

DATED 8th December 2020

**THE DECUS EDUCATIONAL TRUST
TERMS OF REFERENCE
for
WHITEHILL PRIMARY SCHOOL**

THE DECUS EDUCATIONAL TRUST

Terms of Reference for the Local Governing Body of Whitehill Primary School

1 General

- 1.1 The Decus Educational Trust (TDET) is a charitable company limited by guarantee. It is governed by a board of Directors which has overall responsibility for the management and administration of TDET and the Academies run by TDET.
- 1.2 TDET has entered into agreements with the Secretary of State. There is a Master Funding Agreement (MFA) which applies to TDET overall and an individual Supplemental Funding Agreement (SFA) for each of the Academies.
- 1.3 The Directors deal with strategic planning and the setting of policy. TDET overall is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes.
- 1.4 The detailed functioning of each Academy is delegated to a Local Governing Body (LGB) for each Academy. Legally, the LGB is a committee of TDET and every power or duty given to the LGB has to be given directly by TDET. This document defines the roles and responsibilities of the LGB and the extent of its decision-making powers. The degree to which powers are delegated to the LGB may be different for different Academies depending on the capacity of the LGB in question. These terms of reference relate specifically to Whitehill Primary School ("the Academy").
- 1.5 These terms of reference are made under the powers conferred on TDET in its Articles of Association to make regulations governing the conduct of the LGB.

Powers reserved to the Directors

- 2 The following powers are reserved to the Directors and cannot be exercised by a LGB unless in any specific instance the Directors delegate a power to the LGB. The Directors may delegate any of their functions to the Chief Executive Officer, Headteacher or Director of Support Services as they think fit and any such delegation may include the power to sub-delegate and give directions to a LGB.
 - 2.1 Generally
 - 2.1.1 Appointment of the Chief Executive Officer of TDET and the Headteacher of the Academy;
 - 2.1.2 determination of salary increases and performance management for the Chief Executive Officer of TDET and the Headteacher of the Academy ;
 - 2.1.3 determination of pay policies and salary scales for TDET;
 - 2.1.4 determination of any restructuring of staff at the Academy where it has a significant cost impact, a staffing impact at Trust level or requires approval from the DfE (e.g. large severance payments);
 - 2.1.5 determination of terms and conditions of service for all staff (but subject to consultation with the LGB, the Headteacher and staff groups where appropriate);
 - 2.1.6 suspension and lifting of suspension of the Chief Executive Officer of TDET and the Headteacher of the Academy
 - 2.1.7 appointment of any Internal Auditor for the Academy;
 - 2.1.8 appointment of the initial Chair of the LGB;
 - 2.1.9 appointment of the Clerk of the LGB;
 - 2.1.10 provision of Governor training and evaluation.

2.2 Finances

- 2.2.1 oversight of the finances of TDET and the Academy, including compliance with the Academies Financial Handbook and the financial and accounting requirements detailed within the Funding Agreement;
- 2.2.2 appointment of the Accounting Officer for TDET
- 2.2.3 determination of the Academy's annual budget in consultation with the LGB;
- 2.2.4 determination, after consultation with the LGB, of the extent of the services provided to the Academy by TDET and how the costs for such services should be allocated, apportioned or retained;
- 2.2.5 determining procurement policies for TDET; including procurement by the LGB;
- 2.2.6 setting guidelines for the local maintenance of assets and appropriate registers.

Policies and Targets

2.3 The Directors shall:

- 2.3.1 determine the vision of TDET;
- 2.3.2 determine which policies shall be used by the Academy, the frequency of review of such policies and the level of governance at which they require approval, in consultation with the LGB and LGBs of other academies within TDET;
- 2.3.3 determine the admissions policy and arrangements for the Academy in accordance with admissions law and DfE codes of practice;
- 2.3.4 consider and evaluate performance in relation to academic achievement, finances, staff performance and other matters;
- 2.3.5 determine TDET's development plan;
- 2.3.6 determine any additional financial and reporting targets for the Academy;
- 2.3.7 determine the composition and terms of reference of each LGB.

3 THE LOCAL GOVERNING BODY

- 3.1 The LGB is a committee of the Directors and will act in accordance with these Terms of Reference unless otherwise directed by the Directors. The LGB will report and be accountable to the Directors for its decisions.

