

TERMS OF REFERENCE (Scheme of Delegation)
PEASEDOWN ST JOHN PRIMARY SCHOOL LOCAL GOVERNING BODY

Introduction

Dragonfly Education Trust has entered into a Master Funding Agreement for the Multi-Academy Trust and a Supplemental Funding Agreement in relation to Peasedown St John Primary School. The Agreements have the approval of the Secretary of State.

The Directors of the Dragonfly Education Trust are the charity trustees and are responsible for the general control and management of the administration of the Company and of Peasedown St John Primary School in accordance with the provisions set out in the Articles of the Company and the Funding Agreements.

The Local Governing Body of Peasedown St John Primary School is a committee of the Board established in accordance with the amended Articles.

Legal responsibility for Peasedown St John Primary School lies with the Company. The MAT Board relies on advice and support from the expertise within the Local Governing Bodies in relation to these Terms of Reference and delegated powers. However, the MAT Board is not bound by any decision of the Local Governing Body.

Local Governing Body responsibilities

Subject to provisions of these Terms of Reference the business of the School shall be managed by the Local Governing Body and will exercise powers which are specifically delegated to it. Decisions regarding finance, staffing and premises will be the responsibility of the MAT Board, though the Local Governing Body will be expected to make recommendations. Unless and until the Board decides otherwise, it specifically delegates to the Local Governing Body the following duties:

1. Operational oversight of the school in accordance with the Company's policies and strategic objectives, as set by the Board and developed by its relevant committees
2. To agree with the MAT Board the strategy, direction, vision and values of the school and its budget and improvement plans and to act in accordance with what is agreed
3. Together with the Headteacher to be accountable to the MAT Board for performance in all areas of the school
4. To adhere to the budget for the School as agreed with the MAT Board and to report regularly to the Board on progress against budget
5. To review on a regular basis the performance and progress of the School in areas including ethos and welfare, teaching and learning, student progress, staff development and finance and administration and to report on all such matters to the Board on a regular basis
6. To implement actions required to comply with statutory regulations and with the Funding Agreements
7. The carrying out of the functions set out in the Appendix to these Terms of Reference.

Any delegation of powers by the Board under this document shall be made subject to any conditions the Board may impose, and may be revoked or altered. The functions, meetings and proceedings of the Local Governing Body shall be subject to regulations made by the Board. Where any power or function of the Directors has been exercised by the Local Governing Body, it shall report to the Directors in respect of any action taken

or decision made at the next Board meeting or within 48 hours (in the case of a matter of urgency).

Each Local Governor shall act in the best interests of the School at all times. Each Local Governor, upon appointment or election, shall give a written undertaking to the Board to uphold the objects of the Company as set out in the Articles of Association and all policies and procedures established by the Board.

In the event of any dispute between the Local Governing Body and the Board and after the Board has considered the views of the Local Governing Body, the decision of the Board shall be final.

The Local Governors must ensure confidentiality in all matters relating to the school, and must abide by decisions of the Local Governing Body and the Board as they affect the school.

Composition of Local Governing Body

The membership of the Local Governing Body shall be as follows:

The total membership shall be not less than 7 and not more than 10. The membership shall comprise:

- The Headteacher
- 2 Parent Governors
- 1 Staff Governor
- Up to 6 members appointed by the Board

Elections for the post of Parent Governor shall be held every four years by secret ballot of parents of children who are pupils of Peasedown St John Primary School on the date of the election. Any candidate must be the parent or legally appointed guardian of a pupil at the School at the date of the election and, if elected, throughout his or her term of office.

Elections for the post of Staff Governor shall be held every two years by secret ballot of persons who are members of staff of the School (either teaching or support staff) on the date of the election. Any candidate must be a member of staff of the school at the date of the election and, if elected, throughout his or her term of office. A shorter term of office for Staff Governor is to provide maximum opportunity for staff development.

Resignation and removal

A Local Governor may at any time resign his or her office by giving notice in writing to the Clerk to the Board.

A Local Governor shall cease to hold office if he or she is removed by the person or persons who appointed him/her. This provision does not apply in the case of a Parent Governor or Staff Governor, except that a Parent Governor shall resign from office if and as soon as he or she ceases to be a parent or guardian of a child at the school, whether or not that Parent Governor's term of office has expired and a Staff Governor shall resign from office if and as soon as he or she ceases to be a member of staff at the school, whether or not that Staff Governor's term of office has expired.

Directors may terminate the appointment of any Local Governor whose presence or conduct is deemed by the Directors not to be in the best interests of the Company or the school.

The Headteacher shall automatically cease to be a governor if he/she no longer holds the post.

Persons ineligible to be local governors

- No person under the age of 18 at the date of his or her election or appointment.
- No current student of the school shall be a Local Governor.
- A Local Governor shall cease to hold office if he or she becomes incapable by reason of mental disorder, illness or injury of managing or administering his or her own affairs.
- A Local Governor shall cease to hold office if he or she is absent without the permission of the Local Governors from all their meetings held within a period of six months and the Board resolve that this office be vacated.
- A Local Governor shall cease to hold office if he or she is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).
- A Local Governor shall cease to hold office if his or her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced or he or she is the subject of a bankruptcy restrictions order or an interim order.
- A Local Governor shall cease to hold office if 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 he or she was responsible or to which he or she was privy, or which he or she by his or her conduct contributed to or facilitated.

Term of office

Any Local Governor shall hold and vacate office in accordance with the terms of his or her appointment but (except in the case of the Headteacher) the length of his or her term of office shall not exceed four years. Parent Governors and Staff Governors shall hold office for two years.

Local Governors (other than Parent or Staff Governors) retiring at the end of their term of office shall be eligible for re-appointment at the discretion of the Local Governing Body.

