

## Terms of Reference for Local Governing Bodies

### 1 Introduction

1.1 In order to assist Trustees with the discharge of their responsibilities, the Trustees have established a Local Governing Body ('LGB') for each academy. The LGB shall be a committee established pursuant to Articles 100 to 104 of the Articles of Association of the Trust (the "Articles").

### 2 Purpose

2.1 The purpose of the LGB is to champion the Trust's ethos and uphold the vision and values of the academy. It will support and challenge the Headteacher and monitor the key performance indicators to provide focused governance at a local level.

2.2 The terms of reference shall be reviewed annually by the Board of Trustees and the LGB should consider and accept these terms annually and otherwise as determined by the Trustees.

### 3 Membership

3.1 The Governors have the right to determine the membership of the LGB, in consultation with the CEO and ensuring balanced representation of the school's stakeholders including a staff representative and parents. For schools that 'require improvement or are subject to the Ofsted category of special measures' the Trustees may require to appoint or replace members of the LGB.

3.2 Subject to clause: 3.1, the composition of the LGB's shall be as follows:

- the Headteacher;
- 1 staff governor;
- no fewer than 2 elected parent governors (i.e., any person who has parental responsibility for a child in the school including biological parents, family members with parental responsibility, carers, and those adults with a Special Guardianship Order); and
- no fewer than 4 independent governors.

Local Boards will be made up of at least 8 Governors, including the Headteacher. The maximum number of EKC Group participation is 3.

In the absence of the HT, a School Senior Leader (or Leaders) may be appointed by the HT to attend the meeting to answer questions.

3.3 The procedure for the appointment and the removal of governors shall be as set out in Appendix 1.

### 4 Frequency of Meetings

4.1 Meetings of the LGB shall be held at least 3 times each academic year and shall hold such other meetings as may be necessary.

4.2 Minutes of the LGB meetings will be shared with the board and made available to the public.

4.3 Meetings of the LGB shall be convened by the Clerk to the LGB, who shall send the governors written notice of the meeting and a copy of the agenda at least 5 working 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 5 working days' notice of the meeting and substitute such notice as he/she thinks fit.

4.4 Any governor may be able to participate in meetings of the governors by telephone or video conference provided that s/he has given reasonable notice to the Clerk of the LGB and that the governors have access to the appropriate equipment, subject to the agreement of the LGB.

4.5 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.

4.6 Where the chair is unavailable, the vice-chair shall act as the Chair, in the event of no vice-chair, the governors of the LGB shall elect one of their numbers to act as Chair for the purposes of the meeting.

## 5 Quorum

5.1 The quorum for a meeting of the LGB, and any vote on any matter at such a meeting, shall be any three of the governors of the LGB, (one of which must be the Chair, Vice Chair or HT), or, where greater, any one third (rounded up to a whole number) of the total number of governors of the LGB at the date of the meeting. If in the course of the meeting the number of governors ceases to constitute a quorum then the meeting will be terminated, and matters carried over.

## 6 Voting

6.1 Every matter to be decided at a meeting of the LGB shall be determined by a majority of the votes of the governors present (which includes remote attendance, although the preference of Trustees is for face to face meetings when practicable) 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.

6.2 Any governor who is also an employee of the Trust shall withdraw from that part of any meeting of the LGB at which his/her remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.

6.3 A resolution in writing, signed by all the governors shall be valid and effective as if it had been passed at a meeting of the governors duly convened and held.

Such a resolution may consist of several documents in the same form, each signed by one or more of the governors.

## 7 Conflicts of Interest

7.1 Any governor who has or may have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest [as defined below]) which conflicts or may conflict with his/her duties as a governor of the LGB shall disclose that fact to the LGB as soon as he/she becomes aware of it. A person must absent him/herself from any discussions and votes of the LGB in which it is possible that a conflict will arise between his/her duty to act solely in the interests of the academy and any duty or personal interest (including but not limited to any Personal Financial Interest).

7.2 A governor of the LGB has a Personal Financial Interest if he/she, or any child, stepchild, parent, grandchild, grandparent, brother, sister or spouse of the governor or any person living with the governor as his or her partner, is in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the academy.

7.3 Each LGB will retain a register of interests, which will be reviewed annually.

## 8 Minutes

8.1 Subject to paragraph: 8.2, the LGB shall ensure that a copy of:

- the agenda for every meeting of the LGB;
- 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, as soon as is reasonably practicable, made available to persons wishing to inspect them.

8.2 There may be excluded from any item required to be made available any material relating to:

- a named teacher or other person employed, or proposed to be employed, at the academy;
- a named pupil or named student at, or candidate for admission or referral to the academy; and
- any matter which, by reason of its nature, the LGB is satisfied should remain confidential.