Composition

- 3.2 The Directors will determine the membership of the LGB and terms of office from time to time
- 3.3 Schedule 1 sets out the membership of the LGB

Disqualification of Members of the LGB

- 3.4 Schedule 3 sets out the circumstances in which a member of the LGB is disqualified from continuing to serve on the LGB.

4 The LGB's Delegated powers

General Provisions

- 4.1 Subject to the limitations set out in these Terms of Reference, any restrictions in TDET's Financial Regulations and Staff Handbook and any individual limitations that may be notified to the LGB by the Directors from time to time, the Directors delegate the running of the Academy to the LGB which specifically has the following duties:
- 4.1.1 To advise the Directors on strategic issues relating to the Academy including the admissions policy;
 - 4.1.2 To report to the Directors both generally and specifically as the Directors may require;
 - 4.1.3 To oversee and control the financial performance of its Academy within the limits specified in TDET's Financial Regulations including maintaining such records as the Directors may require and advising the Directors generally on financial issues;
 - 4.1.4 To determine such policies as TDET may delegate to the LGB and to advise TDET on all other policies;
 - 4.1.5 To oversee and determine all complaints against the Academy ensuring compliance with TDET's published complaints procedure and the Education (Independent School Standards) (England) Regulations 2010
 - 4.1.6 To have the general oversight of the Academy's activities including monitoring and evaluating the standards and performance of the Academy and the application of designated funding such as the Pupil Premium. In doing so it is required
 - (a) To be cognizant of the requirements and expectations relating to the national framework for primary and early years education, as set out by governmental bodies and other relevant organisations in relation to Academies
 - (b) To be aware of and take into account views of parents, students, staff and the wider community that its academy serves and report on these as appropriate to the Directors;
 - (c) To review the curriculum on advice from the Headteacher;
 - (d) To support the Headteacher in her/his functions and to receive from the Headteacher and consider such reports as the LGB may require;
 - (e) To take all actions required to comply with statutory regulations and the MFA and SFA including matters relating to student discipline, student and staff welfare, special educational needs, safeguarding, equality issues generally, religious education and collective worship, health and safety and the implementation of charging policies;
 - (f) To implement the policies agreed by the Directors with regard to admissions (including taking of all admission decisions in accordance with the School Admissions Code through an Admissions Committee to be set up by the LGB);
 - (g) To implement the educational vision of the Academy including developing reviewing and monitoring the Academy's School Development Plan;
 - (h) To maintain the Academy estate in accordance with any guidelines set out by TDET;
 - (i) To implement TDET's procurement policies insofar as they impact on the Academy;
 - (j) To manage the Academy's cash flow and monitoring expenditure by the Academy in accordance with policies determined by the Directors;
 - (k) To notify TDET of any changes to fixed assets used by the Academy;

- (I) To manage, in accordance with policies and procedures laid down by TDET, the appointment, job description, appraisal and dismissal of all members of staff of the Academy excluding the Headteacher.

Sub-committees and Delegation Powers of the LGB

- 4.2 Each member of the LGB shall act in the best interests of the Academy at all times and must keep confidential all information of a confidential nature obtained by them relating to the Academy or TDET.
- 4.3 The LGB may delegate any of its functions to the Headteacher of the academy, to an individual member of the LGB or to a sub-committee of the LGB but no individual or sub-committee may delegate further unless expressly authorised to do by the LGB.
- 4.4 The LGB may establish sub-committees which will have responsibility for the indicated areas
 - 4.4.1 Finance
 - 4.4.2 Personnel and the sub-committee shall itself have sub-sub-committees to deal with the following:-
 - (a) Discipline appeal
 - (b) Grievance
 - 4.4.3 Curriculum
 - 4.4.4 Student welfare and discipline
 - 4.4.5 Complaints
 - 4.4.6 Premises
 - 4.4.7 Admissions
 - 4.4.8 Apart from Admissions, which must have a designated sub-committee, the functions indicated above may be divided between sub-committees as the LGB may determine, or retained by the LGB itself.
 - 4.4.9 The LGB shall determine the extent if at all to which such sub-committees are to have decision-making powers. Any such decision-making powers may not be wider than the powers conferred on the LGB. Subject to this, these terms of reference will apply to all sub-committees unless the Directors direct otherwise.
- 4.5 The LGB will review the sub-committee structure, terms of reference, constitution and membership of any sub-committee and all other delegations of power at least once each year
- 4.6 Every decision made by the LGB either directly or under sub-delegation shall be reported to the next available meeting of the Directors. Every decision made by an individual or sub-committee of the LGB shall be reported to the next available meeting of the LGB
- 4.7 Every Director of TDET and the Headteacher shall be entitled to attend every meeting of the LGB and of any sub-committee established by the LGB
- 4.8 Unless prohibited under its terms of reference, the LGB and any sub-committee may invite attendance by persons who are neither Governors nor committee members where such attendance is considered by the members of the LGB or sub-committee to benefit its deliberations.
- 4.9 The membership of any sub-committee may include persons who do not also serve on the LGB, provided that a majority of the members of any such sub-committee shall be members of the LGB or Directors.
- 4.10 Only the members of a sub-committee who are Directors or who serve on the LGB are entitled to vote in any proceedings of the sub-committee.

