

Be the change

January 2017

Terms of Reference

Accountability for decisions

The Trust Board delegate authority to three key groups in order to ensure the effective leadership and governance of the Academy Trust. The two key groups are:

- Executive leadership and management team (the Executive Team);
- Local Governing Bodies.

The relationship between the Trust Board and the Local Governing Bodies is characterised as a partnership to realise a common vision and a common purpose. In the case of Local Governing Bodies the relationship between the tiers of governance is also based on the principles of:

1. no duplication of governance.
2. governance should be as close as possible to the point of impact of decision-making.

Intervention

The Trust Board remains ultimately responsible for the Academy Trust and the conduct of the Academies.

However, there will be circumstances (more the exception than the norm) where the Trust Board might need to intervene and, for example, withdraw delegated authority a particular element of governance.

In such circumstances, the Trust Board, along with the Executive Team, would work closely with any Academy concerned and those involved in their governance who would be expected to promptly implement any advice or recommendations made by the Trust Board and the Executive Team.

The Trust Board reserves the right to review or remove any power or responsibility which it has delegated, in particular, in circumstances where serious concerns in the running of an Academy (or Academies) are identified, including where:

- there are concerns about financial matters;

- insufficient progress is 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.

Overview of key elements of our governance

Members

Be The Change has “**Members**” who are best viewed as guardians of the constitution, changing the Articles if necessary and ensuring the charitable object is fulfilled. The Members appoint some of the Trustees and can exercise reserve powers to appoint and remove Trustees but it is anticipated that this power will be rarely exercised. The Academy Trust will ordinarily have at least five Members.

Trust Board

The corporate management and trustee responsibility for the actions of the company is vested in the “**Trustees**” of the Academy Trust (together, referred to as “the **Trust Board**”), who are company directors registered with Companies House. The Trustees are personally responsible for the actions of the Academy Trust and the Academies and are accountable to the Members, to the Secretary of State for Education and to the wider community for the quality of the education received by all pupils of the Academies and for the expenditure of public money. The Trustees are required, as trustees and pursuant to the

Funding Agreements, to have systems in place through which they can assure themselves of the quality, safety and good practice of the affairs of the Academy Trust.

The role of the Trust Board is:

- Setting the vision, ethos and strategy for the Academy Trust and its academies over the next three to five years;
- Establishing the governance structures for the Academy Trust, from Members to Academy level, in keeping with the Articles of Association;
- Providing clarity of the level at which the following governance functions are exercised:
 - determining each individual Academy’s vision, ethos and strategic direction
 - recruiting each Academy’s Headteacher

- performance management of each Academy's Headteacher
- determining Human Resources policy and practice
- oversight of each Academy's budget
- assessment of the risks for each Academy
 - Setting the level at which the LGBs will have authority and accountability through the scheme of delegation;
 - Engaging with the Academies' communities, parents, pupils and staff;
 - Contributing to developing collaborative relationships beyond the Academy Trust;
 - Ensuring that there is a strong and effective executive leadership structure and personnel in place across the Trust;
 - Overview and scrutiny of Academies' education performance data;
 - Overview and scrutiny of the Academy Trust's financial capability and management systems to ensure compliance with the Academies Financial Handbook, and deliver best value for money;
 - Ensuring senior leaders within Academies are challenged to improve the education of pupils;
 - Developing the Trust Board to ensure that it has the capacity, skills and succession plans to have a positive impact on outcomes for pupils.

The Trust Board sets Trust-wide policy.

The Board will carry out a regular skills audit of its Trustees. Where key skills are missing on the Board, expertise will be procured to support the challenge and scrutiny of specialist areas such as human resources or educational performance.

Trust Board

The Trust Board will provide high-level scrutiny of the following:

- Educational Standards and Performance
- Finance
- Human Resources
- Risk and Audit
- Safeguarding

Executive Team

The “**Executive Team**” is the executive management arm of the Academy Trust, focusing on operations and the educational performance of the Academies. They operate under the leadership and direction of the CEO, who is by virtue of his / her position a Trustee of the Academy Trust. The Executive Team work directly with the staff in each Academy and the Local Governing Bodies to ensure that the required outcomes are achieved in accordance with the direction and vision of the Trust Board.

