

## Policy Statements and Procedures

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# TERMS OF REFERENCE

## Local Advisory (Governing) Bodies

Following consultation with the Department for Education ("The DfE"), The Rosedale Hewens Academy Trust ("The Trust") agreed the composition, membership and arrangements for the recruitment and appointment of governors, together with a structure and Terms of Reference for each Local Advisory (Governing) Bodies ("The LAB").

These Terms of Reference are based on the principles set out in the Memorandum and Articles of Association ("The Articles") and seek to maximise delegation of responsibility to each LAB and its respective Headteacher (Primary) or Principal (Secondary) regarding the day-to-day operation of the School (Primary) or College (Secondary), with the Academy Board ("The Board") making decisions on matters which affect all School and Colleges within the Trust.

Each LAB must ensure that its own local governing arrangements do not conflict with the policy and procedures of the Trust and, in particular, be mindful of the legal and statutory requirements which the Trust must discharge.

### Composition and membership of the LAB

Schools and Colleges are required to recruit governors according to the composition and membership set out in the Articles; the underlying principle being to recruit two governors from each of the main stakeholder groups with a minimum membership of six. The LAB must seek to appoint two members of staff, two parents, and two members of the local community who have the necessary skills to make a significant contribution. Beyond this, there is scope to appoint associate governors, particularly if wider membership is required to deal with specific issues. In circumstances where sub-committees, working groups or task groups are required, the LAB must scope the responsibilities involved, ensuring that the duties described in the Terms of Reference are properly discharged. Each LAB may establish ad-hoc sub-committees as it sees fit, except in matters relating to the performance or conduct of the Headteacher or Principal and any other complaints. In these situations, each LAB will adopt ad-hoc hearing and sub-committee procedures, as described in other policy documents.

### Accountability and responsibilities

Each LAB is accountable to the Board and must monitor the effectiveness of policy and procedures into practice at School/College level by holding the Headteacher or Principal to account. The main focus for each LAB concerns ethos and educational provision, together with an overview of the progress and standards achieved by individuals and groups of learners, their welfare, safety and wellbeing. The LAB will play an active part in procurement and human resource matters, by liaising closely with the Trust including premises and maintenance issues; the level of delegation being determined by the readiness of the LAB to discharge these responsibilities effectively.

In some of our smaller settings, it is simply more practical for the whole membership to address the responsibilities of the LAB. Even so each LAB will need to consider the benefits of developing a sub-committee structure if required; an approach which is consistent with the wider principle of distributed leadership. The benefit of the latter is that every governor will have the opportunity to chair a sub-committee, whilst at the same time, providing the means for other members of the senior leadership team to gain committee experience. Above all else, this structure encourages close relationships to be forged between the senior leadership team and the governing body, enhancing the leadership and management capacity at School/College level.



Whatever structure is chosen, it is essential that the Board is completely satisfied that the Terms of Reference of each LAB are fully met; requiring at least one meeting per term, preferably scheduled in the week preceding half term. This ensures that the Board is well placed to scrutinise the work of each LAB during Governance Days, all of which are calendared with this cycle in mind.

### **The purpose of the LAB**

The role of the LAB is to provide additional leadership capacity on behalf of the Trust in the running of an individual School or College, presenting information at Board meetings concerning the operation and performance of the School/College for which responsibility is held. By working in partnership with the Headteacher/Principal, staff, and members of the Board, each LAB can respond to challenge and source the necessary support to secure ongoing improvement.

Working in concert with its respective Headteacher or Principal, each LAB has full delegated responsibility for the day-to-day operational leadership and management of its School or College; setting improvement priorities, based upon robust self-evaluation procedures. In addition, each LAB has an important part to play in the overall development of policy, procedures and practice across the Trust, contributing to joint working between the Schools and Colleges sponsored by the Trust. Each School and College can expect to contribute to Continuing Professional Development and other training, working in collaboration with all other stakeholders in securing ongoing success.

