

Local Governing Bodies: Constitution and Terms of Delegation

Royal Wootton Bassett Academy Trust

September 2018



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Introduction

This constitution and terms of delegation has been made by the Trustees of Royal Wootton Bassett Academy Trust.

This document forms, guides and informs our ways of working for the Local Governing Boards of Royal Wootton Bassett Academy Trust (RWBAT). This document is also part of the regulatory and legal framework which Royal Wootton Bassett Academy Trust operates, consequently it should be read in conjunction with the Scheme of Delegation (SOD) and the Financial Scheme of Delegated Authority (Fin-SODA).

1 Remit

Broadly, the role of a Local Governing Body (**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.

The LGBs carry out their functions in relation to their respective Academy on behalf of the Directors 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.

2 Composition of Local Governing Bodies

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

- the Head teacher of the Academy;
- at least two elected parents or guardians of a pupil at the Academy (**Parent Local Governors**);
- with the option of up to two employees of the Academy comprising one teacher member and one elected non-teaching staff member elected by employees of the Academy (**Staff Local Governors**); and
- such other members as the Trustees decide.

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

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 the 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 1 or as

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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 (**DBS**).

3 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 possible.

4 Appointment and particular responsibilities of Local Governors

4.1 Chair

The Chair is recommended to the Trustees by the LGB and appointed by the Trustees. The term of office of the Chair is four years, but the Chair is eligible for reappointment at the end of that term. The Chair can serve a maximum of two terms of office.

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

The Chair will ordinarily meet with the Headteacher of the Academy and the Clerk to the LGB before the start of the academic year to plan the work of the LGB for the year.

The responsibilities of the Chair include the following:

- to chair meetings of the LGB
- to set the agenda for termly meetings with the Head and Vice-Chair (optional attendee)
- to ensure all committee meeting reports are available to the Trustees via Governor Hub following each LGB meeting
- to give an oral summary of the LGB's deliberations if requested at meetings of the Board of Trustees
- to provide a direct link between the LGB and the Trustees via a regular Chair of Chairs forum
- to attend the Achievement and Attainment committee
- to attend the Headteacher performance reviews



In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the LGB, the Chair of Trustees, in consultation with the Chair of the LGB (or the Vice-Chair 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.

4.2 **Vice-Chair**

The Vice-Chair is appointed by the LGB. The term of office of the Vice-Chair is four years, but the Vice-Chair is eligible for reappointment at the end of that term. The Vice-Chair can serve a maximum of two terms of office.

The Trustees are entitled to remove the Vice-Chair 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-Chair include the following:

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

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

4.3 **Staff Local Governors (Optional)**

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

The responsibilities of the Staff Local Governors are to reflect the interests and opinions of both teaching and non-teaching staff at the Academy to the LGB.

4.4 **Parent/ Carer Local Governors**

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

- when a vacancy arises, using a range of media, the LGB will communicate with all parents/carers 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/Carer 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); and
- if there are more nominees than places available, the LGB will communicate with all parents/carers of pupils at the Academy informing them of the need for an election which will



include online voting for their preferred candidate.

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

The responsibilities of the Parent/Carer Local Governor are to represent the interests and opinions of the Parent Body of the Academy to the LGB.

4.5 **Other responsibilities**

Each LGB shall appoint from among its members individuals who will champion key school priorities (roles may be combined) which shall include:

- Special educational needs and disability
- Safeguarding and Behaviour
- Standards (including Teaching and Learning and Achievement)
- Disadvantaged Pupil strategies
- Curriculum

The objective of the role is to deepen the knowledge and relationship between the Governing Body and the SLT. Meetings held regularly between a Governor and a member of the SLT will facilitate deep dives into the strategic priorities of the academy. The meetings will act as further element of triangulation of evidence of school progress.

Meetings should last no more than two hours and are held every other term against a rota which fits key timings of the school calendar. A visit note should be completed each time and loaded to Governor Hub. Confidential matters should not be recorded on the visit note.

4.6 **Clerk to the Local Governing Body**

The LGB shall appoint a Clerk to the LGB who cannot be a Local Governor. An LGB may share a Clerk with another LGB, although the preference is that each LGB has their own Clerk. 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 laid out in the Trust LGB Clerk Job description. Duties include, but are not limited to:

- convene meetings of the LGB including sending notices and papers via Governor Hub
- attend meetings of the LGB and ensure minutes are produced

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- maintain a register of members of the LGB including their terms of office and report any vacancies to the LGB
- maintain a register of business interests of LGB members
- maintain a register of Local Governors' attendance at meetings and report on non-attendance via Governor Hub
- 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.