- 4.11 Copies of the minutes of sub-committee meetings are to be circulated to all members of the LGB and those who are entitled to attend LGB meetings.
- 4.12 Annexed to these terms of reference is a table setting out the level at which delegated decisions can be taken. This table is indicative and if any direction by the Directors is inconsistent with the table, that direction will prevail.

Financial Management

- 4.13 The LGB shall at all times act in accordance with TDET's Finance Policy, its Financial Regulations and the DfE's Academies Financial Handbook.

5 CHAIR AND VICE CHAIR OF THE LGB

- 5.1 The initial Chair of the LGB shall be appointed by the Directors. Subsequent Chairs of the LGB will be appointed by the LGB unless otherwise determined by the Directors.
- 5.2 The term of office of the Chair shall be 2 years unless otherwise determined by the Directors. Subject to remaining eligible to be a Chair, a Governor may be re-appointed for further terms of office as Chair by the Governors.
- 5.3 The Vice-Chair of the LGB shall be appointed by the Governors from amongst all of the Governors for a term of 2 years, the appointment typically taking place in alternate years to that of the Chair. Subject to remaining eligible to be a Vice-Chair, a Governor may be re-appointed for further terms of office as Vice-Chair by the Governors.
- 5.4 If both the Chair and the Vice-Chair are absent from any meeting of the LGB, those Governors present shall appoint one of their number to chair the meeting.
- 5.5 The Chair (or, in the absence or inability to act of the Chair, the Vice-Chair) shall have the following powers
 - 5.5.1 If the Chair is of the opinion that, if a particular function of the LGB or of a sub-committee of the LGB were not exercised before the earliest date on which it would be reasonably practicable for a meeting of the LGB, or of a sub-committee to which the function in question has been delegated, to be held, the delay would be likely to be seriously detrimental to the interests of—
 - (a) the Academy;
 - (b) any pupil at the Academy, or their parent; or
 - (c) a person who works at the Academythe chair shall have the power to exercise that function.
- 5.6 The Chair or Vice-Chair shall cease to hold office if:
 - 5.6.1 he ceases to serve on the LGB;
 - 5.6.2 he is removed from office in accordance with the Terms of Reference; or

in the case of the Vice-Chair, he is elected in accordance with the Terms of Reference to fill a vacancy in the office of Chair.
- 5.7 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice-Chair shall act as the chair for the purposes of the meeting.

- 5.8 Where the Vice-Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the members of the LGB shall elect one of their number to act as a Chair for the purposes of that meeting, provided that the person elected shall not be a person who is employed by TDET (whether or not at the Academy) and shall not be a Director.
- 5.9 A Director (or, in the absence of a Director, the Clerk to the LGB) shall act as Chair during that part of any meeting at which the Chair is elected.
- 5.10 Any election of the Chair or Vice-Chair shall be held by secret ballot.
- 5.11 The Chair or Vice-Chair may only be removed from office by the Directors at any time or by the LGB in accordance with these terms of reference.
- 5.12 A resolution to remove the Chair or Vice-Chair from office which is passed at a meeting of the LGB shall not have effect unless:
- 5.12.1 it is confirmed by a resolution passed at a second meeting of the LGB held not less than fourteen days after the first meeting; and
 - 5.12.2 the matter of the Chair's or Vice-Chair's removal from office is specified as an item of business on the agenda for each of those meetings.
- 5.13 Before a resolution is passed by the LGB at the relevant meeting as to whether to confirm the previous resolution to remove the Chair or Vice-Chair from office, the person or persons proposing his removal shall at that meeting state their reasons for doing so and the Chair or Vice-Chair shall be given an opportunity to make a statement in response.