Local Governing Bodies (LGBs)

The role of a Local Governor within a Multi-Academy Trust is an important one. In developing our governance arrangements, the Trust Board has sought to ensure that the responsibility to govern is vested in those closest to the impact of decision-making and that such responsibility matches the capacity of those assuming responsibility.

The Trust Board establishes Local Governing Bodies for each of the Academies, for the most part made up of individuals drawn from the Academy’s community, both as elected and appointed members.

The Local Governors are accountable to the Trust Board (who in turn is accountable to the Department for Education) as well as to the communities they serve.

The broad duties of the Local Governing Body are summarised as:

- To contribute to and fulfil the vision and ethos of Be the Change in so far as it relates to the Academy, ensuring that the Academy achieves the aims and ambitions it has for its pupils, having regard in particular to the benefits of being part of a family of schools which stresses the importance of collaboration and mutual support;
- To implement and review from time to time the strategic plan for the Academy, focussing on the Academy's performance and achieving sustained school improvement and having regard to any locally agreed priorities identified by the Trust Board;
- To act as a critical friend to the Academy's senior leadership team, being ready to challenge and hold senior leaders to account for all aspects of the Academy's performance;
- To oversee the management of the finances of the Academy, assessing the annual budget prepared by the Academy's Headteacher (with the support of the Academy's senior leadership team) and submitting such for approval by the Regional Board and the Trust Board, ensuring that the Academy works within its budget and the Academy's senior leadership team adopts and implements appropriate risk and financial management policies and practices;
- To support the Trust Board in ensuring that insurance or equivalent risk protection is put in place and maintained for all risk areas including damage to property, employer liability, public and third party liability and director liability in accordance with any policy issued by the Trust Board from time to time;
- To support the Academy's Headteacher in the development and review (from time to time) of an appropriate staffing structure for the Academy, ensuring there is robust and accountable monitoring of the performance of staff and implementing all and any policies relating to staff adopted by the Trust Board;
- To support the Trust Board in its monitoring and evaluation of the delivery of any central services and functions provided or procured by the Academy Trust for the Academies, reporting any issues or concerns to the Regional Executive Principal and, if necessary, the CEO, the Chair of the Regional Board or the Chair of the Trust Board;
- To promote within the organisation and externally the benefits of collaboration with the other Academies and to actively seek opportunities to work together either with the aim of improving economic efficiencies within the Academies or identifying and implementing best practice;

- To develop effective links within the Academy's community, communicating openly and frequently as appropriate and ensuring that the Academy meets its responsibilities to the community and serves the community's needs in relation to the safeguarding and education of its pupils; and
- To engage fully and openly with any inspection of the Academy, whether by the Trust Board, Ofsted or any other appropriate public body to whom the Academy is accountable.

Overview: composition of governance elements

Trust Members

- The chair of trustees of Be the Change
- Persons appointed by the Members by special resolution.

Trust Board

- Chief Executive Officer (if confirmed as such by the Members)
- Up to 6 x Trustees appointed by the Members
- Any Co-opted Trustees

Local Governing Bodies

- Headteacher
- Up to 4x governors appointed by the Trust Board
- Any elected or appointed Parents
- 2x elected Staff
- Up to 6x Co-opted Local Governors
- 1x LA Governor

Appendix 1 – All Party Parliamentary Group on Education Governance and Leadership (January 2015)

21 Questions every Multi-academy Trust Board should ask itself

Vision, ethos and strategy

1. Does the Trustee Board have a clear vision and strategic priorities for the next three to five years, to which all academies contribute and which is understood by each of its academies?
2. How effectively do these strategic priorities drive the governance structure, activities and agenda setting at all levels of the Trust?
3. What vision does the Trustee Board have for the size of the Trust and how does the strategy ensure that there is the capacity to support any additional academies well?

