

Selby Educational Trust Governance Handbook Version 8

Approved by: SET Board of Trustees on: 11 December 2023 (Version 8)

Review date: Annually

To be read in conjunction with:

- SET Scheme of Delegation
- SET Financial Regulations Policy
- Committee Terms of Reference
- Local Governing Body Terms of Reference

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1. Introduction

The purpose of this handbook is to provide Governors and Trustees of Selby Educational Trust (SET) with an introduction and overview of governance of the Trust.

Details of further reading and sources of information are provided at the end of this handbook.

Company Information

Company Name: Selby Educational Trust
Company Number: 09950422
Registered Office: Selby Community Primary School, Flaxley Road, YO8 4DL
Charitable Status: Exempt Charity
HMRC reference: EW42633

Selby Educational Trust was established on 13 January 2016 as a Multi Academy Trust and a Company limited by guarantee.

SET is an exempt charity regulated by the Department for Education.

Key Personnel

SET Board

www.selbyeducationaltrust.uk

Chief Executive Officer	Ian Clennan
Chair	Jane Tupper
Vice Chair	Dave Kellett
Governance Lead	Trudy Searle

Selby Community Primary School

www.selbycp.setschools.uk

Headteacher	Ian Clennan
Chair	Peter Foster
Vice Chair	Melanie Davis

Carlton Primary School

www.carltonprimary.setschools.uk

Headteacher	Jon Watson
Chair	Julia Costello
Vice Chair	Andrew Knight

2. Mission, Vision, Values and Strategic Themes

Our Mission

To provide an inspirational and successful learning experience for children in the communities we serve.

Our Vision

That every child attending a SET academy receives a high-quality education, delivered locally that allows them to maximise their potential, shapes their lives and by so doing helps transform the communities we serve.

Our Values

- Children at the heart of every decision
- Continually striving for excellence
- Working together and valuing our differences
- Ensuring sustainability in every aspect

Strategic Themes

The Board of Selby Educational Trust will pursue fulfilment of its vision and mission by focusing on core strategic themes, measured consistently and annually against a set of core data baselines. Within each of our strategic themes there are a number of interlinked strategic goals. These areas will shape the 5 year strategy. We will review these annually and from these create a shorter, sharper 1 year development plan. In each review cycle we will make further amendments to the goals. There are 4 strategic themes within the SET Strategy:

1. **SET on Futures**
2. **SET on Sustainability**
3. **SET on Collaboration**
4. **SET on Safe Environments**

3. Goals

Strategic Theme 1: SET on Futures

Children only have one chance in education. As a trust we have a key role to play in ensuring all children receive the very best education, whatever their background. We need to equip today's children with the skills, knowledge and experiences to grow up in a different society from today. SET believes in '**Shaping Futures through Education**' and the way this will be delivered is through high quality experiences for all of our SET community. At the heart of our decision-making are our mission, vision and values. Covid-19 has impacted on children and the effects will continue to be felt for some time to come. We believe in not creating a deficit narrative, but believe in creating a narrative about ensuring entitlement for all.

- **1.1 High expectations for all**
- **1.2 High quality, broad and balanced curriculum**
- **1.3 High quality teaching and learning**
- **1.4 Raising standards for all**
- **1.5 Response to the Covid pandemic**

Strategic Theme 2: SET on Sustainability

SET believes that for children to have the best quality curriculum staff need to receive the highest quality professional development and learn from the latest research. Developing strong subject expertise means that the curriculum offer we develop across SET schools will be strong. Alongside this high quality curriculum development, the board will explore ways in which staff's workload can be managed through use of IT, collaboration and efficiencies. In turn this will improve the financial position of the trust and ensure that money is well spent based on needs and development opportunities.

- **2.1 Growing together as a Trust**
- **2.2 High quality professional development**
- **2.3 Using research to improve outcomes for all**
- **2.4 Subject expertise**
- **2.5 Workload, engagement and efficiency**
- **2.6 Strong financial decision making**

Strategic Theme 3: SET on Collaboration

In the recent past multi-academy trusts and to some extent local authority maintained schools felt more in competition than collaboration. SET truly believes in collaboration and improving the educational system as a whole. We believe in enhancing our local community, whatever the designation of the school or college, so that our communities grow stronger. We will do this through close partnerships between the key stakeholders within our community. In turn we will ensure our Scheme of Delegation and other governance functions remain strong, so that our schools improve and we continue to develop strong governing bodies locally and at board level. Clear communication is vital to SET continuing to be successful. This communication will not only be to those outside SET, but also all stakeholders in our organisation. We need to listen, reflect, evaluate and act.

