



# TERMS OF REFERENCE FOR LOCAL GOVERNING BODIES

ADOPTED BY THE TRUST ON 7 February 2018

## 1 INTRODUCTION

- 1.1 The Trust is a company limited by guarantee (No. 07791933) and an exempt charity regulated by the Education and Skills Funding Agency (ESFA).
- 1.2 It was established by a Memorandum of Association dated 22<sup>nd</sup> September 2011 with the sole objective of advancing public benefit education in the UK, primarily by maintaining schools offering a broad and balanced curriculum which includes provision for obtaining employability skills through project based learning.
- 1.3 The Trust was initially established as a single Academy Trust and became a Multi-Academy Trust in September 2013. In 2017, the Trust changed its name to become the Hart Schools Trust and adopted a revised Memorandum and Articles of Association.
- 1.4 The Trust is sponsored by the Hart Learning Group<sup>1</sup>.

### THE TRUST BOARD

- 1.5 The Board of the Trust is responsible for providing overall strategic direction to the schools under its care, ensuring that resources are allocated in line with that strategy and in accordance with the Department for Education's funding agreements, monitoring financial and educational performance and appointing and appraising the Head teacher of each Academy. It also takes decisions where consistency across all the Academies within the Trust is important.
- 1.6 The Trust's Articles of Association permit it to establish Local Governing Bodies for each of its Academies, to set their terms of reference and to appoint their members ("governors"). This document sets out the details of those processes and is reviewed periodically by the Trust Board.

## 2 LOCAL GOVERNING BODIES

- 2.1 Local Governing Bodies are charged with:
  - overseeing the implementation of the agreed policies and strategies of the Trust at each of its Academies;
  - strengthening accountability to parents, carers and the wider community; and
  - working with the Head teacher of the Academy to raise achievement, particularly in reviewing the curriculum and teaching and learning.

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<sup>1</sup> The Hart Learning Group is the trading name of North Hertfordshire College Further Education Corporation.

## **RESPONSIBILITIES OF THE LOCAL GOVERNING BODY**

- 2.2 Ensuring that the Academy's strategic development plans are conducted in accordance with the overarching strategic plan as agreed by the Trust.
- 2.3 Recommending the Academy's annual budget to the Trust for its approval each January and regularly reviewing management accounts in order to monitor progress against budget and advise the Trust of any challenges in meeting the required financial out-turn.
- 2.4 Ensuring that all policies of the Trust are implemented at the Academy.
- 2.5 Ensuring that the procedures for recruitment of staff, and the framework of pay and conditions for staff, and rules for the conduct and discipline of staff determined by the Board of the Trust are implemented at the Academy.
- 2.6 Ensuring that procedures determined by the Board of the Trust for admission, suspension or exclusion of students are implemented at the Academy, and to be responsible for hearing any appeals in respect of these matters.

## **TASKS OF GOVERNORS**

- 2.7 Getting to know the Academy: its needs, strengths and areas for development.
- 2.8 Attending meetings of the governing body and other committees or working groups as necessary.
- 2.9 Speaking, acting and voting in the best interests of the Academy as one reasonably perceives them.
- 2.10 Holding the senior leadership team to account and providing challenge.
- 2.11 Respecting all governing body decisions and supporting them in public.
- 2.12 Acting within the framework of the policies of the governing body and legal requirements.

### 3 MEMBERSHIP

3.1 Local Governing Bodies comprise up to 12 governors, appointed by the Board of the Trust as shown below:

<b>Category</b>	<b>Minimum &amp; Maximum Number</b>	<b>Term of Office</b>
Directors of the Trust (Chair of the Local Governing Body)	1 – 2	Coterminous with their term as Director
Persons appointed by the Directors of the Trust for their skills and experience	3 – 5	4 Years for a maximum of 3 terms
Members of the Academy staff elected by the staff of the Academy	1 – 2	4 Years for a maximum of 3 terms
Parents/Carers of students at the Academy elected by the parents/carers of all students on the Academy roll.	2 – 3	4 Years for a maximum of 3 terms
The Head teacher of the Academy for which the Local Governing Body is responsible	1	For the duration of their employment.

3.2 The Local Governing Body shall have the power to co-opt up to two additional members who have specific skills and/or experience that the Local Governing Body considers that it lacks.

3.3 Co-opted members may be appointed for a non-renewable term of up to two years, such service not to count towards any subsequent period of office as a governor.

#### **QUORUM FOR MEETINGS**

3.4 The quorum for meetings of the Local Governing Body is 50% of the current membership which must include one governor who is also a Director of the Trust.

#### **STAFF IN ATTENDANCE**

3.5 Staff of the Trust, any of its schools or of North Hertfordshire College shall attend meetings as required to assist governors with any items of business.

3.6 The Company Secretary of the Trust shall attend all meetings and act as Clerk to the Local Governing Body.

## **OBSERVERS**

- 3.7 The following persons may attend and speak (but not vote) at meetings of the Local Governing Body on the basis indicated.

### *By entitlement:*

- 3.7.1 Any Director of the Trust who is not a governor.

### *By invitation of the Chair:*

- 3.7.2 A student at the Academy who is delegated to provide the Student Voice to the Local Governing Body.
- 3.7.3 The President of the North Hertfordshire College Students Union.
- 3.7.4 Any other person invited by the Chair to be an observer.