In line with the overall vision, strategy, ethos, and policy framework of the Trust, each LAB will:

- Support its Headteacher or Principal in setting high standards by planning for the future; setting priorities and agreeing targets for improvement; closely monitoring and evaluating the performance of its respective School or College;
- Act as a 'critical friend', holding leaders to account for the pace of improvement by focusing on the progress and achievement of all learners;
- Promote and maintain high standards of conduct by capturing the values which underpin all Schools and Colleges sponsored by the Trust;
- Ensure sound management and administration of School or College business, working with the Trust to ensure full compliance in all matters, particularly guaranteeing that all staff have the appropriate clearance, qualifications, skills, experience and training to carry out their assigned duties;
- Ensure compliance with the policies, procedures and routines in financial matters delegated to the LAB, being mindful that the Trust must meet all statutory and regulatory requirements.
- Promote the School or College by communicating effectively with families and also the wider community;
- Ensure that all governors acquire the skills necessary to understand and interpret performance, attendance, admissions and exclusions data; benchmarking this information against local and national trends.

### **Duties and compliance**

Each LAB must recognise the benefits which accrue when working as part of a wider Trust given the capacity and synergy this provides in support of the mission, strategy and long-term development of each School or College; always in line with the over-arching vision. With this in mind, each LAB is responsible for agreeing objectives, targets and key performance indicators with the Board; ensuring that a Raising of Achievement Strategic Plan ("The RASP") is produced annually and acted upon. The Board requires each LAB to provide the necessary data and factual information to evidence progress towards these goals. Each LAB must report on progress by uploading minutes and standardised data to Trust Governor, where it can be scrutinised in advance of Board meetings.

The Chair of each LAB, together with the Headteacher or Principal concerned, are responsible for presenting this standardised data at termly Board meetings; providing the opportunity members to scrutinise and drill down on the information provided; pursuing lines of enquiry in terms of performance. The Board will make comparisons between the performance of its Primary Schools and also its Secondary Colleges, agreeing any future actions; sign-posting good practice which can be found elsewhere in the Trust. Each LAB will monitor the implementation of Trust-wide policies and procedures, giving feedback about their effectiveness; making any recommendations for further improvements. In all cases, the Board will need to understand the impact of policy in terms of performance.

Beyond this, each LAB must fulfil its constitutional obligations in the key areas listed below:



- Make arrangements for the election/appointment of parent and staff governors; appoint these governors in line with the Trust's arrangements and procedures;
- Make arrangements for recruiting and appointing "associate governors" if required;
- Appoint the Chair of the LAB;
- Appoint the Vice-Chair of the LAB annually;
- Appoint a clerk and implement clerking arrangements in line with the Trust's requirements;
- Establish standing and ad-hoc sub-committees; appoint the chairs of the sub-committees;
- Delegate functions of the LAB to sub-committees, groups, and individuals;
- Hold at least three LAB meetings each year plus at least three meetings of any standing sub-committees deemed necessary;
- Carry out and report on all duties and responsibilities delegated to the LAB by the Board. Ensure the School/College complies with legal and statutory requirements;
- Appoint governors with specific responsibilities for example, for special educational needs and disability (SEND) and in line with any statutory requirement;
- Maintain and publish, through the clerk, a register of governors' and senior members of staff's business interests and adhere to procedures for registering and managing conflicts of interest;
- Receive reports and recommendations from any sub-committee, group, or individual to whom an action or decision has been delegated to agree the recommendation, ratify the decision, or consider whether any further action by the LAB is necessary;
- Publish papers, minutes of meetings of the LAB and its sub-committees in line with the Trusts' arrangements;
- Review and report to the Board on the effectiveness of delegation arrangements annually;
- Advise the Board of any concerns about the running of the School/College which cannot be resolved by the LAB, including any suspicion of irregular practice, dishonesty or fraud.

## **Membership**

The list of current governors can be found on the School or College website. New/replacement governors will be appointed/elected in line with Trust policy and procedures. The LAB may recruit and appoint, as it sees fit, 'associate governors' to provide specialist advice to the LAB and/or a sub-committee if required: "associate governors" may not vote. The Academy Board will appoint the Chair of each LAB annually, following consultation with the LAB. The Chair of the LAB will invite nominations for Vice-Chair and Chairs of sub-committees annually.

## **Term of office**

The term of office for each governor is for a minimum two years, or any such time as determined by the Trustees, with the Headteacher or Principal having the option of ex-officio status as long as s/he is in post. Governors can be re-elected and associate governors re-appointed annually.