- **3.1 Strengthening civic impact**
- **3.2 Clear, open and honest communication**
- **3.3 Strong governance at all levels**

Strategic Theme 4: SET on Safe Environments

Children thrive when they are happy, healthy and safe. As the Trust grows it is important that we have a top level view of risk management and also the improvements needed to each school through our estates strategy. This allows us to pin point future funding and over time improve our estates which have lacked funding prior to conversion to our trust. Children are calmer and more respectful if the environment in which they learn is of the highest standard. We will implement a learning environment improvement plan so that over time each school space is re-vitalised and contains all the essentials needed for education as well as to maintain the safety of the building.

- **4.1 Proactive risk management**
- **4.2 Robust compliance and assurance systems**
- **4.3 High quality learning environments**

4. Articles of Association

The following are the relevant clauses from the Articles of Association that outline what can, and cannot, be delegated.

Subject to provisions of the Companies Act 2006, the Articles and to any directions given by special resolution, the business of the Trust shall be managed by the Trustees who may exercise all the powers of the Trust.

The Trustees shall appoint the Head of each Academy in the Trust.

The Trustees may delegate such powers and functions as they consider are required by the Head of Academy for the internal organisation, management and control of the Academy including the implementation of all policies approved by the Trustees and for the direction of the teaching and curriculum at the Academy.

The Board of Trustees cannot delegate any functions relating to:

- the constitution of the Trust;
- the appointment or removal of the Chair and Vice-Chair of the Trustees;
- the suspension or removal of Trustees;
- the delegation of functions i.e. the adoption or revision of this Scheme of Delegation;
- the establishment of committees;
- the dissolution of committees.

5. Scheme of Delegation

The Scheme of Delegation and this Governance Handbook explain the respective roles of the Members and Board of Trustees and how their responsibilities are discharged through the Local Governing Body (LGB) of each of the Academies within the Trust.

Both documents are reviewed and updated on an annual basis and whenever new legislation is introduced or new guidance is received from the Department for Education or another governing authority.

The Articles of Association, Scheme of Delegation and Governance Handbook can be found on the documents page of the SET website. www.selbyeducationtrust.uk

6. Governance Structure

SET has two layers of corporate governance as set out in the Articles of Association:

Members

Members have ownership of the Articles of Association and the appointment of Trustees.

Trustees

Trustees have responsibility for the strategy and development of the Trust and oversight of performance and operation of the individual Academies. They are responsible for appointing Co-opted Trustees as appropriate, Local Governing Bodies and Committees.

Details of current Members and Trustees can be found on the SET website.

SET has a third layer of governance:

Local Governing Bodies (LGBs)

LGBs take a role in supporting and advising on the work of one or more Academies. LGBs consist of a committee of Governors appointed by and with delegated responsibilities from the Trustees. The Trustees shall ensure that each Local Governing Body includes 2 Parent Governors and 1 Staff Governor.

Details of current Governors can be found on the Academy websites.

Other Committees

The SET Board of Trustees has established the following committees:

- Audit & Risk Committee
- Finance Committee
- Remuneration Committee
- Search Committee
- Standards Committee

Each Committee works in accordance with the appropriate Terms of Reference which are reviewed by the Board annually.

Each Committee will act in an advisory capacity to the Board of Trustees except where powers have been specifically delegated to them by the Board of Trustees.

The membership of any Committee of the Board of Trustees may include persons who are not Trustees, provided that (with the exception of the Local Governing Bodies) a majority of members of any such Committee shall be Trustees. Except in the case of a Local Governing Body, no vote on any matter shall be taken at a meeting of a Committee of the Trustees unless the majority of members of the Committee present are Trustees.

7. Roles and Responsibilities

Members

SET has 5 Members who determine the governance structure of the Trust and provide oversight and challenge of the Trustees to ensure the charitable objectives of the Trust are being fulfilled.

The Members may agree to appoint/remove additional Members. The Chair of SET and the CEO are not required to be Members. Employees of the Trust cannot be Members.

Members can appoint Trustees and remove any Trustee subject to the provisions outlined below.

