An Daras
Multi Academy Trust

An Daras Multi Academy Trust

Local Governing Advisory Bodies – Terms of Reference and Scheme of Delegation v3 (Community)

The An Daras Multi Academy Trust (ADMAT) Company
An Exempt Charity Limited by Guarantee
Company Number/08156955

Status: **Approved - Community ToR and SoD**	
Recommended	
Version	v3
Statutory	Yes
Adopted v3	**July 2016**
Review of v3	**July 2017**
Advisory Committee	LGAB/MAT Board
Linked Documents and Policies	ADMAT Articles of Association ADMAT Schemes of Delegation ADMAT Terms of Reference ADMAT Funding Agreement EFA Financial Handbook

An Daras Multi Academy Trust

TERMS OF REFERENCE

Local Governing Advisory Body

Contents

1. Interpretation

2. Responsibilities of Local Governing Advisory Body

3. Composition of Local Governing Advisory Body

4. Resignation & Removal

5. Persons ineligible to be Governors

6. Term of Office

7. Conflicts of Interest

8. Appointment of Chairman and Vice-Chairman

9. Meetings of Local Governing Advisory Body

10. Quorum

11. Proceedings of Meetings

12. Minutes and Publications

13. Delegation of Functions and Committees

14. Responsibilities of Principal

15. Rules and Bye-Laws

16. Amendment of Instrument and Rules of Government

17. Copies of Instrument and Rules of Government

18. Effective Date

Appendix 1 – ADMAT Scheme of Delegation to LGAB (Community)

1. INTERPRETATION

1.1 In this document:-

"Academy"	means a community academy within the MAT;
"Articles"	means the Articles of Association of the Company;
"Directors"	mean the directors of the Multi Academy Trust;
"Local Governing Advisory Body"	means the Local Governing Advisory Body for the Academy constituted as provided by Clause 3 of this document;
"Governor"	means a member of the Local Governing Advisory Body;
"Parent Member"	means a member elected to the Local Governing Advisory Body by the parents of pupils at the Academy or in default of election appointed by the Local Governing Advisory Body;
"Personal Financial Interest"	means any interest in the employment or remuneration of, or the provision of any other benefit to, a Governor as further detailed within clauses 97 and 98 of the Articles;
"Principal"	means the member of staff at the Academy who has been appointed as Head of School to have overall day to day control of and responsibility of the Academy;
"Secretary"	means the company secretary of the Company or any other person appointed to perform the duties of company secretary to the Company;
"Staff Member"	means a member elected to the Local Governing Advisory Body by members of staff of the Academy or in default of election appointed by the Local Governing Advisory Body;
"this document"	means these Terms of Reference;
"the Company"	means the An Daras Multi Academy Trust, a company limited by guarantee having registered number /08156955;

1.2 Unless the context requires otherwise, a reference to:-

1.2.1 a numbered clause is a reference to the clause so numbered in this document, and

1.2.2 a numbered paragraph is a reference to the paragraph so numbered in the clause in which the reference appears; and

1.2.3 words importing one gender shall include any other gender, the singular number shall include the plural and vice versa and the headings are included for convenience only and shall not affect the construction of this document.

2. RESPONSIBILITIES OF LOCAL GOVERNING ADVISORY BODY

2.1 the Company is a charitable company limited by guarantee. It has entered into a Master Funding Agreement and a Supplemental Funding Agreement in relation to the Academy both entered into with the Secretary of State (together the "Funding Agreements")

2.2 the Directors are the charity trustees and responsible for the general control and management of the administration of the Company in accordance with the provisions set out in the Articles of the Company

2.3 the Local Governing Advisory Body shall be a Committee of the Directors established pursuant to articles 100 - 104 of the Articles of the Company

2.4 legal responsibility for the Academy lies with the Company. It is governed by the Directors, who rely on advice and support from the Academy's Local Governing Advisory Body, particularly (but not limited to) strategic planning and the specific matters delegated under these Terms of Reference

2.5 subject to provisions of this Document, the Companies Act 2006, the Articles and to any directions given by special resolution of the Directors, the business of the Academy shall be managed by the Local Governing Advisory Body who may exercise all the powers of the Company, other than matters concerning finance, staffing and site which will remain with the Company. The Directors delegate the running of the Academy to the Local Governing Advisory Body and specifically the following duties:

2.5.1 setting the aims and objectives of the Academy;

2.5.2 determination of the educational vision of the Academy in consultation with the Directors, including, but without limitation, determination of the Academy's development plan;

2.5.3 maintenance of the Academy estate in accordance with the guidelines established by the Company;

2.5.4 maintaining a fixed asset register;

2.5.5 notifying the Company of any changes to fixed assets used by the Academy;

2.5.6 determination and implementation of the admissions policy and arrangements for the Academy in accordance with admissions law and DfE codes of practice;

2.5.7 implementation of actions required to comply with statutory regulations and the Funding Agreements.