Governance structures

4. Is the structure of the Trust from its members to academy level governance conducive to effective working, ensuring check and balances but avoiding duplication at different levels, and delivering good two-way communications?
5. How does the Trustee Board ensure that its governance structure is clear, in keeping with its Articles of Association, and that those at regional, cluster and academy level understand their roles and responsibilities compared to those of the Trustee Board?
6. a) Does the Trustee Board have a scheme of delegation, is it published on its website and those of its academies, and does the scheme make clear where the following key governance functions are exercised:
 - Determining each individual academy's vision, ethos and strategic direction?
 - Recruiting each academy's Principal/Head of school?
 - Performance management of each academy's Principal/Head of school?
 - Determination of Human Resources policy and practice?
 - Oversight of each academy's budget?
 - Assessment of the risks for each academy?
- b) Is the principle of earned autonomy applied to individual academies or local clusters and if so, do all involved at all levels of governance within the MAT understand how?

Trustee Board effectiveness and conduct

7. **Right skills:** Has the Trustee Board adopted a robust and transparent process for the recruitment both of trustees and those at local governance level, including role specifications, skills audits and interview panel to ensure those carrying out governance functions have the full range of experience, qualities and skills necessary to discharge all the Trustee Board's responsibilities?
8. **Clerking:** Does the Trustee Board have a professional clerk providing information and guidance on regulatory practice and procedures, including governance leadership to the committees and any academy level governance?
9. **Chair:** How does the Trustee Board ensure the chair shows strong and effective leadership?
10. **Trustee performance:** Does the chair carry out an annual review of each trustee's contribution to the Board's performance and ensure each trustee is investing in his/her own development?
11. **Succession planning:** Do we engage in good succession planning so that, in normal circumstances, no trustee serves for longer than two terms of office and the chair is replaced at least every six years?
12. **Conflicts of interest & conduct:** How does the Trustee Board ensure conflicts are avoided and that the Nolan principles of public life are adhered to?
13. **Learning from others:** Has the Trustee Board regularly reviewed its structures and practice, making use of other Boards' experiences and periodically seeking external expertise?

Engagement

14. How does the Trustee Board listen to, understand and respond to pupils, parents, staff and local communities across all its academies
15. What benefit do the academies within the Trust draw from collaboration with other schools and other sectors, including employers, locally and nationally; and how is the Trust involved in contributing to improving leadership and schools beyond its own academies?

Effective accountability of the executive leadership

16. How well does the Trustee Board understand its academies' performance data, and how do Trustees know that pupils in all their academies are making the best progress they can?
17. What mechanisms does the Trustee Board use to ensure there is a strong and effective executive leadership structure and

personnel in place across the Trust with the right skills, clear line-management and reporting mechanisms?

18. How does the Trustee Board ensure senior leaders within academies are challenged to improve the education of pupils, and what intervention would be used if improvement is not progressing according to plan at an academy?

19. How does the Trustee Board ensure that the Trust's financial capability and management systems are robust to ensure compliance with the Academies Financial Handbook, best value for money and deliver the long-term strategy?

20. Do the compliance systems give assurance to the Trustee Board that the Trust is meeting its statutory and legal responsibilities?

Impact on outcomes for pupils

21. How much have the academies improved over the last three years, and what has the Trustee Board's contribution been to this?

Roles and Functions Matrix

Governance				
Members	Trustees	LGB members	Executive Team	Headteacher
<p>To review and amend the Articles of Association</p> <p>To change the name of the Academy Trust</p> <p>To receive an annual report from the Trustees and the CEO on the Academy Trust's performance</p>	<p>To review and amend:</p> <ul style="list-style-type: none"> • the Governance Charter • the Terms of Reference for the Trust Board • the Constitution and Terms of Reference of Local Governing Bodies and their sub-committees • the Terms of Reference for delegation to the Executive • this Roles and Functions Matrix. <p>To determine the Board's Reserved Matters</p>	<p>To champion the Be the Change vision and values in the academy and to ensure the spiritual wellbeing of the pupils</p> <p>To determine the educational and spiritual character, mission or ethos of a particular Academy (to the extent that it is not inconsistent with that of the Academy Trust) in collaboration with the Headteacher</p> <p>To ensure that the school has a medium to long-term vision for its future and that there is a robust strategy in place for achieving its vision</p>	<p>To attend meetings of the Trustees and to provide a CEO's report</p> <p>To support the appointment process for the Company Secretary and the Clerk</p> <p>To secure professional advice on behalf of the Trustees as may be requested</p> <p>To support the Trustees and the Academies in the preparation of Trust-wide and Academy specific policy requirements</p>	<p>To implement the educational character, mission or ethos of a particular Academy (to the extent that it is not inconsistent with that of the Academy Trust) as determined by the LGB</p> <p>To attend meetings of the LGB and to provide a Headteacher's report</p> <p>To support the appointment process for the Clerk</p> <p>To tailor Trust-wide policies to Academies as recommended by the Executive Team</p>