## **ELIGIBILITY**

- 3.8 All governors must be -

- 3.8.1 Unpaid for any office or work by any of the Trust's schools or academies or the Trust itself, excluding Head teachers and Staff Governors.
- 3.8.2 Aged 18 or over at the time of his/her election or appointment.
- 3.8.3 Certified by the Disclosure & Barring Service that they have not caused harm, or pose a future risk of harm, to vulnerable groups, including children and have not been disqualified from working with children under any legislation.
- 3.8.4 Eligible to serve as a Charity Trustee under the Charities Act 2011 (which disqualifies persons with convictions for dishonesty or deception, who are subject to insolvency or bankruptcy proceedings, who have been removed from office for misconduct or mismanagement of a charity's affairs, or who have been disqualified to act as a Company Director).

- 3.9 A governor shall resign, or be asked to resign, if he/she -

- 3.9.1 No longer meet the requirements of sections 3.8.3 or 3.8.4 above.
- 3.9.2 Becomes incapable by reason of mental disorder, illness or injury of managing or administering his/her own affairs.
- 3.9.3 Is absent without good reason for two successive meetings of the Local Governing Body and their general attendance and participation is, in the view of the Local Governing Body, unacceptable.
- 3.9.4 Has a conflict of interest between their role as a governor and any other office, employment or financial interest of themselves or a close relative, except where the Local Governing Body agrees that such conflict of interest is specific to a particular matter of business that only requires the governor to withdraw from discussion or voting on that matter.

## **REGISTER OF GOVERNORS' INTERESTS**

- 3.10 The Secretary shall maintain a register of business interests and all governors are required to complete the form annually at the start of the academic year and to advise the Secretary of any subsequent changes.

## **TERMINATION OF MEMBERSHIP**

- 3.11 A governor ceases to be a governor if they resign by giving notice in writing to the Chair of the Local Governing Body or if the Local Governing Body agrees that its Chair should request the Trust to revoke the governor's appointment on any of the grounds described in section 3.9.

## **ATTENDANCE & PARTICIPATION**

- 3.12 Governors are expected to attend all meetings of the Local Governing Body and to participate in other activities to strengthen their understanding of the Academy and their responsibilities, such as curriculum links, Academy events and governor training.

## **4 PROCEEDINGS AT MEETINGS**

- 4.1 The Local Governing Body will meet at least once each term. The dates of meetings shall be set for the following academic year (September – July) at an appropriate meeting.
- 4.2 The agenda for each meeting shall be approved by the Chair and sent to governors at least five working days in advance. A governor may ask for a matter to be included on the agenda of any meeting by notice to the Chairman.
- 4.3 The Governing Body aims to reach decisions by consensus and will not normally require voting on formal resolutions although this may be done at the discretion of the Chair. It is the responsibility of the Clerk to advise the Chair if voting on a formal resolution is required for any item of business.
- 4.4 Should a formal resolution require a decision by voting then the decision shall be determined by a majority of the votes of the governors present. Every governor shall have one vote. Where there is an equal division of votes, the chair of the meeting shall have the casting vote in addition to any other vote he or she may have.
- 4.5 Voting shall be by show of hands.
- 4.6 Governors must declare any personal interest in any item of business, regardless of whether or not this has been previously recorded in the Register of Governors' Interests and, if required by the Chair of the Local Governing body, shall withdraw from the consideration of that matter.

## **5 MINUTES**

- 5.1 The Secretary shall produce minutes for each meeting which shall include:
- 5.1.1 The names of all those present and their status at the meeting;

- 5.1.2 A summary of decisions and agreed actions, noting responsibility and timing for implementation;
  - 5.1.3 A brief narrative of the discussion of each item of business, sufficient to enable any Governor who was not present at the meeting to gain an understanding of the discussion. The narrative should also record the challenges and guidance offered by governors to staff of the Academy.
- 5.2 The Chair will approve the draft minutes for circulation to governors as unadopted minutes at which point they shall also be made available to Directors of the Trust and may be published on the Academy website, except for matters which are deemed (by the Chair) to be confidential because they concern a named individual or are commercially sensitive or for any other reason permitted under the provisions of the Freedom of Information Act 2000. These shall be separately minuted and made available only to governors and Directors of the Trust.
- 5.3 The draft minutes shall be formally adopted at the next meeting of the Local Governing Body and signed by the person chairing that meeting as an accurate record.



## COMPETENCIES REQUIRED OF GOVERNORS:

*All governors should be able to:*

- Attend meetings promptly, regularly, and for the full time and prepare for meetings by reading papers beforehand.
- Understand the respective roles of the Governing Body and the Headteacher, delegate appropriately and promotes effective team working between governors and staff.
- Contribute to decision-making on the basis of evidence and be able to analyse data to do this.
- Act as a critical friend by challenging management constructively and asking probing questions.
- Express their own views clearly and succinctly while listening to and respecting the views of others.
- Be able to work as a member of a team, taking their fair share of work and responsibility for their own learning and development as a governor including attending training.
- Get to know, understand and work within the prescribed regulatory framework.
- Respect confidentiality.

*In addition, governors should bring a good level of knowledge, skills or experience in at least one of the following areas:*

- Development and monitoring of a strategic plan.
- Understanding of financial management and budgeting, and the financial framework in which the Academy operates including its obligations to ensure best value in procurement.
- Understanding of the OFSTED Inspection process (or a similar regulatory regime).
- Understanding of the requirements to ensure safeguarding of students, good levels of health & safety for staff and students, and to support Looked After Children and those with Special Educational Needs.
- Staff development and performance with the ability to support the Academy on matters of pay structure, staff numbers, appointments and dismissals, and performance management.
- Experience of public affairs with an understanding of the Academy's obligations in respect of community cohesion, stakeholder relations and equalities legislation.
- Experience in a specific area of the curriculum, particularly any that may be a speciality of the individual Academy.