2.6 the Governors are not and nothing within this document is intended to make them charity trustees

2.7 each Governor shall act in the best interests of the Academy at all times

2.8 the Governors must keep confidential all information of a confidential nature obtained by them relating to the Academy

3. COMPOSITION OF LOCAL GOVERNING ADVISORY BODY

3.1 the membership of the Local Governing Advisory Body shall be determined in accordance with the following provisions:-

3.1.1 the total membership shall be not less than 3 and not more than 7

3.1.2 The membership shall comprise:
(a) the Head Teacher/Head of School
(b) not less than 2 parent members;
(c) 1 staff member;
(d) up to 3 members appointed by the Directors

3.2 the Local Governing Advisory Body may continue to act notwithstanding a temporary vacancy in its composition

3.3 he elected or appointed Parent members must be a parent of a registered pupil at the Academy at the time when he is elected or appointed

3.4 the number of Parent members of the Local Governing Advisory Board required shall be made up by Parent members appointed by the Directors after nominations have been received from the parent body

3.5 the Local Governing Advisory Body/Directors shall make all necessary arrangements for, and determine all other matters relating to, an election of the Parent members of Local Governing Bodes including any question of whether a person is a parent of a registered pupil at one of the Academies

3.6 in appointing a Parent member of a Local Governing Advisory Body the Directors shall appoint a person who is a parent of a registered pupil at an Academy or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory age

3.7 no parent (or carer) engaged in paid employment at the school for more than 500 hours in any consecutive 12 month period (at the time of election or appointment) can stand for election/appointment as a parent governor of the same school, nor can any parent who is an elected member of the Local Authority. **NB If a serving parent governor subsequently starts to work at the school for more than 500 hours in a consecutive 12 month period, they would serve out their term of office**

4. RESIGNATION & REMOVAL

4.1 a Governor may at any time resign his office by giving notice in writing to the Clerk to the Local Governing Advisory Body

4.2 a Governor shall cease to hold office if he is removed by the person or persons who appointed him. This provision does not apply in the case of the Parent or Staff Member

4.3 the Directors may terminate the appointment of any Governor whose presence or conduct is deemed by the Directors not to be in the best interests of the Company or the Academy

4.4 the Head Teacher/Head of School and any Staff Member shall automatically cease to hold office if he ceases to be associated with the Academy in the capacity in which he was appointed or elected

5. PERSONS INELIGIBLE TO BE GOVERNORS

5.1 no person shall be qualified to be a Governor unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be a Governor

5.2 a Governor shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs

5.3 a Governor shall cease to hold office if he is absent without the permission of the Governors from all their meetings held within a period of six months and the Governors resolve that this office be vacated

5.4 a Governor shall cease to hold office if he is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision)

5.5 a person shall be disqualified from holding or continuing to hold office as a Governor:-

5.5.1 If:-

(a) his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
(b) he is the subject of a bankruptcy restrictions order or an interim order.

5.5.2 if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.

5.5.3 at any time when he is:-

(a) included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999; or

(b) disqualified from working with children under section 35 of the Criminal Justice and Court Services Act 2000.

5.5.4 if he is a person in respect of whom a direction has been made under section 142 of the Education Act 2002

5.5.5 where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 72 of the Charities Act 1993

5.5.6 if he has not provided to the Chairman of the Directors a criminal record certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of the Chairman confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final

5.6 where a person becomes disqualified from holding, or continuing to hold office as a Governor and he is, or is proposed, to become such a Governor, he shall upon becoming so disqualified give written notice of that fact to the Secretary

6. TERM OF OFFICE

6.1 any Governor shall hold and vacate office in accordance with the terms of his appointment but (except in the case of the Head teacher/Head of school) the length of his term of office shall not exceed four years

6.2 Governors retiring at the end of their term of office shall be eligible for re-appointment at the discretion of the Local Governing Advisory Body

7. CONFLICTS OF INTEREST

7.1 the income and property of the Academy must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions which apply to the Directors with regard to having a Personal Financial Interest shall also apply to the Governors

7.2 any Governor who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a Governor shall disclose that fact to the Governors as soon as he becomes aware of it. A Governor must absent himself from any discussions of the Governors in which it is possible that a conflict will arise between his 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)

8. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

8.1 the Chairman of the Local Governing Advisory Body will be elected by the Local Governing Advisory Body every year for a 1 year term. They may be re-elected to the same role at the end of the year term for a further term of office

