

Scheme of Empowerment (Delegation)



Local Governing Committee Terms of Reference

Revisions

0	First Draft	21 Jan 2019
1	Changes prior to Chairs & Clerks meeting	21 Mar 2019
1.1	Following Chairs & Clerks meeting (the change from Version 1 to 1.1 being indicated by highlighted text)	14 May 2019
2.0	Update to incorporate feedback.	6 September 2019
3.0	Update to incorporate feedback.	6 October 2019
4.0	Approved	4 th December 2019
5.0	Minor amendments to the terms of reference – 2.1, 2.2, 5.8, 7.1, 7.2.3, 9.2, typos and revisions from Principal School Leader to Headteacher	15 th July 2020

Introduction

As a charity and company limited by guarantee, The Good Shepherd Trust (GST) is governed by a board of Directors/Trustees (the Board) who have overall accountability and ultimate decision-making authority for all the works of the Trust, including the establishing and running of the individual schools maintained by the Trust.

In order to support the effective operation of the Trust and the Schools, the Board has established a number of committees to which it has delegated certain powers and functions. These terms of reference set out the constitution, membership and proceedings of the Trust's local governing committees (LGCs).

In summary, the Board has established two different types of committee:

- **Main Board committees** which are established to deal with Trust-wide matters which include Education Committee, Resources Committee, Appointments and Remuneration Committee and Risk and Audit Committee.
- **Local Governing Committees**, which are established by the Board to support the effective operation of the Schools. Directors may replace a Local Governing Committee with an Interim Academy Board (IAB) as an alternate committee, in line with the Articles of Association. The make-up of these committees can be changed by the Trust at any time.

Local Governing Bodies outlined under the articles appointed pursuant to Articles of Association of The Good Shepherd Trust will be known in practice within our Trust as Local Governing Committees (LGCs).

The Board will review these Terms of Reference together with the membership of the LGCs at least once every twelve months.

These Terms of Reference may only be amended by the Board. The functions, duties and proceedings of LGCs set out in these Terms of Reference shall also be subject to any regulations made by the Board from time to time.

1 Establishing the Local Governing Committees (LGCs)

The Board has resolved to establish LGCs for its schools each as a separate committee of the Board. An LGC may act in respect of one or more Trust schools.

For schools in need of a high level of support and direction from the Trust, arrangements such as an Interim Academy Board (IAB) or an alternative will be put in place. The functions of these committees will mirror those of the LGCs though its members will – by virtue of their position within the Trust – exercise greater direction than an LGC and be guided and supported by the Trust central team.

2 Membership of the Local Governing Committees (LGCs)

2.1 All LGC members are formally appointed by the Trust, (via a central officer undertaking the administration work) including in circumstances where they are proposed through election by a stakeholder body e.g. staff, parents. The Trust provides the guidance and determines the election and appointment process.

2.2 The membership of the LGC for each school will be as laid out in Appendix 1. This is aside from Community Schools, where Foundation members will be replaced with General members.

2.3 The Directors shall:

2.3.1 Determine all matters relating to an election of parent LGC Members, including any question of whether a person is a parent of a registered pupil at a School. When a vacancy arises, the Headteacher will write to all parents at the School/s (template letter provided) in question seeking parents to nominate themselves for the vacancy. Nominees will be asked to provide a personal statement identifying their skills and suitability for the role. In the event that the number of suitably experienced nominees equals or is less than the number of vacancies on the LGC, the LGC can choose to recommend for appointment by the Board, all interested parties (or any) of those nominated. If there are more nominees than places available, the Headteacher will write to all parents at the School/s in question asking them to vote for their preferred candidate (the process for the election of a parent will be as laid out in the Parent and Staff Election Procedures documents published in the Governors Virtual Office - GVO)

2.4 Staff LGC members will be nominated and appointed in accordance with the process laid out in the Parent and Staff Election Procedures documents stored electronically within the Governors Virtual Office.

2.5 The term of office for any LGC Member shall be four years, save that this time limit shall not apply to a Headteacher. Subject to remaining eligible, any member may put themselves forward for one further term of re-appointment or re-election (as the case may be). No member, aside from the Headteacher shall be appointed for more than two four year terms.

