

## LOCAL GOVERNING BODY (LGB) TERMS OF REFERENCE

Where established, the Local Governing Body (LGB) of a school within a multi-academy trust is a committee of the Trust, with specific delegated powers. These powers are determined, and can be varied permanently or temporarily, by the Trust Board and are recorded in the Scheme of Delegation.

Legal responsibility for the school lies with The OWN Trust, which is a company limited by guarantee. The Trust is governed by the Trust Board, which relies on advice and support from the Local Governing Bodies of member schools, particularly (but not limited to) matters delegated under these Terms of Reference.

### A Composition of the Local Governing Body

- Two elected parent local governors
- One elected staff local governor
- The Headteacher
- Up to eight local governors appointed by the Trust Board (at the discretion of the Trust Board, this number can be greater to meet the needs of the school)

The term of office for all local governors is four years.

By becoming a Local Governor, you agree to abide by The OWN Trust code of conduct for members, trustees and local governors. New joiners will receive a copy of the code of conduct as part of their induction and it can be accessed on the Trust's website.

### B Meetings of the LGB

1. The LGB will hold three formal meetings per academic year, once per term. Formal meetings will be convened by the Governance & Compliance Manager and will be attended by a professional clerk who will take the minutes and provide advice and guidance. LGBs may choose to hold informal LGB meetings, or to establish sub-committees or working groups to assist in the discharge of their duties. Such meetings are still subject to these Terms of Reference and Scheme of Delegation
2. The quorum for LGB meetings is one half, excluding any vacancies, or three Local Governors, whichever is the greater. If a meeting is not quorate it may be terminated and re-convened at a later date, or it may be continued for the purposes of discussion/reporting only but no decisions can be taken. Discussion may identify a formal proposal/s to be put to a future meeting of the LGB or Trust Board, a virtual meeting, or for Chair's actions (see later).
3. A local governor may join a meeting by telephone or video, subject to having given reasonable notice to the clerk.

4. Where a formal meeting cannot take place face-to-face it may be conducted by virtual means (video or telephone conferencing) or via email as a written resolution. All decisions taken by such means will have the same status and effect as if they had been taken at a physical meeting.
5. Agenda and papers for meetings will be lodged on the trustees' secure area of the Trust website seven days before the meeting. The convening of a meeting and the proceedings conducted shall not be invalidated by reason of any individual not having had access to the agenda and papers. A shorter notice period may be given at the discretion of the Chair.
6. All matters for decision by the LGB will be determined by simple majority of local governors attending and voting. Where there is a tie, the Chair of the Local Governing Body has a casting vote.
7. Dates for meetings are set annually by the Trust as part of the whole-trust calendar.

## C Strategic duties of the LGB

1. Ensuring the children in our care are safe, well and happy, by acting as their 'champion'.
2. Ensuring we are doing all we can so that each and every child in the school has access to a good education and is supported so they can reach their full potential.
3. Being a voice for pupils, staff and parents.
4. Representing the school in the community and representing the community in the school.
5. Making recommendations to the Trust about what is best for the school and its pupils.
6. Working with the school and Trust to build and manage the school's budget.
7. Monitoring the curriculum, attendance and educational standards, and safeguarding in the school. (See guidance on visiting the school).

## D Specific delegated authority

1. Chair's actions: Where any delay in taking an action or decision that is within the delegated authority of the Local Governing Body, may result in detriment to a pupil, member of staff, or the school, the Chair of the LGB is empowered to take that action/decision after consulting with the Headteacher. Where a Chair is not in post, or not available, the Vice-Chair will exercise the Chair's powers.
2. The Chair of the LGB will be a member of the Headteacher's pay and performance panel.
3. Other roles, responsibilities or actions as specified in the OWN Trust Scheme of Delegation.
4. The Trust Board may delegate further duties and responsibilities to the Local Governing Body at the Trust Board's discretion.

5. Local Governors may be asked to sit on panels to consider individual pay recommendations, review of fixed-term or permanent exclusions, complaints, staff capability, misconduct, discipline or grievances, for their or other schools.

