

Terms of Reference for REAch2 Local Governing Bodies, Intervention Boards and Transition Boards

Introduction

REAch2 is a charitable voluntary organisation which relies on the crucial input of a considerable number of volunteers, supported by an experienced team of staff. The size of the organisation and the number of schools for which it is responsible, coupled with its drive for accountability, mean it is also a complex organisation with various important layers of governance.

The LGBs carry out their functions in relation to their respective Academy on behalf of the Trust Board and in accordance with policies determined by the Trust Board. The act of delegation from the Trust Board to the LGBs is a delegation of powers and duties, and not a shedding of responsibilities.

This constitution and terms of reference for your Local Governing Body (LGB), Intervention or Transition Board has been made by the Trustees of REAch2 Academy Trust (the Trust and Trust Board respectively) and we ask that you please read it alongside the REAch2 Scheme of Delegation.

The Nolan Principles (Annex 1 of the Trust Board Terms of Reference) are also relevant to all models of local governance.

Application and Delegation to the LGB

The LGB shall have the roles set out in this section and any other role that the Trust Board agree shall be carried out by the LGB and that is communicated in writing to the Chair of the LGB. The details contained within this Terms of Reference are applicable to Local Governing Bodies, Transition Boards and Intervention Boards in REAch2. Any difference specific to a particular model of local governance are detailed accordingly. Unless otherwise stated, any reference throughout this document to LGBs or Local Governors should also be considered as including both Transition and Intervention Boards and their members.

The governance of the Academy is delegated to the LGB who may exercise the powers of the Trust in so far as they relate to the Academy, subject to:

- any restrictions in the Companies Act which requires a decision of the Members or the Trust Board;
- the Articles of Association;
- the Scheme of Delegation;
- policies and procedures set by the Trust Board;
- a specific decision of the Trust Board;
- paragraphs b) to d) below; and
- the reserved matters.

The Trust Board and the LGB acknowledge that they each play a crucial role in the governance of the Academy and commit to working together in the best interests of the Trust and the Academies. They also acknowledge that the duties and responsibilities in relation to the operation of the Trust sit with the Trust Board and as such the Trust Board is entitled:

- to overrule a decision of the LGB; and/ or
- to remove delegated powers from an LGB

if (in their reasonable opinion) they consider it to be in the best interests of the Academy or the wider Academy Trust.

Transition Boards are put in place when a school joins the Trust or a new Free School is opened within the Trust, with the additional remit of embedding Trust practice and ethos and recruitment of a REAch2 standard LGB at a suitable point in time. It is anticipated that Transition Boards will be in place for no more than 18 months but individual circumstances may cause this timeline to be extended.

Intervention Boards are established by the Trustees and Executives in response to significant concerns or circumstances as set out in the intervention section of this terms of reference. The role of the Intervention Board is to support and challenge in such a way as to bring about rapid improvement in the areas of concern whilst also conducting all other functions delegated to LGBs in the Trust. It is anticipated that Intervention Boards will be in place for no more than 18 months but individual circumstances may cause this timeline to be extended.

Remit

The LGB's role is key in ensuring proper oversight and accountability within individual Academies and championing their successes. It is to provide focused governance by supporting, monitoring and challenging the Headteacher and Academy's senior leadership team in relation to:

- strategic direction and vision,
- educational performance,
- SEND, pupil premium and additional ring-fenced funding
- risk management,
- safeguarding, behaviour and attendance,
- health, safety and wellbeing,
- policy and compliance with statutory regulations,
- staffing
- equalities, diversity and inclusion
- stakeholder engagement
- governance.

The LGB will achieve its remit by the following:

Monitoring vision and strategic direction

- To champion the REAch2 vision and values in the Academy
- To champion the Academy's vision and values within the school community and with external stakeholders
- To ensure that the Academy has a vision for its future, which complements the vision and strategic direction of the Trust, and is expressed in the school development plan
- To determine the educational character, mission and ethos of the Academy reflecting the wider character, mission and ethos of the Trust
- To receive and approve the school development plan
- To challenge and seek assurance from the head teacher that the school development plan is implemented and impactful
- To review, make recommendations and scrutinise the implementation of the policies of the Academy (in line with any Trust prescribed policy).

Educational Performance

- To ensure a broad, balanced and inclusive curriculum is delivered in the academy including enrichment opportunities
- To monitor the planning, implementation and impact of 11 Before 11 activities
- To ensure effective processes are in place for monitoring the quality assurance of teaching and learning, the curriculum, inclusion and the sharing of good practice
- To monitor the targets and projections reported from the Headteacher relating to standards
- To understand and scrutinise the educational performance of different groups such as (but not limited to) year groups, children with SEND, disadvantaged children and ensure that SEND code of practice and equalities requirements are considered
- To ensure that actions from any Trust audits and reviews are completed in a timely manner.

SEND, pupil premium and additional ring-fenced funding

- To seek assurance that appropriate support and interventions are in place and that systems are effectively implemented for eligible pupils
- To seek assurance that high-needs funding is used effectively
- To monitor the implementation and impact of the pupil premium strategy in the Academy
- To monitor the implementation and impact of other ring-fenced funding such as the PE & Sports Premium

Risk Management

- To monitor the risk register throughout the year
- To challenge and seek assurance from the head teacher that risk identification and implementation of mitigations are effective

Safeguarding, behaviour and attendance

- To receive and scrutinise regular reports
- To ensure that a DSL is appointed and receives regular and appropriate training
- To ensure that all staff, governors and volunteers receive regular and appropriate training
- To monitor trends and/or patterns in safeguarding incidents in the academy and understand interventions and plans to address such matters
- To seek assurance that the single central record is completed according to Trust policy and legal requirements
- To ensure that the Headteacher via their own monitoring is seeking assurance of the effective implementation of their safeguarding policies and processes, and of the robustness of the safeguarding culture at the academy
- To be familiar with safeguarding issues in the community and implications at the academy
- To ensure effective arrangements are in place enabling staff to have a good understanding of early help and their responsibilities for pupils.
- To ensure that actions from any Trust safeguarding audits and reviews are completed in a timely manner
- (CoG only) Alongside the DDoE, to receive any information relating to a low level concern or allegation concerning the academy's Headteacher, and respond in accordance with statutory guidance and Trust policy
- To monitor any trends or patterns in behaviour incidents in the academy, including suspensions, permanent exclusions and low level concerns, and understand interventions and plans to address such matters
- To convene a committee to review the exclusion of a pupil by the Headteacher.
- To review and monitor attendance and pupil absence rates, and to understand interventions and plans to address any issues.

Health, safety and wellbeing,

- To ensure that appropriate risk assessments are being carried out in the Academy
- To seek assurance that the academy is compliant with all Trust requirements and systems in terms of health, safety and estates.
- To ensure that actions from any Trust audits and reviews are completed in a timely manner
- To review, monitor and approve the key strategies used within the school to support the wellbeing of staff and pupils in the academy.
- To receive updates on the professional development in place to support pupil and staff wellbeing.

Policy and compliance with statutory regulations

- To receive and adopt Trust approved policies
- To receive, review and approve Academy level policies

- To monitor the implementation and impact of policies, ensuring that all policies reflect relevant equalities legislation
- To receive audit reports from the internal audit service and ensure that recommendations are actioned appropriately
- To participate in consultation, publish admissions and determine arrangements consistent with the REAch2 Admissions Policy, as required in accordance with the School Admissions and Appeals Codes
- To make arrangements for determining admissions and hearing admission appeals
- To ensure the effective implementation and application of data protection policies and procedures in the Academy
- To monitor any GDPR, FOI, SAR or data breaches at the academy.

Staffing

- To participate in the process to appoint the Headteacher as requested by the REAch2 Executive Team (acting with the delegated authority of the Trust Board)
- For the Chair of the LGB to feed into the performance appraisal of the Headteacher as requested by the Deputy Director of Education
- To support the Headteacher in the development and review (from time to time) of an appropriate staffing structure for the Academy and for the appointment of Academy staff to ensure that the Academy is fully staffed in accordance with that structure.

Equalities, diversity and inclusion

- To conduct an annual review of the academy's equality objectives and to approve updated objectives every 4 years.

Stakeholder engagement

- To engage with other layers of governance, including attendance at cluster forums
- To ensure systems are in place, in line with the Trust's strategy, for effective communication with pupil, parents or carers, staff and the wider community including the support of a local parent teacher association (if established)
- To ensure systems are in place in line with the Trust's strategy so that the Academy can receive and react to pupil, parental and staff feedback
- To establish and maintain relationships with the members of the local community
- To ensure effective arrangements are in place for pupil representation at the Academy (pupil council)
- To ensure effective arrangements are in place for pupil recruitment and marketing.

Governance

- To participate in investigations and/or panel hearings for complaints, governor review panels for exclusions and grievance and disciplinary panels for appeals as needed
- To recruit and succession plan for the membership of the LGB
- In the case of Transition and Intervention Boards, plan for conversion back to a normally constituted LGB, including undertaking relevant recruitment and handover activities to ensure the smooth transition of governance
- To review, on a regular basis, its own performance and membership to ensure it is operating at maximum effectiveness and to participate in training and development activities
- Ensure compliance with regulations such as maintaining registers of interest and attendance at meetings.

Composition of Local Governing Bodies

Each LGB comprises a maximum of twelve members (which we refer to as **Local Governors**), including:

- the Headteacher of the Academy ('ex officio' – which means by dint of the position they hold);
- up to four members appointed by the Trust (**Trust-appointed Governors**) – candidates for appointment cannot be staff of the Academy or an employee of the Trust;
- up to two elected parents / guardians of a pupil at the Academy (**Parent Governors**);
- up to two employees of the Academy, usually comprising one teacher and one non-teaching staff member, elected by employees of the Academy (**Staff Governors**);
- and up to three members co-opted by the other Local Governors in post (**Co-opted Governors**).

Each LGB must elect a Chair and a Vice-Chair from their membership.

In the case of Intervention or Transition Boards, which are both temporary measures, the constitution is suspended with members, other than the Headteacher, being appointed by the Trustees or Executives. This is done to allow the appointment of individuals with specific expertise, knowledge or skill sets to assist in embedding Trust practice and understanding in the case of a Transition Board or to address rapidly areas of weakness or concern in the case of an Intervention Board.

As a minimum, Transition and Intervention Boards should have three (3) members plus the head. Every effort will be made to ensure that there is external independent representation on the Transition or Intervention Board with other members being drawn from Trust staff. Equally, every effort will be made to ensure the position of Chair is held by an independent member where possible.

Parent and school Staff membership will be addressed as part of the recruitment plan for the new LGB although, if deemed appropriate, parent and staff members may be appointed/elected to join the Transition or Intervention Board.

The length of service of all LGB members, except the Headteacher whose term of office will be for as long as they hold the position of Headteacher, shall be four years. Subject to remaining eligible to be a Local Governor, any Local Governor may be reappointed or re-elected at the end of their term.

In the case of a Transition or Intervention Board the members will hold post for the duration of that board being in place and, subject to remaining eligible, may be appointed as a local governor once an LGB is established or re-established. If this is the case the governor will commence a fresh term of office.

Every person wishing to become a Local Governor will be required to sign a declaration of acceptance and of willingness to act as a Local Governor, as prescribed by the Trust Board from time to time, and shall make disclosures for the purposes of a criminal records check by the Disclosure and Barring Service and a Section 128 check.

With regard to St Mark's Church of England Primary Academy, foundation governors nominated by Southwark Diocesan Board of Education and notified as such to the Trust Board will form at least 50% of the members appointed by the Trust Board and the Incumbent will, by virtue of their position, be a member of the LGB. The Incumbent will be the 'ex-officio' foundation governor on the LGB for the school.

Commitment of Local Governors

Local Governors are asked to:

- abide by the Principles of Standards in Public Life (Nolan Principles) and the code of conduct for governors of the Academy
- prepare for and make an active contribution at meetings of the LGB;
- champion the Academy in the local community and during inspections by external agencies such as Ofsted;
- familiarise themselves with the Academy's and Trust's policies;
- visit the Academy both during school hours (with prior arrangement with the Headteacher) and for evening events to get to know the Academy and to seek assurance of the accuracy of reporting in meetings, and to be visible to the Academy community; and
- attend training sessions for Local Governors, including a minimum of one safeguarding training session per year, as mandated by the Governance team.

Appointment and particular responsibilities of Local Governors

a) Chair

The Chair is appointed by the Local Governors. The term of office of the Chair is one year, but the Chair is eligible for reappointment at the end of that term. Staff governors are not eligible to hold the position of Chair.

In the case of Intervention and Transition Boards the Chair will be appointed by the Trust for the duration of the existence of the special governance arrangement.

The Trust Board is entitled to remove the Chair from office at any time, although this would not necessarily affect the individual's position as a Local Governor.

The main responsibilities of the Chair include the following:

- to chair meetings of the LGB;
- to set the agenda for meetings with the Headteacher and Vice-Chair;
- to report to the Trust Board in writing following any LGB meeting, if requested;
- to attend and represent the governing board at the relevant Cluster Forum meetings or send a designate; and
- to feed into the performance appraisal of the Headteacher.

In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the LGB, the Chair of the LGB (or the Vice-Chair of the LGB in their absence), in consultation with the DDOE if necessary, shall take appropriate action on behalf of the LGB. The decisions taken and the reasons for urgency shall be explained fully at the next meeting of the LGB.

b) Vice-Chair

The Vice-Chair is appointed by the Local Governors. The term of office of the Vice-Chair is one year; the Vice-Chair is eligible for reappointment at the end of that term. Staff local governors are not eligible to hold the position of Vice-Chair.

In the case of Intervention and Transition Boards the Chair will be appointed by the Trust for the duration of the existence of the special governance arrangement.

The Trust Board is entitled to remove the Vice-Chair from office at any time, although this would not necessarily affect the individual's position as a Local Governor.

The main responsibilities of the Vice-Chair include the following:

- to deputise for the Chair in their absence;
- to set the agenda for meetings of the LGB with the Chair, if requested;
- to deputise for the Chair and represent the LGB at the relevant Cluster Forum meetings; and
- Other responsibilities as determined by the LGB such as oversight and monitoring of governor training, induction of new governors.

In the absence of both the Chair and the Vice-Chair at a meeting, the LGB will elect a temporary chair from among their number.

c) Staff Governors

LGBs should have two staff governors, ideally one teaching and one non-teaching.

In the event of not being able to recruit one teaching and one non-teaching staff governor the LGB may ask staff to elect another teaching or non-teaching staff governor to fill the relevant vacancy.

Any staff governor will be elected via a vote of all staff of the academy.

When a vacancy arises, the LGB will write to all staff at the Academy seeking nominees for the vacancy. Nominees will be asked to provide a short statement about why they are interested in being a Staff Governor.

In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the LGB can choose to appoint all (or any) of those nominated.

If there are more nominees than places available, the LGB will write to all staff at the Academy asking them to vote for their preferred candidate(s).

The responsibilities of the Staff Governors are to help reflect the interests and opinions of teaching and non-teaching staff at the Academy to the LGB and to act in concert with the other Local Governors in the best interests of the Academy and its pupils.

d) Parent Governors

Parent Governors for each LGB shall be elected in accordance with the process set out below:

- When a vacancy arises, the LGB will write to all parents of pupils at the Academy seeking nominees for the vacancy. Nominees will be asked to provide a short statement about why they are interested in being a Parent Governor and their background and experience that makes them suitable for the role.
- In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the LGB can choose to appoint all (or any) of those nominated.
- If there are more nominees than places available, the LGB will write to all parents of pupils at the Academy asking them to vote for their preferred candidate(s).

A Parent Governor should be a parent or carer of a registered pupil at the relevant Academy or where this is not reasonably practical, a person who is the parent or carer of a child of compulsory school age.

The responsibilities of the Parent Governor are to help reflect the interests and opinions of the Parent Body of the Academy to the LGB and to act in concert with the other Local Governors in the best interests of the Academy and its pupils.

A person is disqualified from election or appointment as a parent governor of a school if the person is paid to work at the school for more than 500 hours in any twelve consecutive months or takes up employment at the school after their appointment as a parent governor which will exceed 500 hours in a twelve month period.

e) Other responsibilities

Each LGB must allocate a named governor with responsibilities for:

- safeguarding and
- special educational needs and disability (SEND).

LGB's should consider allocating other areas of named responsibility such as:

- Curriculum
- statutory grants (including pupil premium);
- health, safety & wellbeing
- risk
- equality, diversity and inclusion
- 11 Before 11.

Areas of responsibility can also be linked explicitly to priorities in the school development plan.

f) Clerk to the Local Governing Body

The LGB shall appoint a Clerk who must not be a Local Governor. In the absence of the Clerk, the LGB shall elect a replacement for the meeting (who may be a Local Governor).

The responsibilities / functions of the Clerk to the LGB are as follows:

- convene meetings of the LGB including preparing and sending notices, agendas and papers for meetings as required via the Trust's chosen document sharing platform;
- attend meetings of the LGB and ensure minutes are produced, as well as any related communications to the Trust Board;
- provide advice and support to the LGB during meetings;
- maintain LGB records and documents on the Trust's chosen document sharing platform
- maintain the academy minute book
- maintain a register of any relevant personal or business interests of LGB members, and ensuring a summary is published on the Academy website;
- maintain a register of Local Governors' attendance at meetings and report on non-attendance to the LGB;

- report to the LGB as required on the discharge of the Clerk's functions; and
- perform such other functions as shall be determined by the LGB from time to time.

g) Ceasing to be a Local Governor

A Local Governor's term of office will be terminated if:

- any event or circumstance occurs which would disqualify them from the office of Trustee under the Articles were they to hold such office;
- they have, without the consent of the LGB, failed to attend LGB meetings for a continuous period of six months, beginning with the date of the first such meeting they failed to attend and the Chair and the Vice Chair agree that the term of office should be terminated;
- they resign from office by notice to the academy;
- they are removed from office by the Trust Board.

Convening meetings of the Local Governing Body

The REAch2 model for the LGB meeting cycle is for the full LGB to meet once each half term. Any board, but particularly Transition and Intervention Boards, may need to meet more frequently where circumstances require.

The Clerk to the LGB shall give written notice of each meeting and circulate an agenda and any reports or other papers to be considered at the meeting at least five working days in advance of each meeting. However, where the Chair determines there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda and other papers are given within such shorter period as the Chair directs.

Any two Local Governors may call a meeting by giving written notice to the Clerk, which includes a summary of the business they wish to carry out. It shall be the duty of the Clerk to convene a meeting as soon as reasonably practicable.

The Local Governors may invite persons who are not Local Governors (such as the Deputy Director of Education for the Cluster, any employee, any pupil and any professional adviser) to attend the whole or part of any meeting for purposes connected with the meeting.

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

Voting at meetings of the Local Governing Body

The quorum for meetings of the LGB and for any vote on a matter at such meetings is one half of the total number of Local Governors in office at that time (rounded up to the nearest whole number).

Where the number of board members present ceases to constitute a quorum a meeting can continue for the purposes of receiving information but no decisions can be made or votes carried out.

Any local governors shall be able to participate in meetings, and be counted as present for the purposes of the quorum, should they attend by telephone or any other appropriate method or platform provided that the LGB has access to the appropriate equipment.

If after all reasonable efforts it does not prove possible for that Local Governor to participate by telephone or other appropriate methods, the meeting may still proceed with its business provided it is otherwise quorate.

LGBs may meet via remote means providing a quorate of governors are present on whichever platform has been notified and is being used for the purposes of that meeting.

Every question to be decided upon at a meeting of the LGBs shall be determined by a majority of the votes of Local Governors present and voting on the matter. Votes tendered by proxy shall not be counted.

Where there is an equal division of votes, the Chair has a casting vote.

The Local Governors may act notwithstanding any vacancies, but, if the number of Local Governors is less than the number fixed as the quorum, the continuing Local Governors may act only for the purpose of receiving information and filling vacancies.

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

Interests of Local Governors

Local Governors must complete a register of their personal and business interests, which must be reviewed annually and published in summary on the Academy's website.

Any Local Governor who has any duty or personal interest that conflicts or may conflict with their duties as a Local Governor must:

- disclose that fact to the LGB as soon as they become aware of it. A Local Governor must absent themselves from any discussions of the LGB in which it is

possible that a conflict will arise between their duty to act solely in the interests of the Academy and such duty or personal interest;

- withdraw from any meeting for that item unless expressly invited to remain in order to provide information;
- not be counted in the quorum for that part of any meeting; and
- withdraw during the vote and have no vote on the matter.

Committees of the Local Governing Body

Where an LGB has an existing committee(s) they must review the constitution, membership and terms of reference annually.

Minutes

Attendance at each LGB meeting, issues discussed and recommendations for decisions shall be recorded and the draft written record sent to the Chair, usually within 7 working days, for review and confirmation. The confirmed draft should then be shared by the Clerk with the LGB as soon as is reasonably practicable via the Trust's chosen document sharing platform.

The confirmed draft will then be reviewed and approved at the next available meeting of the LGB. The final approved minutes should be signed by the Chair, kept indefinitely and made available for inspection on request.

Intervention

The LGB will work closely with the Executive Team and shall promptly implement any advice or recommendations made by the Trust Board or the Executive Team in respect of standards, performance or risk, particularly where areas of weakness have been identified (either internally within the Trust or externally by the Regional Schools Commissioner, Ofsted or other agency).

The Trust Board reserves the right to review or remove any power or responsibility conferred on the LGB under this constitution and terms of reference, in particular, in circumstances where serious concerns in the running of the Academy are identified, including where:

- there is insufficient progress being made against educational targets (including where intervention by the Secretary of State is being considered or carried out);
- there has been a breakdown in the way the Academy is managed or governed; or
- the safety of pupils or staff is threatened, including a breakdown of discipline.

Where necessary, the Trust Board will put in place, for an appropriate period of time, an intervention board whose responsibility it will be to address the areas of weakness whilst also carrying out all other duties as conferred to LGBs in REAch2.

Alterations

This constitution and these terms of reference may be altered by a majority resolution of the Trust Board. The terms of reference will be reviewed annually by the Trust Board and must be adopted by the LGBs as required

Circulation list

This constitution and these terms of reference shall be circulated to the Trust Board, all Local Governors, the Clerk to the LGB, and others at the discretion of the Chair of the Trust Board or the Chair of an LGB. This constitution and these terms of reference were approved and adopted by a resolution of the Trust Board.

Appendix 1: Local Governor Declaration

The Trustees
[• address]

[• 00 month year]

Dear Sirs

REAch2 Academy Trust (**Academy Trust**) - appointment as a Local Governor.

I confirm that I wish to be a Local Governor in respect of [• name of academy] in accordance with the Terms of Reference for Local Governing Bodies prescribed by the Trustees of the Academy Trust from time to time.

I confirm that I am not disqualified from becoming a Local Governor by reason of any provision in the Terms of Reference for Local Governing Bodies (and by extension the Articles of Association of the Academy Trust).

I also confirm that I understand that I must disclose any personal interest I may have in any matter to be discussed at a meeting of the Local Governors in accordance with the Constitution and Terms of Reference for Local Governing Bodies (or as prescribed by the Trustees of the Academy Trust from time to time).

Yours faithfully

Signed

Name

Date