3 Chairs of Local Governing Committees (LGCs)

3.1 The term Chair refers to the person appointed under this paragraph as Chair of the relevant LGC. This appointment is made by Trust Directors, upon recommendation/consultation with the LGC.

3.1.1 The LGC Members may elect a temporary replacement from among the members present at the meeting in the absence of the Chair for a meeting. An absence any longer than a single meeting must be reported to the Trust central team.

4 Authority, remit and responsibilities of the Local Governing Committee (LGC)

- 4.1 Each LGC shall be responsible for the matters as set out in the Scheme of Delegation and below in Appendix 2.
- 4.2 Each LGC is authorised by the Board to:
 - 4.2.1 Carry on any activity authorised by the Scheme of Delegation, Terms of Reference and Work Plan
 - 4.2.2 Seek any appropriate information that it properly requires to carry out its role from any member of the Trust central team and all central team members will be directed to cooperate with any request made.
- 4.3 The establishment of any new committees other than ad hoc working groups required to deal with specific issues or projects, must be agreed in advance with the Trust CEO.

5 Proceedings of Local Governing Committee (LGC) meetings

- 5.1 The LGC will meet as often as is necessary to fulfil their responsibilities. This may vary dependent upon the size, position and context of the school. Advice should be sought from the Trust central team on any changes to existing arrangements, as identified within the Work Plan.
- 5.2 Meetings attended by 50% or more current members of the committee shall go ahead. Where fewer than 50% members attend, the Chair may determine whether the number of members attending a meeting is sufficient for the committee usefully to discharge its responsibilities. Decisions would need to be ratified at a future meeting with more than 50% attendance.
- 5.3 GST will appoint Clerks for LGCs.
- 5.4 Any resolution at a meeting of a LGC must be determined by a majority of the votes of the members contributing to the meeting (in person or via electronic means) and able to vote on the matter.
- 5.5 Each committee member present in person shall be entitled to one vote.
- 5.6 Where there is an equal division of votes the Chair shall have a casting vote.
- 5.7 A register of attendance shall be kept for each committee meeting and published annually on the relevant School's website, before the start of the new academic year.
- 5.8 LGCs may invite attendance at meetings from persons who are not members to assist or advise on a particular matter or range of issues. Any senior employee of the Trust or Director may also attend and speak at LGC meetings. These people attending do not have any voting rights. The Trust does not permit 'open' LGC meetings to take place i.e. parents or members of the public being in attendance at LGC meetings. The School is able to establish alternate means of gathering parent and community feedback and participation e.g. Parent Forum.
- 5.9 References to the "Chair" shall in the absence of the Chair be deemed to be references to the Chair of the relevant committee meeting.

6 Conduct of Local Governing Committee (LGC) members

- 6.1 All committee members shall observe at all times the provisions of the Code of Conduct and the seven principles of public life. The Trust Board reserves the right to remove any LGC member prior to their term of office for a breach of the Code of Conduct and/or Trust policy and procedures, or if they become disqualified (see 8)

7 Local Governing Committee (LGC) Members' Interests

- 7.1 LGC members are required to declare any business or other related interests in any item being discussed at a meeting. The register of interests must be available at all meetings and consulted whenever a decision is being made. It must also be published on the school website and reviewed at every LGC meeting.
- 7.2 Each committee member, if present at a meeting, must disclose their interest, withdraw from the meeting and not vote on a matter if:
- 7.2.1 there may be a conflict between their interests and the interests of any of the Schools or the Trust;
- 7.2.2 there is reasonable doubt about their ability to act impartially in relation to a matter where a fair hearing is required; or
- 7.2.3 they have a personal interest (this is where they and/or a close relative or friend will be directly affected by the decision of the committee in relation to that matter) in a matter.