4.7 **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 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;
- he or she resigns from office by notice to the Academy Trust;
- he or she is removed by the person or persons who appointed him. This does not apply in respect of a person who is serving as a Parent Local Governor;
- he or she is a Staff Local Governor who has ceased to be employed by the Academy Trust; or
- he or she is removed by the Trustees in circumstances where they consider (acting reasonably) that it is in the best interests of the Academy Trust to remove the Local Governor.

5 **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 via Governor Hub 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 Chair 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 Chair 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.

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

6 Voting at meetings of the Local Governing Body

The quorum for meetings of the LGB is a minimum of three Governors. A meeting may go ahead if inquorate, but any decisions required would have to wait until a quorum is established.

A meeting shall be terminated if the number of Local Governors present ceases to constitute a quorum. Where a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the Clerk as soon as is reasonably practicable, but in any event within the same term in which the meeting was originally to be held or was so terminated.

Any Local Governor shall be able to participate in, and be counted as present at for the purposes of the quorum, meetings by telephone or video conference provided that:

- they have given notice of their intention to do so detailing the telephone number on which they can be reached and / or appropriate details of the video conference suite from which they shall be taking part at the time of the meeting at least 48 hours before the meeting; and
- the LGB has access to the appropriate equipment

and provided that, if after all reasonable efforts it does not prove possible for that Local Governor to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.

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 Chair has a casting vote.

The Local Governors may act notwithstanding any vacancies, but, if the number of Local Governors is less than the number fixed as the quorum, the continuing Local Governors may act only for the purpose of filling vacancies.



A resolution in writing, signed by all Local Governors entitled to receive notice of a meeting shall be valid and effective as if it had been passed at a meeting duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more Local Governors and may include an electronic communication by or on behalf of the LGB indicating his or her agreement to the form of resolution providing that the Local Governor has previously notified the LGB in writing of the email address or addresses which the Local Governor will use.

7 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 Trust 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.

8 Committees of the Local Governing Body

With the prior agreement of the Trustees 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 unless such committees are required urgently, in which event the Chair can authorise the establishment of the committee and report subsequently to the Trustees.

9 Minutes

Attendance at each LGB meeting, issues discussed and recommendations for decisions shall be recorded, published on Governor Hub within 10 days of the meeting and the minutes signed by the Chair at the next meeting of the LGB. The written record (once approved by the Chair of the relevant LGB meeting) shall be retained by the Clerk to the LGB.



10 Delegation to the LGB

The LGB shall have the roles set out in the Scheme of Delegation and the Decision-Making Matrix and any other role that the Trustees agree shall be carried out by the LGB and that is communicated in writing to the Chair of the LGB.

For the avoidance of any doubt, Appendix 2 contains a list of reserved matters which are matters for consideration and determination by the Members and Board of Trustees and are not issues for determination by the Local Governors.

11 Intervention rights

Intervention in times of concern

The Board of Trustees remains ultimately responsible for the Academy Trust and the conduct of the Academies. The operation of the various elements of governance and the Scheme of Delegation and the Decision-Making Matrix are crucial to its success. However, there will be circumstances (more the exception than the norm) where the Board of Trustees might need to intervene and, for example, withdraw delegated authority for a particular element of governance including an LGB.

In such circumstances, the Board of Trustees, along with the CEO and the senior leadership team, would work closely with any Academy or Academies concerned and those involved in their governance who would be expected to promptly implement any advice or recommendations made by the Board of Trustees and the senior leadership team.

The Board of Trustees reserves the right to review or remove any power or responsibility which it has delegated, in particular, in circumstances where serious concerns in the running of an Academy or Academies are identified (either internally within the Academy Trust or by a third party), including where:

- there are concerns about financial matters;
- insufficient progress is being made against educational targets (including where intervention by the Secretary of State is being considered or carried out);
- there has been a breakdown in the way the Academy is managed or governed;
- the safety of pupils or staff is threatened, including a breakdown of discipline; or
- the Board of Trustees considers such removal of power or responsibility appropriate in all of the circumstances.

The delegated budget

In line with their duties and responsibilities as trustees and directors and irrespective of the delegations set out in the Scheme of Delegation and the Decision-Making Matrix, the Board of



Trustees shall be entitled to determine that a proportion of the budget in respect of the Academy be held centrally for the following reasons:

- to be allocated to the provision of central services received by the Academy;
- in pursuance of the Academy Trust's reserve policy; and / or
- as otherwise may be determined by the Board acting reasonably and in the best interests of the Academy Trust.

12 Alterations

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

13 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 Chair of the Trustees of the Academy Trust or the Chair 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 26th September 2018 and take effect from 1st October 2018.