Governance (continued)

Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To determine the educational character, mission and ethos of the Academy Trust</p> <p>To appoint a Company Secretary</p> <p>To appoint a Clerk to the Trustees</p> <p>To review and amend the policies of the Academy Trust</p>	<p>To appoint (and remove) to / from any sub-committees other than temporary, ad hoc sub-committees required to deal with specific issues</p> <p>To review and amend the policies of the Academies (in line with any Academy Trust prescribed policy)</p> <p>To appoint a Clerk to the Local Governing Bodies</p>	<p>To appoint (and remove) Chair, Vice-Chair and Local Governors with specific responsibilities for special educational needs, child protection, pupil premium and financial matters</p> <p>To implement a means whereby the Academy can receive and react to pupil, parent and staff feedback</p> <p>To establish and maintain a relationship with members of the local community</p>	

* to be convened in the future when deemed necessary

Finance				
Members	Trustees	LGB members	Executive Team	Headteacher
To appoint external auditors	<p>To appoint internal auditors</p> <p>To sign off annual accounts and report</p> <p>To approve the financial scheme of delegation</p> <p>To appoint a finance committee *</p> <p>To approve the annual budget for the Trust</p> <p>To approve any significant changes to the approved budget</p> <p>To monitor income, expenditure, cash flow and balance sheet of the Academy Trust</p> <p>To establish a charging and remissions policy and to keep this under review</p> <p>To appoint an Accounting Officer</p>	<p>To appoint a Local Governor responsible for finance</p> <p>To approve the annual budget for the Academy</p> <p>To monitor the income, expenditure and cash flow of an Academy</p> <p>To ensure any variances from the budget are reported to the Regional Board Finance Committee</p> <p>To ensure proper financial controls are in place at the Academy</p> <p>To maintain a register of business interests</p> <p>To ensure provision of free school meals to those pupils meeting the criteria</p>	<p>To prepare the annual budget for the Academy Trust</p> <p>To monitor the income, expenditure, cash flow and balance sheet of the Academy Trust</p> <p>To prepare monitoring reports for the Trustees (CEO)</p> <p>To act as the Accounting Officer</p> <p>To ensure proper financial controls are in place</p> <p>To maintain a register of business interests (of the Executive Team)</p>	<p>To ensure the preparation of the annual budget for the Academy with the assistance of relevant staff</p> <p>To monitor the income, expenditure and cash flow of an Academy</p> <p>To prepare monitoring reports for the LGBs</p> <p>To ensure proper financial controls are in place at the Academy</p> <p>To ensure provision of free school meals to those pupils meeting the criteria</p> <p>To set up and approve staff expenses at the Academy</p>

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Finance (continued)				
Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To ensure proper financial controls are in place</p> <p>To maintain a register of business interests</p>		<p>To set up and approve staff expenses for the Executive Team</p> <p>To open bank accounts</p>	

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Contracts				
Members	Trustees	LGB members	Executive Team	Headteacher
To approve any service contracts for Trustees	<p>To adopt a Trust-wide procurement policy</p> <p>To set the delegated levels of authority for contracts</p> <p>To approve contracts with a value above £25,000</p> <p>To approve contracts which constitute related party transactions</p> <p>To set up and approve Trustee expenses in accordance with the Trust Conflict of Interest policy</p>	<p>To enter into contracts up to the limits of delegation and within an agreed budget</p> <p>To support the Trust Board in its monitoring and evaluation of the delivery of any central services and functions provided or procured by the Academy Trust for the Academy</p>	<p>To enter into contracts up to the limits of delegation and within an agreed budget</p> <p>To make payments within agreed financial limits</p>	<p>To make payments within agreed financial limits</p> <p>To enter into contracts up to the limits of delegation and within an agreed budget (D)</p> <p>To act as a signatory of an Academy specific bank account (D)</p>