6 CONDUCT OF MEETINGS OF THE LGB AND SUB-COMMITTEES

- 6.1 Meetings of the LGB and any sub-committee shall be convened and conducted in the same way as provided in the Articles of Association of TDET for meetings of the Directors of TDET as though references in those Articles to Directors were references to members of the LGB or the sub-committee in question. The relevant provisions are set out in Schedule 2.

7 ROLE OF THE HEADTEACHER

- 7.1 The Headteacher shall be appointed by the Directors having sought views of the LGB
- 7.2 The Directors and the LGB hereby delegates such powers and functions as are required by the Headteacher for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Directors and the LGB) and for the direction of the teaching and curriculum at the Academy.
- 7.3 The Headteacher shall be responsible to the LGB for:-
- 7.3.1 implementing the agreed policies and procedures laid down by the LGB including compliance with the MFA, the SFA and all statutory and regulatory requirements;
 - 7.3.2 advising the LGB on strategic direction, forward planning and quality assurance;
 - 7.3.3 the leadership and management of the Academy;
 - 7.3.4 managing the delegated budget and resources agreed by the LGB;
 - 7.3.5 the appointment of Senior Leadership Team members following consultation with the LGB;
 - 7.3.6 the appointment of all other staff and (except to the extent directed otherwise by the Directors and/or the LGB), the salary grading, allocation of duties, appraisal and discipline of all staff;

7.3.7 the maintenance of good order and discipline by the pupils, including their exclusion in accordance with legal requirements, within any framework laid down by the LGB; and

7.3.8 all such additional functions as may be assigned under the job description or contract of employment.

8 CONDUCT OF STAFF

8.1 TDET is the employer of all of the staff at the Academy.

8.2 The LGB is responsible for implementing the human resource policies, procedures and terms and conditions of service for all employees including the upholding of appropriate rules for the conduct of staff.

8.3 The Headteacher shall be responsible for the appointment and management of all staff to be employed at the Academy (other than the Headteacher) provided that the Headteacher shall:

8.3.1 comply with all policies dealing with staff issued by the Directors from time to time;

8.3.2 take account of any terms set by the Directors;

8.3.3 adopt any standard contracts or terms and conditions for the employment of staff issued by the Directors.

8.4 The LGB will have oversight of the performance management of all staff (excluding the Headteacher) and shall put in place procedures for the proper professional and personal development of staff.

8.5 The Directors in consultation with the LGB shall manage the performance of the headteacher.

9 PREMISES

9.1 The day to day maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the LGB to the extent that it has funding to enable it to discharge that responsibility. The LGB shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Directors (and/or any others) as owners of such buildings and facilities.

9.2 The LGB shall advise the Directors as the Directors may require on matters relating to estate management strategy, the suitability of building and facilities in light of long term curriculum needs and the need for and availability of capital investment

9.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Directors.

9.4 Insuring the land and buildings used by the Academy will be the responsibility of the Directors

9.5 The LGB will notify the Directors as soon as reasonably practicable following the occurrence of an event in respect of which insurance has been obtained. The responsibility for notifying the insurers is the LGB. The Directors and the LGB will provide each other with all necessary information and assistance as may be helpful in the management of any insurance claims.

10 CONFLICTS OF INTEREST

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

10.2 Any member of the LGB who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a member of the LGB shall disclose that fact to the other members of the LGB as soon as he becomes aware of it. A member of the LGB must absent himself from any discussions of the LGB or any committee in which it is possible that a conflict will arise between his duty to act solely

in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).

11 **RULES AND BYE-LAWS**

- 11.1 The LGB shall have power to make rules and bye-laws in respect of the government and conduct of the Academy as it shall think fit. Such rules and bye-laws shall be subject to the provisions of the Terms of Reference and to approval by the Directors.

12 **OTHER MATTERS**

- 12.1 The LGB will comply with all policies of the Directors communicated to the LGB from time to time.
- 12.2 The Directors and all members of the LGB have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Company and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
- 12.3 The LGB will review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.
- 12.4 The LGB shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors may require from time to time.