8.2 the Vice-Chairman of the Local Governing Advisory Body will be elected by the Local Governing Advisory Body every year for a 1 year term. They may be re-elected to the same role at the end of the year term for a further term of office

8.3 if both the Chairman and the Vice-Chairman are absent from any meeting of the Local Governing Advisory Body, those Governors present shall appoint one of their number to chair the meeting

8.4 the Chair/Vice Chair-appointed at the beginning of each school year by the Local Governing Advisory Body shall not be a member of staff at the school or an Associate member or a non-governor member

9. MEETINGS OF LOCAL GOVERNING ADVISORY BODY

9.1 the Local Governing Advisory Body shall meet at least 3 times in every academic year, and shall hold such other meetings as may be necessary – a second meeting will be held in the second half of each full term to discuss strategic matters in more depth. This will total 6 meetings in total over the course of an academic year

9.2 all meetings shall be convened by the Clerk to the Local Governing Advisory Body, who shall send to the Governors written notice of the meeting and a copy of the agenda at least seven clear days in advance of the meeting

9.3 a meeting of the Local Governing Advisory Body shall be called by the Clerk whenever requested by the Chairman or at the request in writing by any three Governors. Where there are matters demanding urgent consideration, the Chairman or, in his absence, the Vice-Chairman may waive the need for seven days' notice of the meeting and substitute such notice as he thinks fit.

9.4 the convening of a meeting and the proceedings conducted shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda

10. QUORUM

10.1 meetings of the Local Governing Advisory Body shall be quorate if three or one-third of Members are present (whichever is greater)

10.2 if the number of Governors assembled for a meeting of the Local Governing Advisory Body does not constitute a quorum, the meeting shall not be held. If in the course of a meeting of the Local Governing Advisory Body the number of Governors present ceases to constitute a quorum, the meeting shall be terminated forthwith

10.3 if for lack of a quorum a meeting cannot be held or, as the case may be, cannot continue, the Chairman shall, if he thinks fit, determine the time and date at which a further meeting shall be held and shall direct the Clerk to convene the meeting accordingly

11. PROCEEDINGS OF MEETINGS

11.1 every question to be decided at a meeting of the Local Governing Advisory Body shall be determined by a majority of the votes of the Governors present and voting on the question. Every Governor shall have one vote. Where there is an equal division of votes the chairman of the meeting shall have a second or casting vote

11.2 a Governor may vote by proxy

11.3 no resolution of the Governors may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting

11.4 any Governor who is also an employee of the Company shall withdraw from that part of any meeting of the Local Governing Advisory Body at which his remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered

11.5 a resolution in writing, signed by all the Governors (or all of the members of a committee of the Governors), shall be valid and effective as if it had been passed at a meeting of the Governors or (as the case may be) a committee of 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 (or the members of a committee, as the case may be)

11.6 any Governor shall be able to participate in meetings of the Governors by telephone or video conference provided that he has given reasonable notice to the Clerk and that the Governors have access to the appropriate equipment

12. MINUTES AND PUBLICATION

12.1 at every meeting of the Local Governing Advisory Body the minutes of the last meeting shall be taken as the first agenda item after any apologies, except in cases where the Governors present decide otherwise, and, if agreed to be accurate, shall be signed as a true record

12.2 the Clerk to the Local Governing Advisory Body 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 chairman 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 the Secretary and to the Directors

13. DELEGATION OF FUNCTIONS AND COMMITTEES

13.1 the Local Governing Advisory Body may establish committees as it considers desirable to carry out its responsibilities. The powers of any such committees, their terms of reference and membership shall be determined by the Directors

13.2 committees may include members who are not Governors.

13.3 except where it is otherwise constrained within its terms of reference, a committee may invite attendance by persons who are not Governors or committee members where such attendance is considered by the members of the committee to benefit its deliberations

13.4 copies of the minutes of committee meetings are to be circulated to all Governors and those who are entitled to attend Local Governing Advisory Body meetings

14. RESPONSIBILITIES OF THE HEAD TEACHER/HEAD OF SCHOOL

14.1 subject to responsibilities of the Local Governing Advisory Body and the policy statements of the Company, they shall be responsible to the Local Governing Advisory Body for:-

14.1.1 implementing the agreed policies and procedures laid down by the MAT this includes the implementation of all statutory regulations;

14.1.2 advising the Local Governing Advisory Body on strategic direction, forward planning and quality assurance;

14.1.3 the leadership and management of the Academy

14.1.4 the admission of pupils;

14.1.5 the maintenance of good order and discipline by the pupils including their suspension and/or exclusion within the framework laid down by the MAT