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Curriculum and standards				
Members	Trustees	LGB members	Executive Team	Headteacher
To receive an annual report from the Trustees and the CEO on standards	<p>To appoint an education standards committee*</p> <p>To determine a Trust-wide curriculum policy to ensure provision of a balanced and broadly based curriculum and to include:</p> <ul style="list-style-type: none"> • a prohibition on political indoctrination and a balanced treatment of political issues; and • a written policy on sex and relationship education <p>To determine a Trust-wide policy on religious education and collective acts of worship</p> <p>To receive a termly report from the Executive Team regarding standards</p>	<p>To approve the curriculum proposed by the Headteacher (to the extent that it is consistent with the Trust-wide policy)</p> <p>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 across the Academy</p> <p>To monitor the KPI figures reported from the Headteacher relating to standards</p> <p>To develop, monitor and approve the Academy Development Plan</p>	<p>To provide oversight of the implementation of the Trust-wide curriculum policy</p> <p>To provide a termly report to the Trustees regarding standards</p> <p>To provide oversight of the target setting for pupil achievement and progress by the Headteacher and monitor against targets</p> <p>To monitor the KPI figures reported from the Headteacher relating to standards</p>	<p>To ensure the curriculum is delivered at the Academy including compliance with any funding agreement requirements</p> <p>To make provision for a daily collective act of worship</p> <p>To set targets for pupil achievement and progress and monitor against targets</p> <p>To report bi-termly KPI figures for the Executive Team and the LGB relating to standards</p> <p>To prepare a draft Academy Development Plan for approval by the LGB</p>

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Special Educational Needs (SEN)				
Members	Trustees	LGB members	Executive Team	Headteacher
	To determine a Trust-wide SEN and Disability Discrimination Act policy	<p>To appoint a Local Governor responsible for SEN and inclusion</p> <p>To review and maintain the Academy's SEN policy</p> <p>To provide oversight of the implementation of the policy within the Academy and compliance with the Disability Discrimination Act requirements</p>	<p>To provide oversight of the implementation of the Trust-wide SEN policy</p> <p>To ensure compliance with the Disability Discrimination Act requirements within the Academies</p>	<p>To designate a teacher to be responsible for co-ordinating SEN provision</p> <p>To liaise with the local authority in respect of students who have (or might have) SEN</p> <p>To make provision for SEN pupils with or without a statement or Education, Health and Care plan</p> <p>To ensure compliance with the Disability Discrimination Act requirements within the Academy</p>

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Safeguarding				
Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To adopt a Trust-wide safeguarding and Child Protection policy</p> <p>To adopt a Trust-wide policy regarding school trips</p>	<p>To appoint a designated governor for safeguarding</p> <p>To review and maintain a safeguarding and child protection policy for the Academy (consistent with the Trust-wide policy)</p> <p>To ensure the completion of the single central record and its regular up-dating</p>	<p>To ensure that each Academy has appointed a designated teacher to support looked after children</p> <p>To make arrangements for safeguarding audits to be conducted by independent personnel</p> <p>To report to the Trustees on the procedures in place for safeguarding and on matters as they arise</p>	<p>To appoint a designated teacher to support looked after children and to ensure the role is compliant with statutory guidance</p> <p>To maintain the single central record</p> <p>To approve off-site visits for pupils of more than 24 hours</p>

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Behaviour				
Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To adopt a Trust-wide behaviour policy</p> <p>To review the use of exclusions across the Academy Trust</p>	<p>To adopt and ensure the implementation of a behaviour policy for the Academy</p> <p>To convene a committee to review any exclusion of a pupil</p>	<p>To prepare a Trust-wide behaviour policy for adoption by the Trustees</p> <p>To review the overall pattern of exclusions and to report to the Trustees</p>	<p>To prepare a behaviour policy for the Academy for adoption by the LGB</p> <p>To exclude a pupil for a fixed term or permanently</p>