Members are able to sign off the Annual Report and Accounts, however this is delegated to the Chair of the Board of Trustees.

Notwithstanding any provision of the Articles, the Members may delegate to the Board of Trustees a power and responsibility to appoint and remove Trustees. These appointments will be ratified by the Members. Any removal by the Board of a Trustee appointed by the Members shall only be undertaken with the consent of the Members.

Functions of the Members

Selby Educational Trust is a Company limited by guarantee which has guarantors who are referred to as Members. The Members do not have rights of ownership in the Company and do not receive dividends or other remuneration. Each of the Members agrees to contribute towards any outstanding liabilities of the Company if the Company is wound up. Each Member limited to £10.

The Members main functions are:

- Overseeing the achievement of the charitable objects of the Trust
- Taking part in Annual General Meetings and any other General Meetings
- Appointing Trustees
- Overseeing the performance of the Board of Trustees
- Holding the Board of Trustees to account for performance and standards within Academies
- Exercising company law powers reserved to the Members, such as amending the Articles of the Trust and to remove Trustees

A Member counts towards the quorum in a meeting by being present in person, by video or conference call or by proxy. Three persons entitled to vote upon the business to be transacted, each being a Member or a proxy of a Member, shall constitute a quorum.

Members are required to maintain an updated record of pecuniary/business interests.

Board of Trustees

To be read in conjunction with:

- Scheme of Delegation
- Trustee and Governor Code of Conduct
- Terms of Reference for the Board of Trustees

The Board of Trustees is responsible and accountable for the strategic management and administration of the Trust and Academies within SET. It is responsible for delivering the charitable objects and performance of the Trust. There are 11 Trustees, all of whom are appointed by the Members.

Specific skills may be needed if a Trustee is to take responsibility for and lead on a specific area, or to undertake the role of the Chair of the Trust. A regular skills audit will be undertaken and Trustees should expect to be able to articulate their contribution to the success of the Trust and the Academies.

The Board will offer support, constructive advice, a sounding board for ideas, a second opinion on proposals and help where needed, but will also challenge, ask questions, seek information, improve proposals and so seek to arrive at the best outcome for the Trust.

Role and Responsibilities:

- Overall strategic leadership responsibility for SET and Academy staff.
- The determination, educational character and mission of the Trust.
- Setting strategic direction to ensure educational and financial success across the Trust, and to enable each LGB to set and achieve its aims and objectives.
- Setting key strategic objectives and targets and reviewing performance against these
- Ensure agreements are in place with the DfE & ESFA including the funding agreement and continued charitable status of the Trust.
- Ensure solvency of the Trust company and charity, safeguarding its assets and delivering its charitable outcomes.
- Approve the Trust development plan.
- Approve statutory policies that are common to all Academies within the Trust.
- Ensure the year-end accounts are submitted to Members for approval.
- Approve the annual consolidated budget for the Trust.
- Overseeing capital projects within the Academies.
- Authorise income and expenditure in line with the Scheme of Delegation.
- Appoint / dismiss the CEO, Heads of Academies, Governance Lead & Central Team.
- Manage and support the CEO.
- Ensure governors have access to high quality training.
- Intervene as appropriate in any Academy at risk of underperformance.
- Development of sponsorship arrangements with under-performing schools and supporting schools wishing to convert to Academy status with SET
- Undertake determination of the establishment, constitution, membership, proceedings and delegated powers and functions of Local Governing Bodies and committees along with their annual review and revision.
- Creating and managing high level external relationships including the DfE, local authorities and Ofsted.
- Develop the commercial interests of the Trust and generate income.
- Support other Trust committees once established.

Fiduciary Duties of Trustees

As Directors of a charity (the Trust), the Trustees have a fiduciary duty to act in good faith in the best interests of the Trust. This duty includes a responsibility to do the following:

- Ensure the solvency of the Trust company and charity, safeguarding its assets and delivering its charitable outcomes;
- ensure compliance with any legal obligations;
- report on the Trust's activities (the Trust must prepare accounts in accordance with the Statement of Recommended Practice for Charities, the so called "Charity SORP" and any reporting requirements of the Education and Skills Funding Agency);
- fulfil the charitable objectives of the Trust as set out in its constitution (i.e. the Articles of Association) and to act in a way which is compliant with the rules of the Trust contained in the Articles;
- act with integrity and to avoid any personal conflicts of interest and not to misuse any charity funds or assets;
- authorise income and expenditure in line with the Scheme of Delegation.
- act prudently in the financial management of the Trust, avoiding putting any assets, funds or reputation of the Trust at undue risk;
- exercise reasonable care and skill, using personal knowledge and experience to ensure the Trust is well run and efficient; and
- act responsibly, getting advice from others, including professional advisors, where appropriate.

