

The role of a member of a Local Governing Body

What it means to be a member of the Local Governing Body of



Academies are publicly funded independent schools that are not maintained by the Local Authority.

Academies:

- are funded direct from central government
- employ their own staff and can set their own pay and conditions
- can change the length of the school day or school terms
- do not have to follow the National Curriculum
- must follow the same rules on admissions, special educational needs and exclusions as Local Authority maintained schools

Academies are run by companies limited by guarantee called 'Academy Trusts'. Like any other company, Academy Trusts are registered with Companies House. The Academy Trust is also an exempt charity which means that it is not registered with the Charity Commission but must abide by charity law.

Some Academy Trusts run only one Academy. Academy Trusts which run more than one Academy are known as 'Multi Academy Trusts'. **CELT** (Cornwall Education Learning Trust) is a Multi Academy Trust (MAT) incorporating Brannel, Carclaze, Fowey, Lostwithiel, Luxulyan, Mevagissey, Mount Charles, Newquay Junior Academy, Newquay Tretherras, Penrice, Poltair and St Mewan.

What documents govern Academy Trusts?

Memorandum and Articles of Association

Like all companies, **CELT** has 'Articles of Association' ('Articles') which are the rules that govern the running of the company.

The Articles set out the Objects (or purpose) of the company. All Academy Trusts have at least one Object which is:

- To advance for the public benefit education in the United Kingdom by establishing, maintaining, carrying on, managing and developing a school(s) which shall offer a broad and balanced curriculum

CELT must use its resources exclusively in pursuance of its Objects.

Funding Agreement

This is the contract between the Academy Trust and the Secretary of State for Education for the running of one or more Academies. It sets out the principles of how the Academy Trust will be funded and, in return, the responsibilities and obligations required of the Academy Trust.

CELT will have a 'Master Funding Agreement' and 'Supplemental Funding Agreements' for each of the Academies it runs.

Scheme of Delegation

These are the terms of reference for the Local Governing Body (LGB) of each of the academies in **CELT**. It sets out how the members of each LGB will be appointed, how meetings of the LGB shall be conducted and which of the Board of Directors powers and responsibilities shall be undertaken by the LGB. The Scheme of Delegation can be amended by the Board of Directors of **CELT** at any time.

Who are the Members of an Academy Trust?

Members of a company limited by guarantee (like the Academy Trust) are the equivalent of shareholders in a company limited by shares. They are the 'guarantors' of the company and promise to pay £10 towards the debts of the company in the event that the Academy Trust is wound up.

Members have limited but important powers under the Articles. These include the right to wind up the Academy Trust, amend the Articles, change the name of the company, appoint other Members and appoint and remove one or more Trustees. However, Members should not interfere with the day to day operation of the school or approach Trustees or the Headteacher on an individual basis in their role as a Member.

Who are the Trustees?

Trustees are made up of a diverse range of individuals. The Members will always appoint at least some of the Trustees. Others might be appointed by parents, staff or by the other Trustees from members of the local community. The Trust Lead (of **CELT**) will also be an *ex officio* Trustee, which means they will be a Trustee for so long as they

remain in post. The Articles will stipulate the number and types of Trustees which the Academy Trust should have. In **CELT** the Trustees will be appointed because of the range of skills and experience they have.

The Trustees will come together to form the Board of Trustees ('Board'). The Chair of the Board of Trustees will be a Member of the Academy Trust. Trustees must act in the interests of all the academies within **CELT**.

Who are the members of a Local Governing Body within CELT?

CELT, the Board, will set up a committee in each Academy which is known as a 'Local Governing Body' ('LGB'). Unlike a Governing Body of a maintained school, a LGB is not a legal entity in its own right. It has a similar status to a committee of a maintained Governing Body and the only powers and responsibilities that the LGB has are those which are delegated to them by the Board. The Board will usually appoint the Chair of the LGB and most, if not all, of the members of the LGB. The appointment of members and details of their delegated powers are usually formalised into a written Scheme of Delegation or terms of reference, (see attached).