8 Disqualification and Removal of Committee Members

- 8.1 A person shall be ineligible for appointment to a LGC and, if already appointed, shall immediately cease to be a member if the relevant individual:
- 8.1.1 is or becomes disqualified from holding office under the Trust's Articles of Association;
- 8.1.2 is or becomes disqualified from holding office as a governor of an educational establishment;
- 8.1.3 is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
- 8.1.4 is barred from any regulated activity relating to children;
- 8.1.5 is or becomes bankrupt or makes any arrangement or composition with his/her creditors generally; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
- 8.1.6 is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed or any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974);
- 8.1.7 has been fined for causing a nuisance or disturbance on school/school premises during the 5 years prior to or since appointment or election as a Committee member;

- 8.1.8 refuses to an application being made to the Disclosure and Barring Services (DBS) for a criminal records check and Section 128 check;
- 8.1.9 commits a serious breach of the Trust's Code of Conduct, policies, confidentiality or any standing order or protocol implemented by the Board, as determined by the Trust;
- 8.1.10 is absent without the permission of the committee from all their meetings held within a period of six months;
- 8.1.11 resigns his/her office by notice in writing to the relevant Chair;
- 8.1.12 in the case of a Headteacher, they cease to be the Headteacher;
- 8.1.13 their term of office expires and they are not re-appointed.
- 8.2 The Directors shall have the right at their sole discretion to remove or suspend (on such terms as they see fit) any committee member by written notice to the member and the relevant Chair and Clerk.
- 8.3 The suspension from employment duties of any committee member who is an employee of the Trust shall have the effect of suspending their membership of the committee.
- 8.4 Any committee member who is subject to a banning order issued by the Headteacher shall be deemed to be suspended from the committee for the duration of the ban.
- 8.5 The CEO may suspend an LGC member where it is necessary to undertake an investigation into any alleged breach of the Code of Conduct, Trust policy or confidentiality.

9 Local Governing Committee (LGC) Reporting Procedures

- 9.1 The LGC will aim to produce draft minutes of its meetings within 10 working days and ensure that these are published on GVO;
- 9.2 Each committee shall conduct a skills audit, an annual review of its work and shall communicate its findings to the Trust.

Appendix 1- Membership of Local Governing Committee

The operation of a LGC is determined by;

- Articles of Association of GST (100 to 104) , (allows for LGCs)
- Supplementary funding agreement (SFA) embeds LGC limits for VC schools
- Scheme of delegation (details composition of LGC and how LGC operates)
- Academies Financial Handbook

LGCs are all committees of The Good Shepherd Trust Board.

LGC composition.

<i>Category</i>	<i>Proposed composition of LGC</i>	<i>Appointment by</i>
General members	3	GST
Foundation (could include incumbent)*	2	GST
Staff	1	Normally by ballot
Headteacher	1	CEO
Parents	2	Ballot or by GST
TOTAL	9	

**-Foundation members to be replaced with general members at Community Schools within the Trust.*

NOTES:

- *All LGC appointments are made by GST and will normally follow any recommendations made by the LGC*
- *Parents can be appointed by GST if there are not enough nominations from the school/s*
- *All LGC appointments are for 4 years and only one further term of office is permitted*
- *It is the expectation that members of the central team and Trust Directors will attend LGC meetings of schools from time to time, in order to keep in touch with the operation of the LGC and issues of the school and to discuss and support school based matters.*

Appendix 2 – Summary of Remit and Responsibilities of Local Governing Committees

The Trust's Scheme of Delegation sets out the means by which an LGC will operate, this includes:

1. To develop the Christian ethos, vision and values of the (church) school in line with those of The Good Shepherd Trust and reflecting the needs of the local community
2. To seek assurance and evaluate the impact and effectiveness (of church schools) with the SIAMS framework
3. To support and challenge the school's leadership team
4. To demonstrate appropriate challenge by holding school leaders to account for academic performance, quality of care, provision and safeguarding
5. To challenge and support in terms of learning, standards, safety and wellbeing. This includes identifying committee members that take on a special link responsibility in areas including: Safeguarding, SENd, Health and Safety and Early Years and Sixth Form (where applicable).
6. To consider the impact of the school's/s' performance of spending against budget expenditure.
7. To follow the Trust policy for dealing with complaints and support the Headteacher in the recruitment and selection, grievance and disciplinary processes, where permitted and appropriate.
8. To participate in panels to review the decisions of the Headteacher of other Schools within the Trust in exclusion cases where appropriate and, if requested, for staff recruitment.
9. To record visits to the school/s both during school hours (with prior arrangement with the Headteacher) and other events as appropriate.
10. To draw any significant recommendations and matters of concern to the attention of the Trust Board via the Director of Education/CEO as appropriate.