Date of next review: September 2019



Appendix 1 Local Governor declaration

The Trustees
[• address]

[• 00 month year]

Dear Sirs

Royal Wootton Bassett Academy Trust - appointment as a Local Governor

I confirm that I wish to be a Local Governor in respect of Royal Wootton Bassett Trust 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 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



The Reserved Matters are:

Members

(subject to such other consents / requirements as might be required by law or the Funding Agreement)

- 1 To change the name of the Academy Trust
- 2 To change the Objects (which would require Charity Commission and Secretary of State consent in any event)
- 3 To change the structure of the Board of Trustees
- 4 To amend the Articles of Association
- 5 To amend this Scheme
- 6 To pass a resolution to wind up an Academy or the Academy Trust
- 7 To appoint the auditors (save to the extent that the Trustees may make a casual appointment)

Trustees - (subject to such other consents / requirements as might be required by law or the Funding Agreement)

- 8 To change the name of the Academies
- 9 To determine the educational character, mission or ethos of the Academies
- 10 To adopt or alter the constitution and terms of reference of any committee of the Board of Trustees
- 11 To terminate a supplemental funding agreement for an Academy
- 12 To establish a trading company
- 13 To sell, purchase, mortgage or charge any land in which the Academy Trust has an interest
- 14 To approve the annual estimates of income and expenditure (budgets) and major projects
- 15 To appoint investment advisors
- 16 To sign off the annual accounts
- 17 To appoint or dismiss the Chief Financial Officer, the Chief Executive Officer, the Heads, the Company Secretary or the Clerk to the Trustees
- 18 To settle the division of executive responsibilities between the Trustees on the one hand and Chief Executive Officer, the Headteacher and the Chief Financial Officer on the other hand, and to settle the division of executive responsibilities between those individuals

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- 19 To do any other act which the Funding Agreement expressly reserves to the Board of Trustees or to another body (including for the avoidance of doubt, terminating the Funding Agreement or any part of it)
- 20 To do any other act which the Articles expressly reserve to the Board of Trustees or to another body
- 21 To do any other act which the Board of Trustees determine to be a Reserved Matter from time to time

Appendix 3 Clerk to the Local Governing Body – Job Role

 <p>ROYAL WOOTTON BASSETT ACADEMY TRUST</p>		
JOB DESCRIPTION		
Job Title: Clerk to the Local Governing Body	Level/ Scale: TBC	Date Pre- pared: April 2018
Role reports to: Chair of the LGB		
Job Purpose: To support the LGB in the efficient and effective delivery of the RWBAT commitment, strategic aims and corporate plan. To uphold the Trust’s values, to ensure the LGB is operated in a way that conforms to the Instruments and Articles of Governance and the highest standards of probity in public life, and to provide effective administrative support to the Governors of the LGB.		
HOURS:	5 hours per week The hours of work for this role are not fixed due to the nature of the post. Therefore, the postholder must be flexible in their approach and be able: <ul style="list-style-type: none"> • To attend evening meetings • To attend ad hoc panel meetings • To visit the school if necessary to carry out admin duties • To work at home on their own initiative to meet deadlines 	
Key Accountabilities: <ul style="list-style-type: none"> • Advise the LGB on governance legislation and procedural issues in accordance with the Governors Handbook and other statutory and good practice guidance. Advise on the scheme of delegation and terms of reference of the LGB. Advise the Governing Board on procedural and legal issues and on where to obtain advice/information on legal/policy issues to ensure the board meets its statutory duties. • Contribute to the production of an LGB year planner, which includes an annual calendar of meetings and the cycle of agenda items for meetings of the LGB. To develop and maintain a timetable of regular papers to be considered by each committee, to include consideration of the SEF and SDP. • To clerk LGB meetings, including any sub-committees. 		

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- To clerk other ad hoc meetings (e.g. disciplinary and internal appeal panels) as may be required during the year.
- Liaise with the Chair of the LGB and agree the agenda for each committee meeting at least 2 weeks before the meeting date.
- To give proper notice of the meeting by emailing (utilising Governor Hub); the agenda, minutes of the last meeting, and any other papers at least 7 days before the meeting.
- To be responsible for taking the minutes of all LGB committee meetings and to circulate a draft set of minutes and actions for comments within one week of the meeting being held. Deal with confidential minutes in the approved manner.
- To keep a record of Governors' attendance at all meetings, to monitor that a meeting remains quorate (notifying the meeting Chair if a meeting ever becomes non-quorate). To notify the Chair of the LGB of any likely disqualifications because of consistent non-attendance.
- Keep an up to date list of Governors, their terms of office, DBS status, vacancies and a list of committee membership. Ensure that all new Governors complete the necessary forms to enable an enhanced DBS check to be carried out within 21 days of their appointment.
- Ensure notes of any visits by Governors to schools are circulated with papers for LGB meetings.
- Maintain a central inspection file of signed minutes and papers for LGB Committee Meetings.
- Be responsible for ensuring that the Governor information on the school's website remains up to date and that the relevant member of staff is emailed with such changes as may be required from time to time.
- Maintain a record of Governors' training, both undertaken individually and as a full Board. Ensure all new Governors receive suitable induction training and are assigned a mentor.
- Ensure the Register of Pecuniary Interests is checked and updated every autumn term.
- Ensure that Trust wide statutory policies are in place and that a file is kept of any local school policies and other school documents approved by the LGB.
- Be responsible for the prompt circulation of updates from the Local Authority and Governor Support.
- Ensure the terms of reference for the LGB are approved annually.
- Manage any elections for Chair and Vice-Chair for the LGB and ensure they are approved by the Trust Board.