13 **EFFECTIVE DATE**

- 13.1 These Terms of Reference shall come into effect on such date as determined by the Directors.

SCHEDULE 1
Membership of the LGB

1) Members of the Local Governing Body

- 1.1 The number of people who shall sit on the Local Governing Body shall be not less than three but, unless otherwise determined by the Directors, shall not be subject to any maximum.
- 1.2 The Local Governing Body shall have the following members:
 - 1.2.1 A maximum of 7 Governors appointed by the Directors
 - 1.2.2 2 staff Governors, appointed under clause 2.2;
 - 1.2.3 2 parent Governors elected or appointed under clause 2.5;
 - 1.2.4 the Headteacher

2) Appointment of members of the Local Governing Body

- 2.1 The Local Governing Body may appoint 2 persons who are employed at the Academy to serve on the Local Governing Body through such process as they may determine, provided that the total number of persons employed by the Trust (including the Headteacher) does not exceed one third of the total number of persons on the Local Governing Body. The positions held by those employed at the Academy (e.g. teaching and non teaching) may be taken into account when considering appointments.
- 2.2 Unless the Directors agree otherwise, in appointing persons to serve on the Local Governing Body who are employed at the Academy the Local Governing Body shall invite nominations from all staff employed under a contract of employment (excluding the Headteacher) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Body.
- 2.3 The Headteacher shall be an ex officio member of the Local Governing Body.
- 2.4 Subject to clause 2.8, the parent members of the Local Governing Body shall be elected by parents of registered pupils at the Academy and each parent member must be a parent of a pupil at the Academy at the time when he or she is elected.
- 2.5 The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot.
- 2.6 The arrangements made for the election of the parent members of the Local Governing Body shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the Academy by a registered pupil at the Academy.
- 2.7 Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 2.8 The number of parent members of the Local Governing Body required shall be made up by persons appointed by the Local Governing Body if the number of parents standing for election is less than the number of vacancies.

- 2.9 In appointing a person to be a parent member of the Local Governing Body pursuant to clause 2.8, the Local Governing Body shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.

3) Term of office

- 3.1 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 Headteacher who will serve for as long as he remains in office. Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected to the Local Governing Body.

SCHEDULE 2

Conduct of the LGB and Sub-Committees

1. The LGB shall hold at least three meetings in every school year. Meetings of the LGB shall be convened by the Clerk. In exercising his functions under this clause the Clerk shall comply with any direction
 - 1.1. given by the LGB; or
 - 1.2. given by the Chair of the LGB or, in his absence or where there is a vacancy in the office of Chair, the Vice-Chair of the LGB, so far as such direction is not inconsistent with any direction given as mentioned in 1.1.
2. Any three Governors may, by notice in writing given to the Clerk, requisition a meeting of the LGB; and it shall be the duty of the Clerk to convene such a meeting as soon as is reasonably practicable.
3. Each Governor and each Director shall be given at least seven clear days before the date of a meeting –
 - 3.1. notice in writing thereof, signed by the Clerk, and sent to each Governor and each Director at the address provided by each Governor and each Director from time to time; and
 - 3.2. a copy of the agenda for the meeting;
provided that where the Chair or, in his 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 he directs.
4. 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.
5. A resolution to rescind or vary a resolution carried at a previous meeting of the LGB shall not be proposed at a meeting of the LGB unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.
6. A meeting of the LGB shall be terminated forthwith if –
 - 6.1. the LGB so resolves; or
 - 6.2. the number of Governors present ceases to constitute a quorum for a meeting of the LGB in accordance with clause 9 of this schedule, subject to clause 11 of this schedule.
7. Where in accordance with clause 6 of this schedule 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.
8. Where the LGB resolves in accordance with clause 6 of this schedule to adjourn a meeting before all the items of business on the agenda have been disposed of, the LGB 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.
9. Subject to clause 11 of this schedule the quorum for a meeting of the LGB, and any vote on any matter thereat, shall be any three Governors, or, where greater, any one third (rounded up to a whole number) of the total number of Governors holding office at the date of the meeting.
10. The Governors may act notwithstanding any vacancies in their number, but, if the numbers of Governors is less than the number fixed as the quorum, the continuing Governors may act only

for the purpose of filling vacancies or of calling a general meeting.