Members of an LGB are not Governors in law, although they might be referred to as 'governors'. However, they do have an important responsibility in ensuring the good governance of the Academy. The Headteacher of each Academy will be an *ex officio* member of the LGB, which means they will be a member of the LGB for so long as they remain in post.

Members of a Local Governing Body

How are members of a Local Governing Body appointed?

The Scheme of Delegation sets out:

- The number of members the LGB will have
- The types of members a LGB should have e.g. staff, parents, community etc.
- How the members of a LGB are appointed

The Board retains the right to appoint the Chair of the LGB and members of the LGB. However, this right will only be exercised if the CELT Board has serious concerns about the governance of that LGB. In **CELT**'s draft Scheme of Delegation, each LGB will have as a minimum, the Trust Leader or their representative, the Headteacher, two Staff Governors, three Parent Governors and three Community Governors.

What responsibilities do members of a Local Governing Body have within CELT?

Members of an LGB play a key role in supporting the Board to fulfil their statutory, contractual and regulatory duties. As a member of an LGB, you will share equally with the other members of the LGB the responsibility of exercising the powers and responsibilities delegated to the LGB by the Board. Details of these powers and responsibilities are set out in the Scheme of Delegation, (see attached).

Members of the LGB's will have the following duties:

- Ensuring good governance of the Academy
- Safeguarding and promoting the values of the Academy.
- Supporting the Headteacher of the Academy and being a critical friend

- Monitoring the achievement, quality of teaching and behaviour and safety within the Academy
- Monitoring the Academy's finances
- Engagement with the Academy's key stakeholders e.g. parents/carers, pupils and staff

When undertaking school inspections, Ofsted inspectors will wish to see evidence of the impact of both the Board and the LGB on improving school standards and will often wish to meet with representatives of the Board and the LGB.

How much commitment is involved in being a member of a Local Governing Body?

Under the Scheme of Delegation, LGBs are required to meet at least three times a year. LGBs will often have the power to set up their own committees which might meet more frequently.

Members of an LGB need to take a full and active role in fulfilling the role assigned to them by the Board. This may include regular visits to the Academy. The difference between a Trustee of **CELT** and a member of an LGB is that Trustees will have commitment and legal responsibility for all the academies in **CELT** whilst LGB's focus solely on one academy within it.

What would my liability be as a member of a Local Governing Body?

LGBs are not legal entities in their own right and members of LGBs are not Governors in law. Legal liability remains with the Academy Trust and the Board of Trustees, who are ultimately responsible for the running of the Academy.

Applying to become a member of a Local Governing Body

How are members of a Local Governing Body selected?

The role of a member of an LGB of an Academy within **CELT** is a very important one. The Board of Trustees retains the right to appoint the Chair of the LGB and members of the LGB. However, this right will only be exercised if the **CELT** Board has serious concerns about the governance of that LGB.

Generally Governors are selected via application, parent selection or staff selection.

Please be aware that not all applications will be accepted as appointment will be dependent on the experience and expertise of each applicant and the skills and experience needed by the Academy at any given time. Applicants will be informed of the decision as promptly as possible.

All new and reappointments of members of an LGB will normally be required to provide an acceptable Enhanced Disclosure and Barring Service check.

Person specification

An LGB member would be expected to have:

- A commitment to **CELT** and its Objects
- A willingness to devote the necessary time and effort to the Academy's business including reading papers, attending meetings and attending training sessions and other relevant events

- An understanding and acceptance of the duties and responsibilities set out in the Scheme of Delegation
- Effective communication skills and a willingness to ensure effective communication between the LGB and the Board
- An ability to hold others to account for their professional practice
- Strategic vision
- Good independent judgement
- Experience of schools (e.g. as a former Governor, a parent, a member of staff).
- Commitment to a particular academy and a willingness to support the aims of **CELT** as a whole.

How can I apply to become a member of a Local Governing Body?

- Please complete the relevant application form and return to:

Governance Officer
Atlantic Centre
Trenance Leisure Park
Newquay
TR7 2LZ
or

E-Mail: ccarter@gov.celtrust.org