14.1.6 all such additional functions as may be assigned under the job description or contract of employment for the Head Teacher/Head of School

15. RULES AND BYE-LAWS

15.1 the Local Governing Advisory Body shall have power to make rules and bye-laws in respect of the government and conduct of the Academy as it shall think fit. Such rules and byelaws shall be subject to the provisions of this document and to approval by the Directors

16. AMENDMENT OF THESE TERMS OF REFERENCE

16.1 this document has been approved by the directors at their meeting in Summer Term 2016 and shall be subject to review at the first meeting of the directors in each academic year thereafter and may be subject to amendment by them

17. COPIES OF TERMS OF REFERENCE

17.1 a copy of this document, and of any rules and bye-laws, shall be given to every Governor and shall be available for inspection upon request by members of staff during normal office hours at the offices of the Academy and the Company

18. EFFECTIVE DATE

18.1 These Terms of Reference shall come into effect on July 2016

Reviewed and agreed by the Board of Directors **in July 2016**

Next Review: July 2017

An Daras
Multi Academy Trust

Appendix 1

ADMAT – Scheme of Delegation to Local Governing Bodies (Community)

NB: The term "school" is used in the MAT to mean "academy" in its legal sense

RESPONSIBILITIES OF ADMAT BOARD AND LOCAL GOVERNING BODY

1. The **role of the ADMAT Board** is to provide strategic direction and oversight across the Trust, which is consistent with its objects, vision and values. It is responsible for governance and for establishing the leadership and management and advisory framework of the Trust to achieve its strategic objectives and fulfil the terms of its Funding Agreement.

The **role of the ADMAT Local Governing Advisory Board** is to support the Trust's vision, strategy and duties, based on the specific local community (and Church if appropriate) characteristics of each school. The LGAB is expected to set school specific targets and objectives and to challenge school leadership and to hold them to account.

2. The ADMAT Board retains authority and responsibility for the following, although these duties are discharged by the Trust in a way which reflects the local characteristics of its schools

3. ADMAT BOARD AUTHORITY AND RESPONSIBILITY

Compliance and Governance

3.1 compliance with all statutory regulations and Acts of Parliament governing the operation of schools and the Trust, including health and safety

3.2 compliance with the provisions of the Funding Agreement and Supplementary Funding Agreements

3.3 determination of the corporate strategic planning and context of the Trust and its schools

3.4 establishing monitoring procedures to ensure compliance and objectives met

Appointments and Training

3.5 putting in place processes for: (i) making appointments within the Trust's remit; and (ii) the Head teacher/Head of School making appointments for LGAB within its own remit

3.6 in relation to the Head teacher/Head of School and LGAB, to appoint a Lead Adviser or Improvement Partner

3.7 appointment of the Head teacher/Head of School at school, in consultation with the relevant Local Governing Advisory Board

3.8 in relation to each Local Governing Advisory Board, to appoint the Clerk to the Local Governing Advisory Board

3.9 to appoint internal auditors to carry out the Responsible Officer function for the school

3.10 providing Director and Local Governor training and evaluation

3.11 facilitating the support, training and challenge of Head teachers/Heads of School in MAT

Finances

3.12 establishing a funding model for use across the Trust and the schools, and a scheme of financial delegation for each school

3.13 agreement of the Trust's and schools' annual budgets, so that the Trust and schools' strategic objectives are met

3.14 compliance with the Academies Financial Handbook including, but without limitation, determination of procurement policies for the Trust

3.15 oversight with regard to the finances of the Trust and its schools including, but without limitation, responsibility for compliance with the financial and accounting requirements details within the Funding Agreement

3.16 putting in place guidelines for the local maintenance of assets and appropriate registers

Policies and Targets

3.17 agreement to the educational targets of the schools as advised by the Local Governing Advisory Board, and MAT CEO

3.18 monitoring and evaluating performance in relation to agreed targets and SIP for each school

3.19 determining any additional financial and reporting targets for the school

3.20 determining a Trust-wide safeguarding policy (to be implemented as appropriate at local level)

3.21 determining a Trust-wide health and safety policy (to be implemented as appropriate at local level)

3.22 as the legal employer of all staff, responsibility for human resource policies and procedures and appropriate terms and conditions of service and

3.23 determination of the admissions policy and arrangements for the school (in consultation with Local Governing Advisory Board) in accordance with admissions law and DfE codes of practice

4. LOCAL GOVERNING ADVISORY BOARD DELEGATION

4.1 in particular, and subject to the limitations set out above, the Trust Board delegates the running of the school to the Local Governing Advisory Body and specifically the following duties:

Vision and Accountability

4.2 to carry forward ADMATs vision, values and objectives, in a way appropriate to the specific local community priorities (and **faith and ethos** if a school has Religious Designation) and characteristics of the individual school

4.3 to reflect the individuality of the school and its community

4.4 implementation of actions required to comply with statutory regulations and the Funding Agreements

4.5 implementation of the policies agreed and **mandated** by the ADMAT Board, including the policies regarding admissions (in accordance with admissions law and DfE Codes of Practice), safeguarding and health and safety and human resources

4.6 review/amendment of **advisory** policies to suit local context

4.7 oversight of the school's activities

4.8 holding school leadership to account for standards in relation to: academic and other targets; performance management; school improvement targets; financial propriety; safeguarding, health and safety; marketing and parent/community (Including church where appropriate) relations; as well as policy implementations.

Finances and Assets

4.9 ensuring school-level resource is applied appropriately

4.10 seeking value for money and being able to demonstrate that value for money has been achieved

4.11 monitoring and reviewing expenditure and financial procedures (including financial delegation) on a regular basis and ensuring compliance with the overall financial plan for the school

4.12 manage the school's cash flow and monitor expenditure by the school in accordance with policies and procedures determined by the Trust

4.13 maintenance of proper accounting records in format required by the ADMAT Business Manager

4.14 assist the Trust in complying with the provisions of the Funding Agreements where requested from time to time to include, information required for the purposes of clause [45] of the Master Funding Agreement

4.15 maintenance of or putting in place appropriate arrangements for the maintenance of the school estate in accordance with the guidelines established by the Trust, produce an annual school specific accessibility plans and equality plan with clearly defined objectives

4.16 implementation of Trust's procurement policies insofar as they impact on the school

4.17 notify the Trust of any proposed changes to fixed assets used by the school

Staff

4.18 monitoring local HR activity against ADMAT policy and procedures, including the process for performance reviews for members of staff

4.19 advising MAT CEO of any potential changes to HR policy which he should evaluate and bring to the attention of the ADMAT Board

4.20 taking part in any procedure in which a member of the LGAB is required by Trust HR Procedures including procedures for appointing staff (e.g. teachers, TA/HLTA interview process)

4.21 ensuring Head teacher/Head of School is taking advice on HR matters from the CEO or his representative or nominee

4.22 have regard to staff welfare, including that of the Head teacher/Head of School

Curriculum and Standards

4.23 identify and create annual school improvement plan priorities. Monitor in year the effectiveness of the improvement plan on improving pupil outcomes

4.24 ensuring a broad and balanced curriculum offer is taught to all pupils including SMSC, RE and SRE and disseminate high quality practice across the MAT

4.25 monitor that the schools teaching and learning policy is being implemented

4.26 monitor that the schools arrangements for educational visits are being implemented

4.27 review extra-curricular provision for pupils

4.28 ensure the effectiveness of collective worship in the academy and disseminate high quality practice across the MAT

Process and Procedure

4.29 review discipline and behaviour within the school on a termly basis

4.30 review the use of exclusion and confirm/not confirm fixed term or permanent exclusion, direct reinstatement of excluded pupils

4.31 set times for individual school sessions and dates of terms and holidays in line with agreed MAT policies, ensure the school has 380 sessions in an academic year

4.32 review discipline and behaviour within the school on a termly basis

4.33 determine arrangements for daily collective worship

4.34 prepare, review and publish relevant school information e.g. statutory website data, admissions, parent information and home school agreement, ensuring school website meets statutory requirements

4.35 monitor quality and nutritional values of school meals

4.36 determine what additional services should be offered to pupils and parents and deliver services as required

4.37 secure the attendance or advice of external professional advisors in line with MAT policies as and when required

5. GENERAL

5.1 members of the LGAB are not, and nothing within this document is intended to make them, charity trustees within the terms of section 97(1) of the Charities Act 1993

5.2 each Local Governor shall act in the best interests of the Trust and school at all times

5.3 each Local Governor must keep confidential all information of a confidential nature obtained by them relating to the school and the Trust. No papers circulated in the course of duties as a Local Governor should be passed to any third party (excepting the Head teacher/Head of School who may need to do so in the course of his/her professional duties)

5.4 the Trust reserves the right to withdraw some or all of the delegated powers from the Local Governing Advisory Board, to add to the LGAB's number, or extremis, to disband the LGAB; This is deemed undesirable and highly unlikely in view of the LGAB selection process and 5.5 below

5.5 each Local Governor is required to take part in formal training provided or suggested by ADMAT and to take advantage of on-going support from their Head teacher/Head of School and ADMAT Officers