## E Conflicts of Interest (to be read in conjunction with The OWN Trust's Conflicts of Interests Policy)

The Trust adopts the definition of the Charity Commission which states that "a conflict of interest is any situation where someone's personal interests or loyalties could, or could be seen to, prevent them from making a decision in the best interests of the Trust/school. Conflicts of interest may arise where an individual's personal or family interests and/or loyalties conflict with those of the Trust/school. Such conflicts may create problems and could potentially inhibit free discussion, result in decisions or actions that are not in the interest of the Trust/school, or risk the impression that the Trust has acted improperly".

Any Local Governor who has any loyalty or personal interest (including but not limited to any financial interest) which conflicts or may conflict with their duty to the school and trust, is required to declare that interest. All Local Governors must complete a declaration form on appointment and thereafter annually. Where a new interest is acquired, the Governance & Compliance Manager should be informed.

Declarations of interest are a standing item on the agenda for meetings at all governance levels. Where a conflict of interest exists (either actual or potential) the Local Governor may remain but will not participate in any discussions or decision. Where a Local Governor's perceived conflict is unclear, or disputed, it will be for the Local Governing Body to decide if the local governor should withdraw from discussion/decision.

## F Appointment, resignation & removal

Local governors must be at least 18 years of age at appointment and not a pupil at any school in the Trust. Local governors must, at the time of appointment, provide proof of identity and apply for an enhanced DBS (Disclosure and Barring Service) certificate within 21 days of election/appointment.

The term of office for Local Governors is four years however a Local Governor may at any time resign their office by giving notice in writing to the Governance & Compliance Manager.

A Local Governor may be removed from office by the Trust Board where they are deemed to have breached the Code of Conduct, their duty of care, duty of confidentiality, or acted in such a manner as to bring the school, or Trust, into disrepute. This provision cannot legally apply to elected Parent or Staff Local Governors however suspension from meetings may be used as a sanction. Appointed Parent or Staff Local Governors may be removed by the Trust Board.

Any Staff Local Governor, including the Headteacher, automatically ceases to hold office if they cease to be employed at the school.

A person is disqualified from holding or from continuing to hold office as a Local Governor of a school at any time if they:

- become incapable by reason of mental disorder, illness or injury of managing or administering their own affairs
- have an attendance record less than 1/3 of the number of LGB meetings held during the academic year, unless an exception is made at the discretion of the LGB
- are the subject of: a bankruptcy restrictions order, or an interim bankruptcy restrictions order; a debt relief restrictions order, or an interim debt relief restrictions order; an undischarged sequestration
- are disqualified from being a company director or a charity trustee
- are removed from office as an elected governor at another school, or have previously been removed from office as an elected governor, at any school, within the last 5 years
- are included in the list of those unsuitable to work with children or vulnerable adults
- are disqualified from working with children, barred from regulated activity or disqualified from registering for childminding or providing day-care
- are sentenced to 3 months or more in prison (without the option of a fine) or have been sentenced to 3 months or more in prison (without the option of a fine) in the last 5 years
- receive a prison sentence of 2.5 years or more, or have received a prison sentence of 2.5 years or more in the last 20 years
- receive, or have at any time received, a prison sentence of 5 years or more
- are fined, or have been fined for causing a nuisance or disturbance on school premises during the last 5 years
- refuse to make an application to the Disclosure and Barring Service (DBS)
- have made an application for DBS clearance but had clearance refused

## G Confidentiality

Local Governors have a duty to respect the confidentiality of any information they may be party to as part of their role.

Minutes of meetings are a matter of public record and may summarise key points of the discussion to show the rationale behind decisions however beyond this, discussions had in meetings are not public and should be considered confidential. They may not be shared with third parties.

Some matters may be the subject of a confidential minute. Confidential minutes are not public documents and may not be shared with third parties, or discussed outside of meetings.

As part of their responsibilities and oversight, Local Governors may sometimes be privy to personal information about individuals (staff, pupils, families or other stakeholders) or commercially sensitive information. All such information is confidential and may not be shared with third parties.

Where a Local Governor has breached their duty of confidentiality, the matter may be referred to the Chair of the Local Governing Body who may recommend to the Trust suspension from meetings, or (where appointed) removal from office.

When you cease to be a Local Governor there is an expectation that you will continue to treat confidential information accessed while in office, with respect and discretion.