



## Terms of Reference

### For the Local Governing Body

These terms of reference are drafted and maintained by the trust.

The board of Fulston Manor Academies Trust (FMAT) has established a local governing body for each academy (school) as committees of the trust board. The composition of the committee is determined by the board, subject to the Articles of Association. The trust's Scheme of Delegation document provides further guidance on delegated powers and responsibilities.

In the event that amendments are made, the trust shall notify the chair of each local governing body, who shall be expected to make the other governors aware of such changes.

#### **The Trust and Local Governing Body**

- The trust is a charitable company limited by guarantee. It has entered into a master funding agreement with the Department for Education and so it is the trust that is ultimately responsible to the Department for Education pursuant to the funding agreements.
- The trustees are the charity trustees (within the terms of section 97(1) of the Charities Act 1993) and responsible for the general control and management of the administration of the trust in accordance with the provisions set out in the Articles of Association of the trust.
- The local governing body shall be a committee of the trustees.

#### **Local Governing Body – Governors**

Membership of the local governing body shall be determined in accordance with the following provisions:

- The membership of the local governing body shall be comprised as follows:  
A minimum of 2 elected parent governors, up to 2 staff governors, up to 10 community governors - all appointments shall be subject to approval by the trust.
- The governing body may continue to act notwithstanding a temporary vacancy in its composition provided that there are at all times a minimum of three local governing body members.
- The Headteacher/Head of School is a governor by virtue of their office and continues to serve as a governor until s/he ceases to be the Headteacher/Head of School.

#### **Governors' Term of Office**

- Any governor shall hold and vacate office in accordance with the terms of his/her appointment but (except in the case of the Headteacher/Head of School) the length of his/her term of office shall not exceed four years.

## **Resignation & Removal of Governors**

- A governor may at any time resign his/her office by giving notice in writing to the board's Governance Professional.
- The trustees may terminate the appointment of any governor whose presence or conduct is deemed by the trustees not to be in the best interests of the trust or the school(s) that fall under the jurisdiction of the local governing body.
- Any staff member shall automatically cease to hold office if he/she ceases to be employed at the school(s)/trust. However, a parent governor shall not automatically cease to hold office solely by reason of the child (of whom that parent governor is a parent or carer) ceasing to be a pupil at the academy.

## **Persons ineligible to be Governors**

- No person shall be qualified to be a governor unless he/she is aged 18 or over at the date of his election or appointment. No current pupil of the school(s)(s) under the jurisdiction of the local governing body shall be a governor.
- A governor shall cease to hold office if a resolution calling for his/her removal is approved by the trust board.
- A governor shall cease to hold office if he/she is absent without the permission of the governors from all their meetings held within a period of six months - trustees will need to approve any decision made in this respect.
- A governor shall cease to hold office if he/she would be disqualified from acting as a charity trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).
- A person shall be disqualified from holding or continuing to hold office as a governor:
  - If his/her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced.
  - If he/she is the subject of a bankruptcy restrictions order or an interim order.
  - If at any time when he/she is 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.
  - If at any time he/she is disqualified from working with children under section 28, 29, 29A and 29B of the Criminal Justice and Court Services Act 2000
  - If he/she is a person in respect of whom a direction has been made under section 142 of the Education Act 2002.
  - Where he/she 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.
  - If he/she has not complied with the trust's DBS policies. Governors are required to be familiar with the DBS policies and must act in compliance with them.
- Where a person becomes disqualified from holding or continuing to hold office as a governor and he/she is, or is proposed, to become such a governor, he/she shall upon becoming so disqualified give written notice of that fact to the board's Governance Professional.

### **Appointment of Chair and Vice Chair of**

- The Chair and Vice-Chair of the local governing body shall be appointed at the start of each academic year.

### **Responsibilities of Governors**

- The role of governors is to carry the trust's vision, policies and priorities forward, based on the specific qualities and community characteristics of each School(s). The governors are expected to question and challenge school(s) leadership and to hold them to account.
- In particular, and subject to the limitations set out above, the trustees delegate the running of the school(s) to the local governing body and specifically the following duties:
- **Vision and Accountability**
  - To carry forward the trust's vision, in a way appropriate to the specific qualities and community characteristics of the school.
  - Respond to consultation and implement the trust's vision, values, aims, objectives and policies.
  - Respond to consultation and implement the trust's development, education improvement and staff development plan.
  - Implementation of actions required to comply with statutory regulations and the funding agreements.
  - Implementation of the trust policies.
  - Holding school(s) leadership to account for academic performance, quality of care and quality of provision.
  - Monitor the quality of teaching.
  - Monitor pupil achievement.
  - Monitor pupil behaviour.
  - Consider reinstatement of a pupil following exclusion.
  - Monitor safeguarding.
- **Finances and Assets**
  - Monitoring and reviewing expenditure on a regular basis and ensuring compliance with the overall financial plan for the school.
  - Maintenance of putting in place appropriate arrangements for the maintenance of the school's estate in accordance with the guidelines established by the trust.
  - Monitor the impact of pupil premium spending.
- **School budget**
  - The School budget to be reviewed and submitted to the trustees for approval and, for the avoidance of doubt, the school budget shall not be effective until such times as it has been approved by the trustees.
- Each governor shall act in the best interests of the trust and school(s) at all times.
- The governors must keep confidential all information of a confidential nature obtained by them relating to the academy and the trust.
- The trustees reserve the right to withdraw delegated powers from the local governing body and disband it at any time.
- Each governor shall also be required to carry out training to ensure their skills and knowledge are up to date at least once per year.

- Each governor shall also be required to take part in regular self-review and is accountable for meeting his or her own training and development needs. It is a governor's responsibility to consider if, and raise any concerns where, he or she feels that appropriate training and development is not being provided.

#### **Meetings of the Local Governing Body**

- The local governing body shall meet at least once in every term and shall hold such other meetings as may be necessary.
- All meetings shall be convened by the Governance Professional, 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.

#### **Quorum for Governors' Meetings**

- Meetings of the local governing body shall be quorate if three governors are present.

#### **Conflicts of Interest**

- All governors shall complete a declaration of interests form on joining the local governing body and at the start of each academic year.
- 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/her duties as a governor shall disclose that fact to the governors as soon as he/she becomes aware of it and notify the chair at the start of any meeting where that conflict relates to an agenda item. A governor must absent himself/herself from any discussions of the governors in which it is possible that a conflict will arise between his/her duty to act solely in the interests of the school(s) and any duty or personal interest (including but not limited to any personal financial interest).

All governors shall sign a Code of Conduct on joining the local governing body and at the start of each academic year.

This document shall be subject to review at least once every twelve months. The board of trustees has overall responsibility for this Terms of Reference, which is reviewed annually, or sooner if required by the chair and the trust board.