## **Organisation**

The Terms of Reference, constitution and membership of the LAB will be reviewed annually. There must be a quorum of more than 50% of governors eligible to vote to pass a motion. Each governor who is eligible, has one vote only. The Chair of the LAB has a casting vote.

## **Professional advisers to the LAB**

The Headteacher or Principal of the School or College, together with the Chief Executive of the Trust, and any other Executive and Principal Officers with Trust-wide responsibilities, have the right to attend all meetings, offering professional advice as appropriate.

## **Responsibilities delegated to the Headteacher/Principal**

The Schedule of Delegation attached to this policy clearly specifies the powers and duties assigned to each individual or group with leadership and management responsibilities. In exercising these delegated powers, the individual or group must be mindful of Trust wide policies.



# SCHEDULE OF DELEGATION

This schedule is based on early guidance from the DfE and covers all known regulatory requirements. It is a summary of the functions delegated to individuals and groups at different levels of governance and may be subject to change.

GOVERNANCE AND LEADERSHIP FUNCTIONS			Decision Level			
			ACADEMY BOARD	LOCAL ADVISORY BODY	CHIEF EXECUTIVE OR OTHER NAMED DIRECTOR	HEADTEACHER/PRINCIPAL
Key Function	No	Tasks	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Budgets	1	To approve the first formal budget plan each financial year	✓			
	2	To monitor quarterly expenditure	✓		✓	
	3	To establish a charging and remissions policy	✓			
	4	Miscellaneous financial decisions			✓	✓
	5	To allocate funds, monitor expenditure and evaluate impact in respect of specific grants	✓	✓		✓
	6	To make payments within agreed financial limits	✓	✓	✓	✓
Staffing Curriculum	7	Chief Executive/Headteacher/Principal appointments (selection panel)	✓			
	8	Vice Principal/Deputy appointments (selection panel)	✓			
	9	Appoint other teachers		✓	✓	✓
	10	Appoint non-teaching staff	✓	✓	✓	✓
	11	Agree a pay policy	✓			
	12	Pay discretions			✓	
	13	Establishing disciplinary/capability procedures	✓			
	14	Dismissal of Chief Executive*/Headteacher/Principal	✓*			
	15	Dismissal of other staff			✓	✓
	16	Suspending Chief Executive*/Headteacher/Principal	✓*		✓	
	17	Suspending other staff (except Headteacher/Principal)			✓	✓
	18	Ending suspension (Chief Executive*/Headteacher/Principal)	✓*		✓	
	19	Ending suspension (except Headteacher/Principal)			✓	
	20	Determining staff complement	✓	✓	✓	
	21	In voluntary and foundation schools to agree whether or not the Chief Education Officer/diocesan authority should have advisory rights				
	22	Determining dismissal payments/early retirement	✓		✓	
	23	Ensure National Curriculum (NC) taught to all students/pupils and to consider any disapplication for students/pupils		✓		✓
	24	To establish a curriculum policy	✓		✓	✓
	25	To implement curriculum policy		✓		✓
	26	To agree or reject and monitor curriculum policy	✓		✓	
	27	Responsible for standards of teaching		✓		✓
	28	To decide which subject options should be taught having regard to resources, and implement provision for flexibility in the curriculum (including activities outside school day)			✓	✓
	29	Responsibility for individual child's education				✓
	30	Provision of sex education; establish and keep up to date a written policy		✓		✓
	31	To prohibit political indoctrination and ensuring the balanced treatment of political issues			✓	✓
	32	To establish a charging and remissions policy for activities (non-NC based)	✓		✓	
Performance Management	33	To formulate a performance management policy	✓		✓	
	34	To establish a performance management policy			✓	
	35	To implement the performance management policy				✓
	36	To review annually the performance management policy	✓		✓	
Target Setting	37	To set and publish targets for student/pupil achievement		✓		✓
Discipline/ Exclusions	38	To establish a discipline policy	✓			
	39	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions and fixed-term exclusions where the learner is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to Chair/Vice-Chair in cases of urgency)	✓	✓		
	40	To direct reinstatement of excluded students (Can be delegated to Chair/Vice-Chair in cases of urgency)	✓			