Conflicts of interest

The income and property of the School must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions which apply to the Directors with regard to having a Personal Financial Interest shall also apply to the Local Governors.

Any Local Governor who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his or her duties as a Local Governor shall disclose that fact to the Local Governing Body and to the Clerk as soon as he or she becomes aware of it. A Local Governor must absent himself or herself from any discussions of the Local Governing Body in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the School and any duty or personal interest (including but not limited to any Personal Financial Interest).

Chair and Vice Chair

The Chair and Vice Chair of the Local Governing Body will be appointed by the Board every year for a one year term. If both the Chairman and the Vice-Chairman are absent from any meeting of the Local Governing Body, those Governors present shall appoint one of their number to chair the meeting.

The Chairman of the Local Governing Body will meet with representatives of the Board at the beginning of each School year to discuss the roles and responsibilities of the Local Governing Body in relation to the School's development plan and any other issues as appropriate.

Meetings of the Local Governing Body

The Local Governing Body shall meet at least four times in every academic year. All meetings shall be convened by the Clerk, who shall send to the Local Governors written notice of the meeting and a copy of the agenda (and any relevant papers) at least seven clear days in advance of the meeting. The Chairman may waive the need for the notice if he or she thinks fit.

Any Director may attend any meeting of the Local Governing Body and may, with the approval of the Chairman of the meeting, speak on any issue raised in the agenda or papers of the meeting or any issue raised at the meeting.

Quorum

The quorum for any meeting of the LGB meeting is 50% of those members of the LGB currently appointed. (rounded to the nearest whole number)

Proceedings of meetings

Every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the Local Governors present and voting on the question. Every Local Governor shall have one vote. Where there is an equal division of votes the chairman of the meeting shall have a second or casting vote.

A Local Governor may not vote by proxy.

Any Local Governor who is also an employee of the Company or a Staff Governor shall withdraw from that part of any meeting of the Local Governing Body at which any recommendation to the Board as to his or her remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.

A resolution in writing, signed by all the Local Governors, shall be valid and effective as if it had been passed at a meeting 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 Local Governors.

Any Local Governor shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that he or she has given reasonable notice to the Clerk and that the Local Governors have access to the appropriate equipment.

Minutes and publication

- Minutes will be taken of every Local Governing Body meeting.
- At every meeting of the Local Governing Body the minutes of the last meeting shall be taken as the first agenda item after any apologies and, if agreed to be accurate, shall be signed as a true record.
- The Clerk shall ensure that a copy of the agenda for every meeting of the Local Governing Body, the draft minutes of every such meeting (if they have been approved by the chairman of that meeting), the signed minutes of every such meeting and any report, document or other paper considered at any such meeting are, as soon as is reasonably practicable, made available to the Board. All such documents shall be made available on request except to the extent that they contain information which is confidential or legally privileged.

- The Local Governing Body may invite attendance by persons who are not Local Governors where such attendance is considered by the members of the Local Governing Body to benefit its deliberations.

Amendment of these Terms of Reference

This document has been approved by the Directors at their meeting on [DATE] and shall be subject to review at the first meeting of the Directors after [DATE] and in each academic year thereafter and may be subject to amendment by them.

Copies of Terms of Reference

A copy of this document shall be given to every Local Governor and shall be available for inspection upon request by members of staff from the Clerk during normal office hours.

Effective date

These Terms of Reference shall come into effect on [DATE]. When approved

Appendix – Delegations to Local Governing Body

1. Make proposals for the annual budget for the Academy for consideration by the Board
2. Monitor the School Improvement Plan
3. Review progress against the School Improvement Plan
4. To monitor & review information on school performance
5. To review data for pupil progress
6. To prepare targets for endorsement by the Board
7. To monitor & review information about school targets
8. To monitor the effectiveness of The National Curriculum as required
9. To consider the Healthy Schools Agenda
10. To appoint link Governors for Child Protection, SEN and Literacy & Numeracy, plus any other area as recommended by the Executive Headteacher of the Multi Academy Trust
11. Approve pupil behaviour policies
12. Monitor implementation of pupil behaviour policies
13. Consider exclusion appeals in accordance with statute and government policy (any appeal from such an exclusion appeal will be made to the Board)
14. Oversee admission arrangements in accordance with the Board's policy
15. Except in cases of Social or Medical Need or other exceptional circumstances as specified by the Board, allocate or refuse places for each year, as appropriate (Linda to clarify these two points with the MAT board)
16. Provide to the Board or its appropriate sub-committee such details as may be required to enable the Board or that sub-committee to determine any admission application reserved to it for decision
17. Propose premises-related policies
18. Propose to the Board a School premises & capital strategy
19. Monitor property processes to ensure the Directors' responsibilities are fully discharged
20. Inspecting the academy site and buildings to enable maintenance and improvement, including security. Monitoring the school's lettings policy and out of hours use
21. Report on Risks to the Board
22. Develop a risk management plan
23. Compliance with current fire safety regulations
24. Receive reports/audits from Health & Safety representatives
25. Monitoring the school's emergency policy and procedures (Critical Incident Management plan)
26. Monitoring the School Transport Plan (Travel Plan)
27. To make recommendations to the Board for the Academy's annual budget – same as point 1 – delete
28. To receive quarterly budget monitoring reports which enable the current and predicted end of financial year situation of the Academy to be determined and to report on these to the Board
29. To recommend to the Directors appropriate action on changes to the budget during the financial year
30. To set up a Register of Governors' Business Interests
31. To ensure all documents required under statutory regulation are published on the school's website
32. To report to parents according to statutory requirements and best practice
33. To ensure all pupils are safeguarded.