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Admissions				
Members	Trustees	LGB members	Executive Team	Headteacher
	To adopts a Trust-wide admissions policy	<p>To undertake consultation, publish admissions and Determine arrangements as required in accordance with the School Admissions and Appeals Codes</p> <p>To make arrangements for determining admissions and hearing admission appeals</p> <p>To ensure effective arrangements are in place for pupil recruitment</p> <p>To contribute to the development of the Academy prospectus</p>	<p>To propose a Trust-wide admissions policy for adoption by the Trustees</p> <p>To provide oversight of and support of the implementation of the admissions arrangements across the Academy Trust</p>	<p>To provide direction to the LGB as to requirements under the School Admissions and Appeals Codes</p> <p>To ensure compliance with the Trust-wide policy</p> <p>To make arrangements for determining admissions and hearing admission appeals</p> <p>To participate in local admissions forum</p> <p>To ensure participation in the fair access protocol</p>

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Other pupil related matters				
Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To receive a termly report from the Executive Team regarding standards (to include attendance)</p> <p>To adopt a Trust-wide Complaints policy and receive reports from the Executive Team regarding the level of complaints across the Academy Trust</p>	<p>To review attendance and pupil absences (as part of the KPIs)</p> <p>To appoint a Local Governor responsible for statutory grants including pupil premium</p> <p>To monitor the impact of the pupil premium in the Academy</p> <p>To adopt an Academy Complaints policy (consistent with the Trust-wide policy)</p> <p>To hear complaints at the relevant stage</p> <p>To ensure effective arrangements are in place for pupil support and representation at the Academy</p> <p>To support the Academy Trust and the Headteacher in the extended school provision in the Academy</p>	<p>To monitor the levels of attendance in the Academies and the use of home-Academy agreements and reports termly to the Trustees</p> <p>To monitor the impact of the pupil premium across the Academy Trust</p> <p>To review the level of complaints across the Academy Trust</p>	<p>To maintain a register of pupil attendance</p> <p>To report on attendance and pupil absences (as part of the KPIs)</p> <p>To review and maintain home-Academy agreements</p> <p>To set the times of Academy sessions and the dates of Academy terms and holidays</p> <p>To ensure effective deployment of the Pupil Premium and to monitor its impact</p> <p>To prepare an Academy complaint policy consistent with the Trust-wide policy for adoption by the LGB and to hear complaints at the relevant stage</p> <p>To ensure that the Academy meets for 380 sessions in an Academy year</p>

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Staffing				
Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To appoint an HR committee*</p> <p>To define any overarching management structures across Academy Trust and budget</p> <p>To adopt Trust-wide staff policies and procures</p> <p>To appoint, suspend and dismiss the CEO</p> <p>To conduct the performance management review of the CEO</p> <p>To appoint, suspend and dismiss the Executive Leaders (excluding the CEO) in consultation with the CEO</p>	<p>To participate in the process to appoint the Headteacher as requested by the Executive Team (acting with the delegated authority of the Trust Board) and to take part in the performance management of the Headteacher</p> <p>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</p>	<p>To determine the senior leadership and non-teaching structures for each Academy</p> <p>To advise the Trustees on suitable Trust-wide policies and procedures and to ensure their effective implementation</p> <p>To monitor and review staffing changes across the Academy Trust (CEO)</p> <p>To conduct the performance management review of the Executive Leaders (excluding the CEO) with support from the remuneration committee</p>	<p>To determine staffing requirements within each Academy and budget</p> <p>To implement the Trust-wide policies and procedures in the Academy</p> <p>To appoint teaching and non-teaching staff</p> <p>To suspend or dismiss teaching and non-teaching staff in consultation with the Executive Team</p> <p>To conduct the performance management of staff in the Academy</p> <p>To approve applications for early retirement, secondment and leave of absence</p>

* to be convened in the future when deemed necessary

Staffing (continued)				
Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To appoint, suspend and dismiss the Company Secretary and Clerk</p> <p>To conduct the performance management review of the Company Secretary and Clerk</p>	<p>To ensure that there is effective communication between the Headteacher and the Regional Executive Principal</p> <p>To ensure the Academy Trust's policies on all HR matters are implemented in the Academy</p> <p>To monitor and scrutinise the implementation of the Academy Trust's policies at the Academy for HR matters including the appointment, induction and performance management of staff, pay review process and procedures for dealing with disciplinary matters, grievances and dismissal</p>	<p>To appoint, suspend and dismiss members of the Executive Team (excluding the Executive Leaders and as otherwise reserved to the Trustees)</p> <p>To conduct the performance management review of the Executive Team (excluding the Executive Leaders) acting through the Executive Leaders</p> <p>To appoint, suspend and dismiss the Headteachers</p> <p>To conduct the performance management of Headteachers</p>	