Statutory Duties of Trustees

Under the Companies Act 2006, Directors (referred to as Trustees in SET) have a number of statutory duties that they must adhere to when acting on behalf of the Company. These include duties to:

- Act within their powers
- Exercise independent judgment;
- Exercise reasonable care, skill and diligence;
- Avoid conflicts of interest;
- Not to accept benefits from third parties;
- Declare any interest in proposed transactions or arrangements with the Company; and
- Promote the success* of the Company for the benefits of its purposes.

* success for a charitable Company means (in basic terms) achieving its objectives.

The Companies Act 2006 provides guidance on the factors that must be taken into account when directors decide whether decision and actions they are taking will promote the success of the Company. These include the:

Likely consequences of any decision in the long term (as well as the short term); Interests of the Company

Need to maintain business relationships with suppliers, customers and others; and Impact of the Company community and the environment.

The above factors should be considered every time the Board makes a decision to ensure that the decision being made is in the best interest of the Company.

Should any Trustee have any concerns that they may be acting, or about to act, in breach of any duty or in a situation where their conflict with the interests of the Company, legal advice should be sought as soon as possible.

Trustees should note that the above list is not exhaustive and that there may well be other factors that become relevant when taking decisions. Trustees should detail the factors that have been taken into account when passing a resolution in appropriate minutes of a meeting or written record of the resolution.

Resolutions and decisions of Trustees are to be made in accordance with the Articles.

Functions of the Trustees

- Setting aims and objectives of the Company in accordance with the charitable objectives set out in the Articles.
- Monitoring and evaluating performance against the aims and objectives
- Responsibility for the Company's financial performance, accounts and annual report
- Ensuring the Articles of the Company (subject to the Members', Department of Education's and Charity Commission's approvals) are fit for purpose
- Appointing Governors of each Local Governing Body (excluding parent and staff governors) and removing Governors if need be
- Setting strategic policy for the academies
- Setting and/or approving Academy budgets and performance plans
- Monitoring educational standards and performance in the academies.
- Management of risks against the Trust's risk register

Minutes

Minutes of the proceedings of a meeting of the Trustees shall be drawn up by the person acting as the Governance Lead for the purposes of the meeting; and shall be signed subject to the approval of the Trustees at the same or next subsequent meeting by the person acting as Chair thereof. The Governance Lead will take the minutes at Board and Committee meetings. A Clerk will be appointed for Local Governing Bodies.

Delegation

The Trustees may delegate any of their powers or functions (including the power to sub-delegate) to any Trustee, Committee (including any Local Governing Body), the Chief Executive Officer or any other holder of an executive office. Any such delegation shall be made in writing and subject to any conditions they may impose, and may be revoked or altered by the Trustees.

Trustees, Committees (including any Local Governing Body), the Chief Executive Officer or any other holder of an executive office to whom a power or function of the Trustees is delegated may further sub-delegate those powers or functions (or any of them) to a further person. Where any power or function of the Trustees is sub-delegated by any person to whom it has been delegated, that person must inform the Trustees as soon as reasonably practicable which powers and functions have been further delegated and to whom, and any such sub-delegation shall be made subject to any conditions they may impose, and may be revoked or altered by the Trustees..

Where any power or function of the Trustees has been exercised by any committee (including any Local Governing Body), any Trustee, the Chief Executive Officer any other holder of an executive office, or a person to whom a power or function has been sub-delegated, that person or committee shall report to the Trustees in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Trustees immediately following the taking of the action or the making of the decision.

Term of office

The term of office for most Trustees is four years except for the Chief Executive Officer (as ex-officio Trustee) who will be a Trustee as long as they hold the post. After their term of office Trustees will retire, but may be reappointed or re-elected if they remain eligible and agree. Terms of reference for the SET Board of Trustees are detailed in a separate document.