Key Function	No	Tasks	LEVEL	LEVEL	LEVEL	LEVEL
			1	2	3	4
Admissions	41	To consult annually before setting an admissions policy	✓			
	42	To consult annually before setting an admissions policy (VA and Foundation schools)				
	43	To establish an admissions policy	✓			
	44	Admissions: application decisions	✓			
	45	Admissions: application decisions (VA, Foundation and special schools)				
	46	To appeal against LA directions to admit student(s)/pupil(s)		✓		
Religious Education	47	Responsibility for ensuring provision of RE in line with school's basic curriculum (all schools) NB. This must fall into line with locally agreed syllabus		✓		✓
	48	Decision to revert to previous RE syllabus (Foundation Schools except VA of religious character)	✓			
	49	Decision to provide RE according to Trust deed/specified denomination in VA schools with religious character (Foundation and VC schools of religious character at request of parents)				
	50	Decision to provide RE in line with locally agreed syllabus (VA schools – only if parents request it. All other schools not covered in 49 above)				
Collective Worship	51	In all maintained schools to ensure that all students/pupils take part in a daily act of collective worship (after consulting GB)				✓
	52	To make application to the advisory councils, SACRE, concerning the requirements for collective worship (schools without a religious character) to disapply (after consulting GB)				✓
	53	Arrangements for collective worship (schools without religious character (after consulting the Academy Board)				✓
	54	Arrangements for collective worship in Foundation schools of religious character, VC or VA schools (after consulting head)				
Premises and Insurance	55	Buildings insurance and personal liability	✓			
	56	Developing school buildings strategy or master plan and contributing as required to Asset Management Planning arrangements	✓			
	57	Procuring and maintaining buildings, including developing properly funded maintenance plan	✓			
Health and Safety	58	To institute a health and safety policy	✓			
	59	To ensure that health and safety regulations are followed		✓		✓
School Organisation	60	To publish proposals to change category of school	✓			
	61	Proposal to alter or discontinue voluntary foundation or foundation special school				
	62	To set the times of school sessions and the dates of school terms and holidays	✓		✓	
	63	To ensure that the school meets for 380 sessions in a school year			✓	✓
	64	To ensure that school lunch nutritional standards are met as required by the Academy Board.			✓	✓
Information for Parents	65	To prepare and publish the school prospectus		✓	✓	✓
	66	To prepare and publish the school profile		✓		✓
	67	To ensure provision of free school meals to those students/pupils meeting the criteria		✓		✓
	68	Adoption and review of home-school agreements			✓	
Governance Procedures	69	To draw up instrument of government and any amendments thereafter	✓			
	70	To appoint (and remove) the Chair and Vice-Chair of a permanent or a temporary Local Advisory Group	✓			
	71	To appoint and dismiss the clerk to the Academy Board	✓			
	72	To hold a full Academy Board meeting at least three times in a school year or a meeting of an interim body as often may required	✓			
	73	To appoint and remove community or sponsor governors.	✓			
	74	To set up a Register of Business and other Pecuniary Interests	✓			
	75	To approve and set up a Directors'/Governors' Expenses Scheme	✓			
	76	To discharge duties in respect of students/pupils with special needs by appointing a 'responsible person	✓		✓	
	77	To consider whether or not to exercise delegation of functions to individuals or committees	✓			
	78	To regulate governance procedures (where not set out in law)	✓			
Federations	79	To consider forming a federation or joining an existing federation	✓			
	80	To consider requests from other schools to join the federation	✓			
	81	To leave a federation	✓			
Extended Schools	82#	To decide to offer additional activities and to what form these should take	✓		✓	
	83	To put into place the additional services provided			✓	✓
	84	To ensure delivery of services provided				✓
	85#	To cease providing extended school provision	✓			

The Academy Trust (Company no. 7683702) as a whole remains responsible for all actions taken within its jurisdiction as a legal entity even in circumstances where functions and decisions have been delegated to groups or individuals.

# Although these tasks are open to delegation under the Education (School Government) (Terms of Reference) (England) Regulations 2000, the expectation would be that these decisions would be undertaken by the full Governing Body.