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Information management and communication

Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To adopt data protection policies and procedures to cover:</p> <ul style="list-style-type: none"> the requirement to notify individuals as to how information is to be used and on the matter of safe storage. <p>To ensure registration with the Information Commissioner's Office is up to date.</p>	<p>To ensure the effective implementation of the data protection policies and procedures in the Academy</p> <p>To ensure systems are in place in line with the Academy Trust's strategy at the Academy for effective communication with pupil, parents or carers, staff and the wider community including the support of a local parent teacher association (if established)</p>	<p>To ensure compliance with all data protection legislation and good practice across the Academies</p> <p>To support the individual academies on the effective safe storage of data</p> <p>To maintain accurate and secure staff records for the Executive Team</p>	<p>To ensure the publication of Academy information, ensuring that all electronic communication, including web pages, are up to date</p> <p>To maintain accurate and secure pupil records</p> <p>To maintain accurate and secure staff records for the Academy</p> <p>To ensure compliance with all data protection legislation and good practice in the Academy</p>

* to be convened in the future when deemed necessary

Health, safety, risk and estates

Members	Trustees	LGB members	Executive Team	Headteacher
	<p>To appoint a risk and audit committee*</p> <p>To review risk management and maintain a risk register</p> <p>To approve insurance arrangements</p> <p>To review and maintain a buildings strategy and asset management planning arrangements</p> <p>To adopt a Trust-wide health and safety policy</p> <p>To adopt a Trust-wide lettings policy</p>	<p>To appoint a Local Governor responsible for health and safety</p> <p>To review the risk register of the Academy and prepare the Risk report for the Regional Board</p> <p>To adopt a health and safety policy for the Academy (in line with the Trust-wide policy)</p> <p>To review the implementation of the above policy and ensure that appropriate risk assessments are being carried out in the Academy</p> <p>To conduct site inspections to review any health and safety issues and the security of premises and equipment</p>	<p>To prepare the risk register for the Academy Trust</p> <p>To procure buildings and related insurance and make proposals to the Trustees</p> <p>To prepare a buildings strategy and asset management planning arrangements</p> <p>To propose a Trust-wide health and safety policy for the Trustees' approval</p> <p>To monitor and support the implementation of the Trust-wide health and safety policy</p> <p>To draw up, agree and monitor an accessibility plan for each Academy in consultation with the Headteacher</p>	<p>To prepare the risk register for the LGB having regard to the risks identified by the Regional Board</p> <p>To prepare a health and safety policy for the Academy (in line with the Trust-wide policy) for adoption by the LGB</p> <p>To monitor the accident book and agree appropriate actions</p> <p>To ensure suitable risk assessments are prepared and appropriate actions taken</p> <p>To review security of premises and equipment</p> <p>To implement the Trust-wide lettings policy</p> <p>To liaise with the Executive Team on the accessibility plan for the Academy</p>

* to be convened in the future when deemed necessary

Governance elements in more detail

Members: general guidance

The Members of the Academy Trust are the equivalent of the shareholders in a commercial company (save that they do not receive dividends). In simple terms the Members "own" the Academy Trust. They have a number of statutory rights and rights set out in the Academy Trust's Articles of Association (the **Articles**).

The Academies Financial Handbook (September 2016) issued by the Education Funding Agency ("EFA") provides as follows:

- Members have an overview of the governance arrangements of the trust.
- Members can amend the articles and may do so to support stronger governance arrangements.
- While members can be trustees, retaining some distinction between the two layers ensures that members, independent of the trustees, provide oversight and challenge - this is especially important in multi academy trusts in which trustees are responsible for a number of academies.
- Academy trusts should be established with three members, although DfE encourages trusts to have at least five members in total, as this:
 - Ensures enough members to take decisions via special resolution (which requires 75% of members to agree) without requiring unanimity; and
 - Facilitates majority decisions being taken by ordinary resolution (which requires a majority of members to agree).
- Members must not be employees of the academy trust.
- The appointment of any new Member must be notified to EFA (via the Information Exchange) within 14 days of the appointment.
- The appointment and resignation/removal of Members does not need to be notified to Companies House.
- The Academy Trust's statutory books/registers should include a register of Members, which should be kept up-to-date particularly on appointment and removal/resignation.