Chief Executive Officer

Role and responsibilities:

- Provide strategic leadership and direction of the Trust and its Academies within the vision and strategy agreed by the Trust Board, to ensure children consistently achieve good or better outcomes.
- Act in the role of Accounting Officer.
- Be the lead education professional for Academies in the Trust, ensuring an effective strategy for building educational and leadership capacity ahead of need.
- Act as an ambassador for the Trust to promote SET and its ethos and values in the communities in which it works, with the DfE and its Regional Schools Commissioner and Local Authority colleagues.
- Establish and foster an effective relationship with the Chair of the Board, Chairs of Local Governing Bodies and Heads of Academies within the Multi-Academy Trust based on trust and mutual respect.
- Effectively deploy the staff and resources of the Trust in line with strategic direction as determined by the board of trustees.
- Provide a written report on areas of responsibility to the Trust Board on at least a termly basis.
- Line manage the SET central team and Heads of Academies to ensure the strategic direction of the Trust is followed and that standards are maintained across the Trust.
- Ensure best practice is shared within SET and that best practice nationally is applied across the Trust.
- Actively support and enhance the wellbeing and achievements of pupils and staff.
- Provide support and training to Local Governing Bodies to ensure the highest standards of governance are achieved.
- Ensure SET is represented in national, regional and local networks so the Trust influences and is aware of new trends and is familiar with current best practice in the education sector.
- Ensure any decisions taken are done so in accordance with the Scheme of Delegation.

Chair of the Board of Trustees

Role and responsibilities:

- Lead the board in ensuring the strategic direction of SET, offering effective support and challenge at all levels of the organisation.
- Ensure the business of the Board is conducted properly, in accordance with legal requirements.
- Ensure any decisions taken are done so in accordance with the Scheme of Delegation.
- Ensure meetings are run effectively, focusing on priorities and making the best use of time available.
- Ensure all attendees have equal opportunity to participate in discussions and decision making.
- Establish and foster an effective relationship with the Chief Executive Officer, Central Team, Governance Lead, Chairs of Local Governing Bodies, and Heads of Academies within SET, based on trust and mutual agreement.
- Have a casting vote in the event of a tied vote.
- Exercise emergency powers as and when required.

In the event of a need to make genuinely urgent decision the Chair of the Board of Trustees, where appropriate in consultation with the CEO will take appropriate action on behalf of the Trust Board. The decisions taken and the reasons for urgency will be explained fully and minuted at the next meeting of the Board meeting.

Chair of a Trust Committee

Role and Responsibilities:

- Ensure the business of the Board is conducted properly, in accordance with legal requirements and the Terms of Reference for that Committee .
- Ensure any decisions taken are done so in accordance with the Scheme of Delegation.
- Ensure all delegated responsibilities are undertaken in line with agreed policies and on a timely basis.
- Ensure meetings are run effectively, focusing on priorities and making the best use of time available.
- Ensure all members have equal opportunity to participate in discussions and decision-making.

Governance Lead

Role and Responsibilities:

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- Provide effective support, advice and guidance to the Board and its Committees
- Ensure governance business is conducted properly, in accordance with legal requirements and the Scheme of Delegation.
- Ensure accurate minutes are recorded and maintained of meetings of the Board, LGBs and their respective committees and sub-committees.
- Advise Trustees on constitutional or procedural matters, duties and powers.

- Work with relevant stakeholders to develop an annual overview/calendar of events and meetings for the Board and LGBs.
- Maintain those records that are required by legislation (Register of business interests, attendance of governors, persons with significant control etc.)
- Maintain Companies House and Get Information About Schools (GIAS) data on behalf of the Board and LGBs.
- Oversee the Board's communication strategy and manage day-to-day communications on behalf of the Trust Board.
- Maintain the statutory information published on the Trust's website
- Establish and foster an effective relationship with the Members, Trustees, Chair of the Board, Chief Executive, Central Team, LGBs and Heads of Academies within SET, based on trust and mutual respect for each other's roles.

Head of Academy

The Head of Academy is accountable to the Board of Trustees and to the Local Governing Body for the Academy. The Local Governing Body and the Trustees will be prepared to explain their decisions and actions to anyone who has a legitimate interest. This may include staff, pupils and parents as well as the Department of Education and Local Authority.

The Head of Academy will comply with any reasonable direction by the Board of Trustees or Local Governing Body. The Head of Academy will agree and monitor appropriate delegations of authority with other staff.

In line with models provided, the Head of Academy will contextualise aims, objectives and policies for the Trustees to consider, and will report to the Local Governing Body on progress at each meeting in accordance with a schedule drawn up annually with the Chair of the Local Governing Body. The Head of Academy will work closely with the senior management team to this end.