11. The quorum for the purposes of -
 - 11.1. any vote on the removal of a Governor;
 - 11.2. any vote on the removal of the Chair of the LGB;shall be any two-thirds (rounded up to a whole number) of the persons who are at the time Governors entitled to vote on those respective matters.
12. Subject to these Terms of Reference, every question to be decided at a meeting of the LGB shall be determined by a majority of the votes of the Governors and the Directors present and voting on the question. Every Governor and every Director shall have one vote.
13. Subject to clauses 9-11 of this schedule, where there is an equal division of votes, the Chair of the meeting shall have a casting vote in addition to any other vote he may have.
14. The proceedings of the LGB shall not be invalidated by
 - 14.1. any vacancy among their number; or
 - 14.2. any defect in the election, appointment or nomination of any Governor.
15. A resolution in writing, signed by all the Governors entitled to receive notice of, and vote at, a meeting of the LGB or of a committee of the LGB, shall be valid and effective as if it had been passed at a meeting of the LGB or (as the case may be) a sub-committee of the LGB duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the Governors.
16. Subject to clause 17 of this schedule, the LGB shall ensure that a copy of
 - 16.1. the agenda for every meeting of the LGB;
 - 16.2. the draft minutes of every such meeting, if they have been approved by the person acting as Chair of that meeting;
 - 16.3. the signed minutes of every such meeting; and
 - 16.4. any report, document or other paper considered at any such meeting,are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.
17. There may be excluded from any item required to be made available in pursuance of clause 16 of this schedule, any material relating to -
 - 17.1. a named teacher or other person employed, or proposed to be employed, at the Academy;
 - 17.2. a named pupil or named student at, or candidate for admission to, the Academy; and
 - 17.3. any matter which, by reason of its nature, the LGB is satisfied should remain confidential.
18. Any Governor shall be able to participate in meetings of the LGB by telephone or video conference provided that:
 - 18.1. he has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and,
 - 18.2. the LGB 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.

SCHEDULE 3

Disqualification of members of the LGB

1. No person shall be qualified to serve on the LGB unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be entitled to serve on the LGB.
2. A person serving on the LGB shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.
3. A person serving on the LGB shall cease to hold office if he is absent from two consecutive meetings of the LGB and the LGB resolves that his office be vacated.
4. A person shall be disqualified from serving on the LGB if:
 - a. his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
 - b. he is the subject of a bankruptcy restrictions order or an interim order.
5. A person shall be disqualified from serving on the LGB at any time when he is 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).
6. A person serving on the LGB shall cease to hold office if he would cease to be a director 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).
7. A person shall be disqualified from serving on the LGB if he has 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 he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.
8. A person shall be disqualified from serving on the LGB if he has not provided to the Chair a criminal records 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 or the Chief Executive Officer 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 Secretary of State to determine the matter. The determination of the Secretary of State shall be final.
9. A person shall be disqualified from serving on the LGB if he is 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 it contained in such a direction.
10. A person shall be disqualified from serving on the LGB where he has, 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

Appendix

Scheme of Delegation – Whitehill Primary School

KEY

Level 1: The Company

Level 2: LGB

Level 3: Headteacher

A means: Accountable - Ultimate strategic accountability

R means: Responsible - Operational responsibility to ensure outcomes

C means: Consulted - Seeking views and sharing communications. No responsibility and no power to effect.

I means: Informed - No action required, only to advise

Function	No	Tasks	Decision Level		
			1	2	3
Central Services	1	To determine the scope of mandatory core services to be delivered by the Company on behalf of its Academies	AR	C	
	2	To identify those additional services to be procured on behalf of individual academies	AI	R	
	3	To ensure centrally procured services provide value for money	A R	C	

Function	No	Tasks	Decision Level		
			1	2	3
Financial Management	4	To determine the proportion of the overall TDET budget to be delegated to individual Academies	AR	C	
	5.	To develop and propose the individual Academy budget	I	AR	
	6	To approve the first formal budget plan each financial year	A	R	
	7	To monitor monthly expenditure against approved budget	I	A	R
	8	To approve any virement between budget headings and/or likely individual budget overspends		A	R
	9	To establish Trust Finance Policy and Procedures	AR		
	10	To establish a charging and remissions policy	A	R	
	11	To appoint the Audit Committee	A R		
	12	To enter into contracts (Directors may wish to agree financial limits) up to the limits of delegation and within an agreed budget		A	R
	13	To make payments within agreed financial limits and agreed budget headings		A	R
Staffing	14	Appointment of CEO / Headteacher	A R		
	15	Other Leadership Team appointments		C	A R
	16	To remodel the staffing structure of the academy with significant cost impact, a staffing impact at Trust level or where DfE approval required	A R	C	
	16a	Other staffing restructures		A C	R
	17	Appoint all other staff			A R

