



Local Governing Bodies: Constitution and Terms of Reference

The Athelstan Trust

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1 Introduction

These terms of reference have been made by the Trustees of The Athelstan Trust (**Academy Trust**).

Refer to the Scheme of Governance as well as the Schemes of Delegation for additional detail.

2 Remit

Broadly, the role of an LGB is to provide focused governance for the Academy at a local level. It monitors the Academy's key performance indicators and acts as a critical friend to the Head Teacher, providing challenge where appropriate.

More specifically, the LGBs are asked to carry out the duties referred to in Appendix 1.

The LGBs carry out their functions in relation to their respective Academy on behalf of the Trustees and in accordance with policies determined by the Trustees. The act of delegation from the Trustees to the LGBs is a delegation of powers and duties, and not a delegation or shedding of responsibilities.

3 Constitution of Local Governing Bodies

Each LGB comprises members (**Local Governors**), including:

- the Head Teacher of the Academy and/or Chief Executive Officer];
- at least two elected parents or guardians of a pupil at the Academy (**Parent Local Governors**); Elected by the parents etc.
- up to two employees of the Academy comprising teacher members and/or non-teaching staff members elected by employees of the Academy
- such other members as the Trustees decide.

Each LGB shall have a Chairman and a Vice-Chairman.

The length of service of all Local Governors and the Clerk to the LGB shall be four years. Subject to remaining eligible to be a Local Governor, any Local Governor may be reappointed or re-elected at end of his or her term.

Every person wishing to become a Local Governor will be required to sign a declaration of acceptance and of willingness to act as a Local Governor, in the form set out in Appendix 2 or as prescribed by the Trustees from time to time, and shall make disclosures for the purposes of a criminal records check by the Disclosure and Barring Service.

4 Commitment of Local Governors

Local Governors are asked to:

- prepare for and make an active contribution at meetings of the LGB;
- champion the Academy in the local community;
- familiarise themselves with the Academy's policies;
- visit the Academy both during school hours (with prior arrangement with the Head Teacher) and for evening events to get to know the Academy and to be visible to the Academy community; and

- attend training sessions for Local Governors, where deemed necessary.

5 Appointment and particular responsibilities of Local Governors

a) Chair

The Chair is appointed by the Trustees. The Trustees will not unreasonably reject a Chair nominated by the Local Governors. The term of office of the Chair is one year, but the Chair is eligible for reappointment at the end of that term.

The Board of Trustees are entitled to remove the Chairman from office at any time, although this would be without prejudice to the individual's position as a Local Governor.

The responsibilities of the Chairman include the following:

- to chair meetings of the LGB;
- to set the agenda for meetings with the Head Teacher and Vice-Chairman;
- to report to the Trustees in writing following each LGB meeting, if requested;
- to give an oral summary of the LGB's deliberations if requested at meetings of the Board of Trustees; and
- to provide a direct link between the LGB and the Trustees.

In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the LGB, the chairman of Trustees, in consultation with the Chairman of the LGB (or the Vice-Chairman of the LGB in his or her absence), shall take appropriate action on behalf of the LGB. The decisions taken and the reasons for urgency shall be explained fully at the next meeting of the Board of Trustees and of the LGB.

b) Vice-Chairman

The Vice-Chairman is appointed by the Trustees. The term of office of the Vice-Chairman is one year, but the Vice-Chairman is eligible for reappointment at the end of that term.

The Trustees are entitled to remove the Vice-Chairman from office at any time, although this would be without prejudice to the individual's position as a Local Governor.

The responsibilities of the Vice-Chairman include the following:

- to deputise for the Chairman in his or her absence;
- to set the agenda for meetings of the LGB with the Chairman, if requested; and
- to provide a link between the LGB and the Trustees.

In the absence of both the Chairman and the Vice-Chairman at a meeting, the LGB will elect a temporary chairman from among their number.

c) Staff Local Governors

The teacher member of the LGB shall be elected by the teaching staff at the Academy.

The non-teaching staff member of the LGB shall be elected by the non-teaching members of staff of the relevant Academy.

The responsibilities of the Staff Local Governors are to represent the interests of the Academy, its students and other stakeholders and in doing so they may put forward the opinions of teaching and non-teaching staff at the Academy to the LGB.

d) Parent Local Governors

Parent Local Governors for each LGB shall be elected in accordance with the process set out below:

- When a vacancy arises, the LGB will write to all parents of pupils at the Academy seeking nominees for the vacancy. Nominees will be asked to provide a short statement about why they are interested in being a Parent Local Governor and their background and experience that makes them suitable for the role.
- In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the LGB can choose to appoint all (or any) of those nominated
- If there are more nominees than places available, the LGB will write to all parents of pupils at the Academy asking them to vote for their preferred candidate.