Role and Responsibilities:

- Internal organisation, management and control of the Academy.
- Direction of the teaching and the curriculum at the Academy.
- Raising standards and ensuring a high quality education for all pupils that includes a broad and balanced curriculum.
- Implementing all policies approved by the Trust Board.
- Implementing the agreed SET assessment cycle.
- Developing and sustaining effective relationships with the CEO and Central Team.
- Provide written reports to the CEO and LGB for effective monitoring to take place.
- Ensuring any actions / decisions taken are done so in accordance with the Scheme of Delegation.

Local Governing Bodies

To be read in conjunction with:

- Scheme of Delegation
- Trustee and Governor Code of Conduct
- Local Governing Body Terms of Reference

The role of Local Governing Bodies

Each Academy has a Local Governing Body appointed by the SET Board and whose role is to exercise leadership on behalf of the Trust in the running of the Academy. The Local Governing Body provides information to the Trustees on the operation, performance and success of the Academy.

The purpose of having a Local Governing Body is to:

- Help the Head of Academy and senior leadership team to set high standards by planning for the Academy's future and setting performance targets for the Academy.
- Monitor the effectiveness of the Academy provision;
- Monitor financial performance against Budget and the management of risks against the Academy risk register.
- Act as a critical friend to the Head of Academy and senior leadership team, offering support and advice;
- Help the Academy respond to the needs of parents, carers and the community;
- Help make the Academy open and accountable to the public for what it does;
- Work with the Academy on planning, developing policies and keeping the Academy provision under review; and
- Exercise the responsibilities and powers delegated to it by the Trustees in partnership with the Head of Academy and staff.

It is not the role of the Local Governing Body to intervene in the day-to-day management of the Academy unless there are weaknesses in the school. The Head of Academy, senior leadership team and staff are responsible for the operational delivery of the Academy. If the Local Governing Body has concerns about weaknesses in the Academy it should

1) report them to the Trustees via the CEO or relevant committee of Trustees depending on the nature of the concern and

2) seek to support and address the perceived weakness with the Head of Academy and senior leadership team.

Role and Responsibilities

It is the responsibility of the Local Governing Body to ensure that the Academy complies with all policies and procedures established by the Trustees, specifically:

- Monitoring the performance of the Academy
- Ensuring the quality of educational provision
- Evaluating pupil outcomes
- Monitoring the management of financial, physical and human resources
- Monitoring the performance of the Academy against targets set and compliance with the Company
- Raising any concerns and potential risks about their school with the Trustees

Governors are expected to exercise reasonable care and skill, and be objective in carrying out their responsibilities.

Functions Delegated to Local Governing Bodies

To carry out its role the Local Governing Body will:

- Own and champion the vision and mission for the Academy consistent with the Company objectives.
- Encourage the highest standards of leadership and management at all levels with the Academy. In doing this, the Local Governing Body will:
- Support, advise and hold the Head of Academy to account Support and challenge the leadership team
- Organise its own work.

It will also:

- Promote an ethos which will positively develop pupil cultural development
- Recognise and celebrate achievement by pupils and staff of the Academy.

The Local Governing Body will systematically and regularly monitor and evaluate the work of the Academy in relation to:

Policy -

- Ensuring that the Company and used to maximise achievement and effectiveness
- Feedback to the Trustees any perceived weaknesses in the Company policies and procedures and recommend development or amendment
- Developing educational policies.

Pupil performance -

- Monitor pupil performance
- Monitoring and evaluating progress
- Monitor and evaluate the end of key stage outcomes for pupils
- Monitoring and evaluating the effectiveness of the curriculum set for the Academy
- Agreeing policies which will enhance the quality of teaching and learning within the Academy
- Reporting to the Trustees on the performance in a timely manner

Self-evaluation -

- Reviewing the structure, personnel and performance of the Local Governing Body
- Reporting to the Trustees on the performance of the Local Governing Body in a timely manner

Academy budgeting -

- Agree a plan for the Academy including setting projections and targets for 1 year (Budget) and 2 years (Financial Plan) for approval by Trustees.
- Monitoring Budget performance against the one year budget plan and reporting progress to the Trustees as necessary

School Community -

- Ensuring the Academy fulfils its statutory duties in relation to SEND and child protection
- Ensuring the Academy fulfil its statutory duties with regard to equality
- Ensuring that the Academy communicates well with parents and carers
- Seeking good relationships with external bodies and community groups

These delegated functions are subject to modification for sponsored academies Ref. Scheme of Delegation published on the Trust website.

