headteacher / Head of School8 regarding any potential redundancy situations; the majority of these will be required to be submitted to the Board for formal confirmation.

HRviii. To adopt policies relating to personnel matters as approved by the xxxxxx

HRix. To consider health, safety and wellbeing matters relating to staff as appropriate.

HRx. To receive reports from the Executive Headteacher / Headteacher / Head of School8 on staff development and newly qualified teachers.

1. To be noted as appropriate for each academy [↑](#footnote-ref-1)
2. To be noted as appropriate for each academy [↑](#footnote-ref-2)
3. To be noted as appropriate for each academy [↑](#footnote-ref-3)
4. To be noted as appropriate for each academy [↑](#footnote-ref-4)
5. To be noted as appropriate for each academy [↑](#footnote-ref-5)
6. To be noted as appropriate for each academy [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. To be noted as appropriate for each academy [↑](#footnote-ref-8)