A Parent Local Governor should be a parent of a registered pupil at the relevant Academy or where this is not reasonably practical, a person who is the parent of a child of compulsory school age.

The responsibilities of the Parent Local Governor are to represent the interests of the Academy, its students and other stakeholders and in doing so they may put forward the opinions of the Parent Body of the Academy to the LGB.

e) Other responsibilities

Each LGB shall appoint from among its members individuals with specific responsibilities which shall include:

- a Local Governor with responsibility for special educational needs;
- a Local Governor with responsibility for safeguarding;
- a Local Governor with responsibility for health and safety;
- a Local Governor with responsibility for equality

f) Clerk to the Local Governing Body

The Trustees shall appoint a Clerk to the LGB who may not be a Local Governor. In the absence of the Clerk, the LGB shall elect a replacement for the meeting.

The responsibilities / functions of the Clerk to the LGB are as follows:

- convene meetings of the LGB including sending notices and papers of meetings;
- attend meetings of the LGB and ensure minutes are produced;
- maintain a register of members of the LGB and report any vacancies to the LGB;
- maintain a register of Local Governors' attendance at meetings and report on non-attendance to the LGB;
- report to the LGB as required on the discharge of the Clerk's functions; and
- perform such other functions as shall be determined by the LGB from time to time.

6 Ceasing to be a Local Governor

A Local Governor's term of office will be terminated if:

- any event or circumstance occurs which would disqualify him or her from the office of Local Governor under the Articles
- any event or circumstance occurs which would disqualify him or her from the office of Trustee under the Articles were he or she to hold such office;
- he or she has, without the consent of the LGB, failed to attend LGB meetings for a continuous period of six months, beginning with the date of the first such meeting he or she failed to attend and the Chair and the Vice Chair agree that the term of office should be terminated; or
- he or she resigns from office by notice to the Academy Trust.

7 Convening meetings of the Local Governing Body

Meetings of the LGB will be held in each term.

The Clerk to the LGB shall give written notice of each meeting and circulate an agenda and any reports or other papers to be considered at the meeting at least seven clear days in advance of each meeting. However, where the Chairman determines there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda and other papers are given within such shorter period as the Chairman directs.

Any two Local Governors may call a meeting by giving written notice to the Clerk, which includes a summary of the business they wish to carry out. It shall be the duty of the Clerk to convene a meeting as soon as reasonably practicable.

The Local Governors may invite persons who are not Local Governors (such as a member of a committee, any employee, any pupil, any professional adviser and any experts of any kind) to attend the whole or part of any meeting for purposes connected with the meeting.

8 Voting at meetings of the Local Governing Body

The quorum for meetings of the LGB and for any vote on a matter at such meetings is one half of the total number of Local Governors in office at that time (rounded up to the nearest whole number).

Every question to be decided upon at a meeting of the LGBs shall be determined by a majority of the votes of Local Governors present and voting on the question. Votes tendered by proxy shall not be counted.

Where there is an equal division of votes, the Chairman has a casting vote.

9 Personal interests of Local Governors

Local Governors shall complete a register of their business interests, which shall be reviewed annually.

Any Local Governor who has any duty or personal interest that conflicts or may conflict with his or her duties as a Local Governor shall:

- disclose that fact to the LGB as soon as he or she becomes aware of it. A Local Governor must absent himself or herself from any discussions of the LGB in which it is possible that a

conflict will arise between his or her duty to act solely in the interests of the Academy and such duty or personal interest;

- withdraw from any meeting for that item unless expressly invited to remain in order to provide information;
- not be counted in the quorum for that part of any meeting; and
- withdraw during the vote and have no vote on the matter.

10 Minutes

Attendance at each LGB meeting, issues discussed and recommendations for decisions shall be recorded and the minutes signed by the Chairman at the next meeting of the LGB. The written record (once approved by the chairman of the relevant LGB meeting) shall be forwarded by the Clerk to the LGB to the Clerk to the Trustees as soon as is reasonably practicable.

11 Committees of the Local Governing Body

The LGB may establish committees to carry out certain functions of the LGB. The LGB must determine the constitution, membership and terms of reference of any committee it decides to establish and review them annually.

The establishment of any committees other than temporary, ad hoc committees required to deal with specific issues, must be agreed in advance with the Trustees.

12 Roles and responsibilities of the Local Governing Body

The LGB will act in an advisory capacity to the Academy Trust and to the Head Teacher in respect of the Academy.

The LGB shall have the roles set out in Appendix 1 and any other role that the Trustees agree shall be carried out by the LGB and that is communicated in writing to the Chairman of the LGB.

13 Alterations

This constitution and these terms of reference may be altered by a majority resolution of the Trustees of the Academy Trust.