Safeguarding –

- Ensuring the school complies with statutory duties around safeguarding.

Composition of Local Governing Bodies

The composition of the Local Governing Body is at the discretion of the Trustees from time to time. The main concern is to ensure Local Governing Bodies are effective in their role.

As a general rule the following guidance will be used:

Each Local Governing Body will be made up of a maximum of 13 Governors in the following categories:

- Up to nine Governors appointed by the Trustees
- The Head of Academy
- One staff representative
- Two parents/carers of pupils in the school
- The option of at least one Trustee

The number in each category will be determined on an individual Academy basis with the exception of the staff and parent/carer Governors which must remain as stated above. The number of Governors on any one Local Governing Body who are employed by or otherwise receiving any direct or indirect financial benefit from the Company must not exceed one third of the total number of persons on the Local Governing Body.

The Trustees can appoint additional Governors onto any Local Governing Body at any time, including for a fixed period to add capacity in relation to a specific need.

The Trustees reserve the right to remove Governors from office and change the governance structure in consultation with the DfE. For example, for a failure in duty.

As long as Governors have acted honestly, for the benefit of the Academy, and reasonably, within the law and terms of their delegated powers the Governors cannot be held personally liable for any liabilities incurred on behalf of the Company.

At the time of taking office each Governor shall sign the following Documents.

- Local Governing Body – Disqualification Declaration
- Trustee and Governor Code of Conduct
- Publication of Governor Details and Register of Interests

Term of Office

The term of office for any person serving on the Local Governing Body shall be 4 years, save that this time limit shall not apply to the CEO, Executive Head of Academy (or any Head of Academy serving in an ex officio capacity), who will serve for as long as they remain in office. Subject to remaining eligible to be a particular type of Governor, any person may be re-appointed to the Local Governing Body.

Resignation and Removal

A person serving on the Local Governing Body shall cease to hold office if they resign their office by notice to the Local Governing Body (but only if at least three persons will remain in office when the notice of resignation is to take effect).

A person serving on the Local Governing Body shall cease to hold office if they are removed by the person or persons who appointed them. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Governing Body by a person or persons who appointed them, any failure to uphold the values of the Trust and/or the Academies or to act in a way which is appropriate in light of this Scheme of Delegation or to comply with the role responsibilities set out in the "Job Description and Person Specification" will be taken into account. A person may also be removed by the Directors but only after the Trustees have given due regard to any representations by the Local Governing Body. The removal of a Parent Governor will be undertaken only in exceptional circumstances.

If any person who serves on the Local Governing Body in their capacity as an employee at any of the Academies ceases to work at the Academy, then they shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of their work at the Academy.

Where a person who serves on the Local Governing Body resigns their office or is removed from office, that person or, where they are removed from office, those removing them, shall give written notice thereof to the Clerk to the Local Governing Body who shall inform both the Chair of the Local Governing Body and the Chair of the Trustees.

Disqualification of Members of Local Governing Bodies

No person shall be qualified to serve on the Local Governing Body unless they are aged 18 or over at the date of their election or appointment. No current pupil of the Academy shall be entitled to serve on the Local Governing Body.

A person serving on the Local Governing Body shall cease to hold office if they become incapable by reason of mental disorder, illness or injury of managing or administering their own affairs.

A person serving on the Local Governing Body shall cease to hold office if they are absent without the permission of the Chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months and the Local Governing Body resolves that their office be vacated.

A person shall be disqualified from serving on the Local Governing Body if:

their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
they are the subject of a bankruptcy restrictions order or an interim order.

A person shall be disqualified from serving on the Local Governing Body at any time when they are subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

A person serving on the Local Governing Body shall cease to hold office if they would cease to be a Trustee by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a Trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

A person shall be disqualified from serving on the Local Governing Body if they have been removed from the office of charity Trustee or Trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.

A person shall be disqualified from serving on the Local Governing Body at any time when they are:

included in the list kept by the Department of Education under section 1 of the Protection of Children Act 1999; or
disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or

barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).

A person shall be disqualified from serving on the Local Governing Body if they are a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.