- Keep under review the terms of office for all Governors and prompt the Chair and Headteacher 3 months in advance of a term of office coming to an end.
- Receive notification of any Governor resignations from the LGB.
- Maintain records of LGB correspondence.
- Act as a main point of contact for the LGB, including for such items as Governor nominations, notice of admission and exclusion appeals etc.
- Undertake personal development through training and other learning activities as required.
- Be aware of and comply with school policies and procedures relating to child protection, health, safety, security, confidentiality and data protection. Report all concerns to the appropriate person e.g. Chair and / or Headteacher.

To keep in regular contact with the Chair of the LGB and to assist with any other tasks in relation to the governance of the school as may be required.

RWBAT is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

The postholder may be required of perform duties other than those given in the job description for the post. The particular duties and responsibilities attached to posts may vary from time to time without changing the general character of the duties or the level of responsibility entailed. Such variations are a common occurrence and would not of themselves justify the re-evaluation of a post. In cases, however, where a permanent and substantial change in the duties and responsibilities of a post occurs, consistent with a higher level of responsibility, then the post would be eligible for re-evaluation. (Officers temporarily undertaking additional duties are covered by NJC Conditions of Service, Section Three Paragraph 35).

Known future changes to the Job:

None

Job Scope: No & type of jobs Managed:

The post holder has no direct line management responsibilities

Typical tasks supervised/allocated to others:
N/A

Budget: The post holder has no budget management responsibility

Assets: The post holder is not accountable for any physical assets

Knowledge & Experience:

Educated to at least NVQ level 3 – or equivalent

1. A high standard of written communication. Capable of minuting discussions effectively, accurately and appropriately, given the sometimes-sensitive subject matter
2. Effective personal organisational and good time management skills; with the ability to meet statutory deadlines in good time
3. Able to manage conflicting work pressures and organise priorities
4. A high standard of verbal communication, and the confidence to input into Board and other meetings when it is procedurally appropriate to do so
5. A high level of personal responsibility and confidentiality
6. A good record keeper
7. An effective team player
8. Fully conversant with IT and competent user of word processing, email, spreadsheet and applications

Desirable:

1. Previous experience of acting as a clerk to a governing body
2. Knowledge or previous experience of education legislation, guidance and legal requirements

Decision Making:

Determining content and structure of governing body meeting agendas to ensure focused effective meetings

Determining whether items of correspondence should be distributed to other members of the governing body and if so to whom, to ensure all relevant information is disseminated to appropriate individuals

Determining whether the governing body is acting within a legal framework to ensure governors are meeting statutory duties and compliant with the law

Contacts and Relationships within the LA

- Verbal and written communication with members of the governor support team regarding governing body membership and appointment of governors, clarification of policy/legal issues and booking training courses.

Contacts and Relationships with the MAT

- Governors
- Headteachers and Senior Leaders
- Trust Clerk
- Other LGB Clerks within the Trust



The post holder is empowered and expected to identify service improvements within all areas of their work, in consultation with their governing board, to ensure efficient working practices.

In accordance with the provisions of the Data Protection Act 1998 and GDPR 2018 job-holders should take reasonable care to ensure that personal data is not disclosed outside the academy's procedures, or use personal data held on others for their own purposes.

In accordance with the provisions of the Freedom of Information Act 2000, ensure requests for non-personal information are dealt with in accordance with the academy's procedures.

In accordance with the provisions of the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999 you must take reasonable care so as not to endanger yourself or other persons whilst at work. You must also co-operate with the academy to enable it to comply with its statutory duties for health & safety.

You must work in accordance with training or instruction given, make proper use of any personal protective equipment provided and inform your manager of any hazardous situations or risks of which you are aware.

You must ensure you undertake responsibilities relating to your position as detailed within the academy's Health & Safety Policy.

Undertaking any other duties that can be accommodated within the grading level of the post.

NOTE:

This job description is intended as a general guide to the duties attached to the post and is not an inflexible specification. It may therefore be altered from time to time to reflect the changing needs of the academy, always in consultation with the postholder

Employee Signature:

Print Name:

Date

Line Manager's Signature

Print Name:

Date: