



Horizon Academy Trust

Where anything is possible

Local Governing Body Terms of Reference



LOCAL GOVERNING BODY TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 As a charity and company limited by guarantee, Horizon Academy Trust (the “**Trust**”) is governed by a Board of Trustees (the “**Trustees**”) who have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and running of the academies maintained by the Trust.
- 1.2 Appendix 1 details the Academies maintained by the Trust. (Each one an “**Academy**” or collectively the “**Academies**”).
- 1.3 In order to assist with the discharge their responsibilities, the Trustees have established a local governing body (“**LGB**”) for each of its Academies. The LGBs shall be committees established pursuant to Articles 100 to 104 (inclusive) of the Articles of Association of the Trust (the “**Articles**”).
- 1.4 In the discharge of their responsibilities the LGB will pay due regard to the National Governance Association’s Code of Conduct (2016)
- 1.5 These terms of reference apply to each LGB established by the Trustees and may only be amended by the Trustees.
- 1.6 The Trustees may review these terms of reference at any time but shall review them at least annually.

2. MEMBERSHIP

- 2.1 Each operating LGB shall, unless the Trustees resolve otherwise, have a membership of nine.
- 2.2 The membership of each LGB (each a **LGB Member**) shall (unless the Trustees resolve otherwise) include:
 - two parent members;
 - the Head of School/Headteacher/Executive Headteacher of the academy;
 - 6 Trust nominated members
- 2.3 The term of office for any LGB Member shall be four years, save that this time limit shall not apply to the Head of School/Headteacher/Executive Headteacher. Subject to remaining eligible, any member may put themselves forward for re-appointment or re-election (as the case may be).
- 2.4 Subject to paragraph 2.6:
 - 2.4.1 subject to the approval of the Trustees, the LGB shall appoint a LGB Member to act as chair of the LGB (the Chair);

- 2.4.2 the LGB Members shall at the first meeting of each academic year appoint a LGB Member to act as vice-chair of the LGB (the Vice-Chair);
- 2.4.3 the LGB Members will elect a temporary replacement from among the members present at the meeting in the absence of both the Chair and the Vice-Chair.
- 2.5 Employees of the Trust, whilst they could be appointed as governors on local governing bodies, may not, except in exceptional circumstances with Trust Board approval, act as Chair of an LGB.
- 2.6 Process for the election or appointment of parent local governors will be as follows:
- when a vacancy arises, the LGB will write to all parents of pupils at the Academy seeking nominees for the vacancy. Nominees would be asked to provide applications stating why they were interested in being a Parent Local Governor and their background and experience that made them suitable for the role;
 - in the event that the number of nominees equals or was less than the number of vacancies on the LGB, the Trust Board could choose to appoint all (or any) of those nominated; Trustees, in order to make informed decisions regarding appointments, would require statements providing information regarding an applicant's experience, knowledge and background which made them suitable for the role; the benefits of completing a skills audit be noted; and
 - if there were more nominees than places available, the LGB would write to all parents of pupils at the Academy asking them to vote for their preferred candidate.

3. REMIT OF THE LGB

- 3.1 The LGB shall:
- 3.1.1 act as a critical friend to the Head of School/Headteacher/Executive Headteacher;
- 3.1.2 represent the views of the community in discussions on budget issues that relate to community engagement and activity and make recommendations to the Head of School/Headteacher/Executive Headteacher;
- 3.1.3 support the Trust's senior management staff on dealing with parental complaints pursuant to the Trust policy on parental complaints; and
- 3.1.4 support the Head of School/Headteacher/Executive Headteacher of other Academies in exclusion processes where appropriate.
- 3.2 A more detailed list of the responsibilities of the LGB is set out in the Trust's Scheme of Delegation as approved by the Trustees and in Appendix 2 to this document.
- 3.3 Without prejudice to the Trustees' other rights to remove any governor and the Trustee's rights to amend these terms of reference at any time, where the Trustees have concerns about the performance of an LGB they may amongst other actions:

- 3.3.1 require the relevant LGB to adopt and comply with a governance action plan in such form as determined by the Trustees;
- 3.3.2 suspend or remove any or all of the matters delegated to the LGB;
- 3.3.3 suspend or remove any or all of the governors of the relevant LGB;
- 3.4 The Trustees may exercise their powers in connection with clause 3.3 where:
 - 3.4.1 the Trustees (acting reasonably) have concerns about governance or operations at the Academy;
 - 3.4.2 the Academy has a deficit budget (both revenue and capital) in excess of targets set by the Trustees from time to time;
 - 3.4.3 the Trustees (acting reasonably) have concerns about the finances of the Academy;
 - 3.4.4 the Academy has materially or consistently failed to obtain key performance indicators set by the Trustees;

4. LGB MEETINGS

- 4.1 The LGB will meet a minimum of six times a year. A 'Challenge' meeting (to be arranged at the convenience of the governors, but to be as early as is practicable in the autumn term) to count as the first of the six meetings.
- 4.2 The Head of School / Headteacher / Executive Headteacher shall ensure that a clerk is provided to take minutes at meetings of the LGB.
- 4.3 The Trust Board supports a consistent approach in respect of governance in its academies and holds the view that it is contrary to efficiency, the wellbeing of staff and governors to create further sub-committees.
- 4.4 The composition of any panel constituted as part of HR, complaints and exclusion processes to consist of any 3 eligible local governors taken from across Local Governing Bodies within the Trust.
- 4.5 The quorum for the transaction of the business of the LGB shall be three LGB Members provided that at least one of them is a LGB Member appointed by the Trustees (not including staff members or parent members).
- 4.6 Every matter to be decided at a meeting of the LGB must be determined by a majority of the votes of the LGB Members present and voting on the matter. Each member present in person shall be entitled to one vote. Where there is an equal division of votes the Chair shall have a casting vote.
- 4.7 Subject to paragraph 4.8, the LGB may invite attendance at meetings from persons who are not LGB Members to assist or advise on a particular matter or range of issues. Such persons may speak with the permission of the Chair but shall not be entitled to vote.

- 4.8 The Chief Executive Officer, is entitled to attend and, with the permission of the Chair, speak at LGB meetings.
- 4.9 A register of attendance shall be kept for each LGB meeting and published annually in accordance with the Academies Financial Handbook.
- 4.10 All LGB Members shall observe at all times the provisions of the Trust's code of governance and code of conduct for LGB Members.
- 4.11 References in paragraph 4 to the "Chair" shall in the absence of the Chair be deemed to be references to the chair of the relevant meeting.

5. MEMBERS' INTERESTS

- 5.1 LGB Members are required to declare any business or other interests in any item being discussed at a meeting. All governors shall complete a declaration of interest form on joining the LGB and at the start of each academic year.
- 5.2 Each LGB Member, if present at a meeting of the LGB, must disclose their interest, withdraw from the meeting and not vote on a matter if:
 - 5.2.1 there may be a conflict between their interests and the interests of either the Academy or the Trust;
 - 5.2.2 there is reasonable doubt about their ability to act impartially in relation to a matter where a fair hearing is required; or
 - 5.2.3 they have a personal interest (this is where they and/or a close relative will be directly affected by the decision of the LGB in relation to that matter) in a matter.
- 5.3 All completed declaration of interest forms must be forwarded to the Chief Financial Officer of the Trust for inclusion in the Trust's own register of interests. This register will be published in accordance with the Academies Financial Handbook.

6. DISQUALIFICATION & REMOVAL OF LGB MEMBERS

- 6.1 A person shall be ineligible for appointment to the LGB and, if already appointed, shall immediately cease to be a LGB Member if the relevant individual:
 - 6.1.1 is or becomes disqualified from holding office under the Articles;
 - 6.1.2 is or becomes disqualified from holding office as a governor of a school or academy;
 - 6.1.3 is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
 - 6.1.4 is barred from any regulated activity relating to children;
 - 6.1.5 is or becomes bankrupt or makes any arrangement or composition with his/her creditors generally; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;

- 6.1.6 is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed or any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974);
 - 6.1.7 has been fined for causing a nuisance or disturbance on school/academy premises during the 5 years prior to or since appointment or election as an LGB Member;
 - 6.1.8 refuses to an application being made to the Disclosure and Barring Services (DBS) for a criminal records check;
 - 6.1.9 commits a serious breach of the code of conduct or any standing order or protocol implemented by the Trustees;
 - 6.1.10 is absent without the permission of the LGB Members from all their meetings held within a period of six months and the LGB Members resolve that his/her office be vacated;
 - 6.1.11 resigns his/her office by notice in writing to the Chair;
 - 6.1.12 in the case of the Head of School/Headteacher/Executive Headteacher, they cease to be the Head of School/ Headteacher/Executive Headteacher;
 - 6.1.13 their term of office expires and they are not re-appointed.
- 6.2 The Trustees shall have the right at their sole discretion to remove or suspend (on such terms as they see fit) any LGB Member by written notice to the Chair.

7. REPORTING PROCEDURES

- 7.1 Within 21 days of each meeting the LGB will produce and agree minutes of its meetings (the Minutes).
- 7.2 The Minutes can be agreed by LGB Members by email.
- 7.3 The Minutes will be made available to the Trustees within 21 days following each LGB meeting.

Appendix 1

The academies of Horizon Academy Trust are:

- Biggin Hill Primary Academy
- Cavendish Primary School
- Cleeve Primary School
- Gillshill Primary School
- Spring Cottage Primary School
- Thanet Primary School

Appendix 2

Responsibilities of governors

1. The role of Governors is to carry the Trust vision, policies and priorities forward, based on the specific qualities and community characteristics of each academy. The Governors are expected to question and challenge academy leadership and to hold them to account.
2. In particular, and subject to the limitations set out above, the Trustees delegate the running of the academy to the Local Governing Body and specifically the following duties:
3. Legal responsibilities:
 - 3.1 Compliance with all statutory regulations and Acts of Parliament governing the operation of the academy, including health and safety.
4. **Vision and Accountability**
 - 4.1. To carry forward the Trust's vision, in a way appropriate to the specific qualities and community characteristics of each academy.
 - 4.2. Implementation of actions required to comply with statutory regulations and the Funding Agreements.
 - 4.3. Implementation of the Trust policies.
 - 4.4. Holding academy leadership to account for academic performance, quality of care and quality of provision.
5. **Finances and Assets**
 - 5.1. Compliance with the provisions of the Funding Agreements.
 - 5.2. Ensuring academy-level resource is applied appropriately.
 - 5.3. Consideration of the academy's required funding and support to the Trustees in relation to the annual budgetary process.
 - 5.4. Seeking value for money and being able to demonstrate that value for money has been achieved.
 - 5.5. Monitoring and reviewing expenditure on a regular basis and ensuring compliance with the overall financial plan for the academy.
 - 5.5. Maintenance of proper accounting records and the preparation of income and expenditure and balance sheets as required by the Chief Finance Officer.
 - 5.7. Assist the Trustees in complying with the provisions of the Funding Agreements where requested from time to time.
 - 5.8. Maintenance of or putting in place appropriate arrangements for the maintenance of the academy estate in accordance with the guidelines established by the Trust.

- 5.9. Implementation of Trust's procurement policies insofar as they impact on the academy.
 - 5.10. Manage the academy's cash flow and monitor expenditure by the academy in accordance with policies determined by the Trust.
 - 5.11. Notify the Trust of any changes to fixed assets used by the academy.
 - 5.12. Observing proper levels of delegation and protocols.
6. **Academy budget**
- 6.1. Following Local Governing Body approval, the budget is to be submitted to the Trustees for approval and, for the avoidance of doubt, the academy budget shall not be effective until such times it has been approved by the Trustees.
 - 6.2. The Local Governing Body is required to work to cash limits as may be determined by the Trust and based on the approved budget. Under no circumstances has the Local Governing Body the authority to borrow money.
 - 6.3. Except where prior permission has been obtained from the Trustees, the academy budget is to be prepared to show break even or better. All of the Trust's academies are expected to work towards a balanced budget in accordance with the Academies Financial Handbook.
7. **Risk Management**
- 7.1. The Local Governing Body shall keep under review the academy risk register and seek assurance that risk management is effective.
8. **Appointments**
- 8.1. Monitoring local HR activity and policy, including the process for local performance reviews for members of staff and in particular ensuring that it is within the parameters for the particular academy from time to time established by the Trust.
9. The Governors are not, and nothing within this document is intended to make them, charity trustees within the terms of section 97(1) of the Charities Act 1993 (although a Governor may also be a Trustee).
 10. Each Governor shall act in the best interests of the Trust and academy at all times.
 11. The Governors must keep confidential all information of a confidential nature obtained by them relating to the academy and the Trust.
 12. On his or her appointment, each Governor shall be required to signify that he is familiar and agrees to comply with:
 - the Articles of Association
 - the Funding Agreements;

- these Terms of Reference
 - the Governors' Handbook and
 - any terms of reference of sub-committees which may apply to that Governor.
13. Each Governor shall also be required to carry out training to ensure their skills and knowledge are up to date at least once per year.
 14. Each Governor shall also be required to take part in regular self-review and is accountable for meeting his or her own training and development needs. It is a Governors responsibility to consider if, and raise any concerns where, he or she feels that appropriate training and development is not being provided.

Approved by trustees: 17th July 2017

Reviewed: 28 November 2019

Next review: autumn 2020