14 Circulation list

This constitution and these terms of reference shall be circulated to Trustees of the Academy Trust, all Local Governors, the Clerk to the LGB, and others at the discretion of the Chairman of the Trustees of the Academy Trust or the Chairman of an LGB. This constitution and these terms of reference were approved and adopted by a resolution of the Trustees of the Academy Trust passed at a meeting held on 16 July 2015 and took effect from 16 July 2015. They were reviewed on 23 June 2016, 4 April 2019 and 11 February 2021

Date of next review: February 2024

Appendix 1 Delegated authority between Academy Trust and Local Governing Body (Refer to Scheme of Delegation for additional detail)

1 General

- 1.1 Supporting the Head Teacher in the creation, implementation and monitoring of the Academy development plan in the context of the Academy Trust's vision, aims and objectives.
- 1.2 Tailoring Academy Trust template documents to local arrangements.
- 1.3 Ensuring that the Academy implements and monitors the policies approved by the Trustees.
- 1.4 Assisting the Academy Trust in ensuring that the Academy is operated efficiently and in accordance with the Trustees' agreed principles of governance.

2 Monitoring and evaluation

- 2.1 Monitoring of Academy key performance indicators.
- 2.2 Ensuring effective processes are in place for monitoring the quality assurance of teaching and learning, the curriculum, inclusion and the sharing of good practice across the Academy.
- 2.3 Monitoring the local arrangements for the effective supervision of building maintenance and minor works.
- 2.4 Monitoring the implementation of the Academy's health and safety policy in the Academy and the local arrangements for the effective supervision of health and safety matters.

3 Governance

- 3.1 Ensuring there is effective communication between the Academy Trust and the LGB.
- 3.2 Making arrangements for the appointment of Staff, Parent and Local Governors.
- 3.3 Appointing from its number, Local Governors with specific responsibilities for special educational needs, safeguarding, equality and health and safety matters.
- 3.4 Establishing an **Exclusions Committee** and appeals panel for reviewing decisions of the Head Teacher in that respect.
- 3.5 Establishing an appeals panel in respect of staff redundancies or disciplinaries as required.
- 3.6 Consulting with the Trustees on any proposals to establish any sub-committees other than temporary, ad hoc sub-committees required to deal with specific issues.

4 Staffing

- 4.1 Supporting the Head Teacher in the appointment of Academy staff to ensure that the Academy is fully staffed.
- 4.2 Ensuring the Academy Trust's policies on all HR matters are implemented in the Academy.
- 4.3 Making recommendations to the Trustees] in relation to the Head Teacher.

- 4.4 Monitoring the implementation of Academy Trust's policies at the Academy for HR matters including the appointment, induction and performance management of staff, pay review process and procedures for dealing with disciplinary matters, grievances and dismissal.

5 Students

- 5.1 Ensuring effective arrangements are in place for student support and representation at the Academy.
- 5.2 Ensuring the admission arrangements in the Academy conform to the code of practice.
- 5.3 Ensuring effective arrangements are in place for student recruitment.
- 5.4 Ensuring student attendance and monitoring systems are in place to maintain access to education at all times.
- 5.5 Establishing arrangements for reviewing decisions of the Head Teacher regarding exclusions.

6 Community and parents

- 6.1 Contributing to the development of the Academy prospectus.
- 6.2 Supporting the Academy Trust and the Head Teacher in the extended school provision in the Academy.
- 6.3 Ensuring systems are in place in line with the Academy Trust's strategy at the Academy for effective communication with students, parents or carers, staff and the wider community [including the establishment and support of a local parent teacher association].
- 6.4 Implementing a means whereby the Academy can receive and react to parental feedback.
- 6.5 Establishing and maintaining a relationship with the local elected community representatives.

Appendix 2 Local Governor declaration

The Trustees
The Athelstan Trust
Corn Gastons
Malmesbury
SN16 0DF

[• 00 month year]

Dear Sirs

The Athelstan Trust (**Academy Trust**) - appointment as a Local Governor

I confirm that I wish to be a Local Governor in respect of [• name of school] in accordance with the Terms of Reference for Local Governing Bodies prescribed by the Trustees of the Academy Trust from time to time.

I confirm that I am not disqualified from becoming a Local Governor by reason of any provision in the Terms of Reference for Local Governing Bodies (and by extension the Memorandum and Articles of Association of the Academy Trust).

I also confirm that I understand that I must disclose any personal interest I may have in any matter to be discussed at a meeting of the Local Governors in accordance with paragraph 9 of the Terms of Reference for Local Governing Bodies (or as prescribed by the Trustees of the Academy Trust from time to time).

Yours faithfully

Signed

Name

Date