A person shall be disqualified from serving on the Local Governing Body where they have, 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 178 of the Charities Act 2011.

After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body if they have not provided to the Chair of the Local Governing Body a disclosure and barring certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the Chair of the Local Governing Body or the Head of Academy confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Chair of the Trustees to determine the matter. The determination of the Chair of the Trustees shall be final.

Where a person becomes disqualified from serving on the Local Governing Body; and they

were or were proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Governing Body.

This clause shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body.

Meetings of Local Governing Bodies

Subject to the Scheme of Delegation, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit.

The **quorum** for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three of the Governors of the Local Governing Body, or, where greater, any one third (rounded up to a whole number) of the total number of persons holding office on the Local Governing Body at the date of the meeting.

The Local Governing Body shall meet at least **four** times in every school year. Meetings of the Local Governing Body shall be convened by the Clerk to the Local Governing Body. In exercising their functions under the Scheme of Delegation the Clerk shall comply with any direction given by the Trustees or the Local Governing Body or the Chair of the Local Governing Body or, in their absence or where there is a vacancy in the office of the Chair, the Vice-Chair of the Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned above.

Any three members of the Local Governing Body may, by notice in writing given to the Clerk, requisition a meeting of the Local Governing Body; and it shall be the duty of the Clerk to convene such a meeting as soon as is reasonably practicable.

Each member of the Local Governing Body shall be given at least seven clear days' notice and a copy of the agenda by the Clerk before the date of a meeting.

Provided that where the Chair or, in their absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as they directs.

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

A resolution to rescind or vary a resolution carried at a previous meeting of the Local Governing Body shall not be proposed at a meeting of the Local Governing Body unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

A meeting of the Local Governing Body shall be terminated forthwith if the members of the Local Governing Body so resolve; or the number of governors present ceases to constitute a quorum for a meeting of the Local Governing Body.

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 seven days of the date on which the meeting was originally to be held or was so terminated.

Where the Local Governing Body resolves to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the Clerk to convene a meeting accordingly.

The Local Governing Body may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies.

The quorum for the purposes of any vote on the removal of a person in accordance with the Scheme of Delegation; or any vote on the removal of the Chair of the Local Governing Body; shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters and the CEO.

Subject to the Scheme of Delegation, every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.

Where there is an equal division of votes, the Chair of the meeting shall have a casting vote in addition to any other vote they may have.

The proceedings of the Local Governing Body shall not be invalidated by any vacancy on the Local Governing Body; or any defect in the election, appointment or nomination of any person serving on the Local Governing Body.

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

The Local Governing Body shall ensure that copies of the following documents for meetings of the governing body are made available as soon as is reasonably practicable to persons wishing to inspect them:

- Agenda
- Draft minutes, if they have been approved by the person acting as the Chair of the meeting
- Signed minutes
- Any report, document or other paper considered

There may be excluded from any item required to be made available, material relating to:

- A named teacher or other person employed, or proposed to be employed, at the Academy
A named pupil at, or candidate for admission to, the Academy

Any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential

Any member of the Local Governing Body shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided 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 Local Governing Body has access to the appropriate equipment. If after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

7. Further Reading and Sources of Information

Selby Educational Trust Website

www.selbyeducationaltrust.uk/documentation/

Master Funding Agreement and Supplemental Funding Agreements

Articles of Association

Scheme of Delegation

Governance Structure Chart + List of Members and Trustees

Registers of Interests for SET Board and Local Governing Bodies

Trustee and Governor Code of Conduct

Selby Educational Trust SharePoint

Trustee Role Description **consider using NGA template**

Governor Role Description **consider using NGA template**

Terms of Reference:

- SET Board
- Local Governing Body
- Audit & Risk Committee
- Finance Committee
- Remuneration Committee
- Search Committee
- Standards Committee

Local Governing Body Disqualification Declaration

Trustee and Governor Publication of Details and Register of Interests

Further Reading and Sources of Information

Academy Trust Handbook (Education and Skills Funding Agency)

[Academy Trust Handbook - Guidance - GOV.UK \(www.gov.uk\)](#)

Governance Handbook and Competency Framework (Department for Education)

[Governance handbook and competency framework - GOV.UK \(www.gov.uk\)](#)

National Governance Association (NGA)

www.nga.org.uk

Keeping Children Safe in Education (Department for Education)

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](#)