## 9. Roles and responsibilities of the LGB

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

9.1.1 comply with the roles, responsibilities and functions as set out in the Scheme of Delegation

- 9.1.2 help set out the vision for the academy within the Trust in adherence with Trust policies and ethos
- 9.1.3 ensure the school complies with the Trust policies and implement the school level policies
- 9.1.4 ensure asset management systems are adhered to within the school
- 9.1.5 ensure local arrangements for the effective supervision and implementation of local maintenance and building works
- 9.1.6 hold the Head Teacher (HT) to account for the highest standards of compliance including all aspects of **health** and safety and safeguarding
- 9.1.7 produce a Health and Safety report for the CEO 3 x per year. Trustees to receive an external Health and Safety Report, annually.
- 9.1.8 review the Risk Register annually and support and hold the HT to account to mitigate against risk
- 9.1.9 appoint Governors to the LGB, establish a structure to discharge LGB responsibilities, and establish key roles as appropriate to the needs of the school and the school's priorities. These must include identified roles for monitoring and evaluating teaching and learning, delivery and performance, safeguarding, well-being, health and safety, compliance, Pupil Premium Spend, pupils with Special Educational Needs, finance, and Governor training
- 9.1.10 ensure all meetings are effectively minuted and actions and outcomes are published and provided to the CEO
- 9.1.11 ensure declarations of interest are appropriately recorded and any conflicts of interest are managed professionally and effectively. LGB to retain a Register of Interests which will be reviewed annually
- 9.1.12 agree, monitor and evaluate the implementation and impact of the School Development Plan
- 9.1.13 monitor and evaluate the appropriateness, relevance, and impact of the school's curriculum on standards, with particular attention to vulnerable groups, including those disadvantaged and with SEND. Scrutinise the schools' self-evaluation document and ensure the school meets the statutory duties for curriculum entitlement
- 9.1.14 monitor behaviour, exclusions, and attendance of pupils, including those disadvantaged and those with SEND
- 9.1.15 take responsibility for recruiting and performance managing the Headteacher, with support and advice from the CEO
- 9.1.16 participate as a member of a panel hearing as required
- 9.1.17 ensure arrangements are in place for the implementation, monitoring and adherence of LGB Policies within the school
- 9.1.18 represent the school in an Ofsted Inspection
- 9.1.19 ensure minutes and activities of the LGB are available to the CEO and Board of Trustees

9.2 The Scheme of Delegation for the Trust sets out the powers retained by the Trust, and the powers delegated to the LGBs.

9.3 For the avoidance of doubt, where a power is not expressly delegated to the Trust's Senior Leadership Team, any LGB, CEO or Head of School, it will be deemed to have been retained by the Trust regardless of whether it is specified in the Trust Scheme of Delegation.

9.4 The Scheme of Delegation may be reviewed by the Trustees at any time but shall be reviewed at least annually. 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.

Approved by the Trustees board: [ <i>date</i> ]	
Adopted by the [ <i>academy name</i> ]: [ <i>date</i> ]	Next review date:

## Appendix one

### Appointment and Removal of Governors

#### 1 Staff Governors

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

1.2 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 LGB.

#### 2 Parent Governors

2.1 Parent Governors (i.e., any person who has parental responsibility for a child in the school including biological parents, family members with parental responsibility, carers, and those adults with a Special Guardianship Order) of each LGB shall be elected by parents of registered pupils at the relevant academy. They must be a parent of, or have parental responsibility for, a pupil at the academy at the time when elected.

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

2.3 Where a vacancy for a parent governor is required to be filled by election, the Governors 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 pupil at the academy is informed of the vacancy and that it is required to be filled by election, informed that they are entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

2.4 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/she prefers, by having his ballot paper returned to the academy by a registered pupil at the academy.

2.5 Where the number of parents standing for election is less than the number of vacancies, the Governors may appoint a person who is the parent of a registered pupil at the academy or, where it is not reasonably practical to do so, a person who is the parent of a registered pupil of another academy run by the Trust.

#### 3 Independent Governors

3.1 Independent Governors of the LGB shall be appointed by the LGB. Governors of the LGB may recommend a suitably skilled volunteer as a potential governor. He or she must be a person who, in the opinion of the LGB, has the necessary skills set and is committed to the governance and success of the academy.

3.2 The LGB may appoint employees of the wider EKC Group, and they should not comprise more than 3.

#### 4 Term of Office

4.1 The term of office for independent governors shall be determined by the LGB.

4.2 The term of office for Parent and Staff Governors shall be 4 years, except for the Head of School (as applicable) who shall remain a governor until he or she ceases to work at the academy.

4.3 Subject to remaining eligible to be a particular type of governor, any person may be re-appointed or re-elected to the LGB.

4.4 A person serving on the LGB shall cease to hold office if:

- he/she resigns their office by giving notice in writing to the Clerk of the LGB;
- the Head of School or a staff governor ceases to work at the academy;
- the Trustees terminate the appointment of a governor whose presence or conduct is deemed by the Trustees, at their sole discretion, acting reasonably, not to be in the best interests of the Trust or the academy.

4.5 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 pupil at the academy.

#### 5 Disqualification

5.1 A person shall be disqualified from serving on the LGB if he would not be able to serve as a Trustee in accordance with Articles 68-80 of the Articles of Association.

#### 6 Appointment and Removal of Chair and Vice Chair

6.1 The Chair and Vice Chair of the LGB shall be appointed by the LGB, and may be removed from office by the Trustees, acting reasonably, at any time. No person employed by the Trust may be appointed as Chair or Vice Chair.

6.2 The term of office of the Chair and Vice Chair shall be a minimum of two but no more than four years. Once the term of office is set, the maximum term of office shall be limited to two of those terms, subject to remaining eligible, and re-appointed.

6.3 The Chair and Vice Chair may at any time resign their office by giving notice in writing to the Trustees and the Clerk to the LGB. The Chair or Vice Chair shall cease to hold office if:

- he/she ceases to serve on the LGB;
- he/she is employed by the Trust whether or not at the academy; or
- in the case of the Vice Chair, he/she is appointed to fill a vacancy in the office of the Chair.