Function	No	Tasks	Decision Level		
			1	2	3
	18	Agree a pay policy	A R		
	19	Pay discretions – within policy		A	R
	20	Establishing disciplinary/capability procedures	A R		
	21	Dismissal of CEO / Headteacher	A R		
	22	Dismissal of other staff		A	R
	23	Suspending CEO / Headteacher	A R		
	24	Suspending other Staff		A	R
	25	Ending suspension (CEO / Headteacher / Head of School)	A R		
	26	Ending Suspension (other Staff)		A	R
	27	Determining Staff complement within agreed budget		A	R
	28	Determining dismissal payments/early retirement	I	R	
Curriculum	29	To develop a curriculum policy		A	R
	30	To implement curriculum policy			R
	31	Responsible for standards of teaching	I	A	R
	32	Responsibility for individual child's education	I	I	A
	33	Provision of sex education – to establish and keep up to date a written policy	I	A	R
	34	To prohibit political indoctrination and ensuring the balanced treatment of political issues	A	C	R
Staff Appraisal	35	To develop a staff appraisal policy	A R	C	C
	36	To implement the staff appraisal policy		I	R

Function	No	Tasks	Decision Level		
			1	2	3
	37	To review annually the staff appraisal policy	A R	C	C
Target Setting	38	To propose targets for pupil achievement			R
	39	To agree targets for pupil achievement	A	R	
	40	Responsibility for pupil outcomes		A	R
	41	To establish a pupil discipline policy	C	A	R
	42	To review the use of exclusion and to decide whether or not to confirm any permanent exclusion and fixed term exclusion where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair of LGB in cases of urgency)		A R	
	43	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)		R	
Admissions	44	To consult before setting an admissions policy and to set the admissions policy	A R	C	C
	45	Admissions: application decisions	A		R
	46	To secure equal treatment in admissions of pupils with SEN	A		R
Premises & Insurance	47	Buildings insurance and personal liability	AR		
	48	Developing school buildings strategy or master plan	A	R	C
	49	Procuring and maintaining buildings, including developing properly funded maintenance plan	A	R	C
Health and Safety	50	To institute a health and safety policy	A	R	C
	51	To ensure that health and safety regulations are followed	A	I	R

Function	No	Tasks	Decision Level		
			1	2	3
School Organisation	52	To consider, consult on and propose change of age range or size of Academies within the MAT	AR	C	C
	53	To set the times of school sessions and the dates of school terms and holidays	A	R	
	54	To ensure that the school meets for 380 sessions in a school year		A	R
	55	To prepare and publish the school prospectus		A C	R
Governance	56	To ensure provision of free school meals to those pupils meeting the criteria		A	R
	57	To appoint and dismiss the Clerk to the LGB	R		
	58	To hold a full LGB meeting at least three times in a school year or a meeting of the temporary governing body as often may require		R	
	59	To set up a Register of Local Governing Body members' Business Interests	A	R	
	60	To approve and set up a Directors and Governors Expenses Scheme	A R	C	
	61	To discharge duties in respect of pupils with special needs by appointing a "responsible person"		A	R
	62	To consider whether or not to exercise delegation of functions to individuals	R	R	
	63	To regulate the LGB procedures (where not set out in law)	I	AR	
	64	To determine the development needs of governors and put in place an appropriate programme	A R		
	65	To consider requests from other schools to join the Company	A R		
	Safeguarding	66	To institute a safeguarding policy	A	R

			Decision Level		
Function	No	Tasks	1	2	3
	67	To ensure that the safeguarding policy is implemented	I	I	R
Policies	68	To determine, on an annual basis, those policies which will be developed by the Company and mandatory for all Academies	A	C	C
	69	To provide to the Directors copies of any policies and procedures which have changed substantively .		R	