Trust Board: Terms of Reference

1 Core values

The Board will at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to governance
- be accountable to its stakeholders and regulatory bodies for its activities;
- engage in a partnership with the Executive Team.

2 Expectations of Trustees

All Trustees are required to:

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life
- comply with:
 - the Articles of Association,
 - these terms of reference,
 - the scheme of delegation to the Executive Team,
 - the conflicts of interest policy,
- ensure they understand their duties, rights and responsibilities, and that they are familiar with their function and role
- not misuse information gained in the course of their Trusteeship for personal gain, nor seek to use the opportunity of service to promote their private interests or those of connected persons, firms, businesses or other organisations;
- participate actively in the induction process and any relevant training.

3 Powers, functions and responsibilities of Trustees

The Trustees are responsible for the governance and supervision of the Academy Trust and its committees (including the Local Governing Bodies).

The Trustees have a number of duties and responsibilities relating to the governance of the Academy Trust and its finances. In summary, the Trustees are responsible for:

- establishing the vision, mission and values for the Academy Trust;
- carrying on the Academy Trust in accordance with the objects of the Academy Trust as set out in the Articles of Association and safeguarding the assets of the Academy Trust;
- designing strategy and structure for the operation of the Academy Trust;
- the delegation of the running of the Academies and the direction of the education, pastoral care, financial and other policies of the Academies to the Executive Team;

- ensuring sound management and administration of the Academy Trust by the Executive Team, and ensuring that the Executive Team is equipped with the relevant skills and guidance;
- financial controls and the financial management of the Academy Trust in accordance with the provisions of the Academies Financial Handbook, which sets out in detail provisions for the financial management of the Academy Trust;
- setting standards of conduct and values, monitoring performance and the achievement of objectives, and ensuring that plans for improvement are acted upon;
- risk management, that is identifying, quantifying and devising systems to minimise the major risks affecting the Academy Trust; and
- ensuring the Academy Trust and the Academies are conducted in compliance with the general law.

4 Accountability of Trustees

The Trustees are chiefly accountable to:

- the beneficiaries of the Academy Trust (pupils at the Academies, their parents and the local community) for the quality of education and pastoral care at the Academies, for matters of health and safety and for safeguarding and promoting the welfare of the pupils;
- the DfE, the Education Funding Agency and specifically the Secretary of State under the terms of the Funding Agreement;
- the Secretary of State (in his or her role as principal regulator in respect of charity matters) for operating the Academy Trust for the public benefit, for the prudent management of the Academy Trust and its financial efficiency, and for compliance with legislation including charities legislation;
- the employees of the Academy Trust for their working environment, and for compliance with the contract of employment and employment law requirements and matters of health and safety; and
- other regulatory authorities for compliance with regulated responsibilities to which the Academy Trust and the Academies are subject.

5 Conducting Trustees' business

The Trustees are required to:

- act together and in person and not delegate responsibility of the Academy Trust to others;
- act strictly in accordance with the Articles;
- act in the Academy Trust's interests only and without regard to their own private interests;

- manage the Academy Trust's affairs prudently;
- not take personal benefit from the Academy Trust unless expressly authorised by the Articles or the Charity Commission; and
- take proper professional advice on matters on which they are not themselves competent.

The Trustees should also hold the Executive Team to account. They should offer support, constructive advice, be a sounding board for ideas, a second opinion on proposals and help where needed, but will also challenge, ask questions, seek information and improve proposals where appropriate and at all times act in the best interests of the Academy Trust.

The Trustees shall have regard to the framework for inspecting schools in England under section 5 of the Education Act 2005 (as amended) issued by the Office for Standards in Education, Children's Services and Skills (Ofsted).

The duties and responsibilities of Trustees are explained in further detail in *The essential trustee: what you need to know, what you need to do (CC3)* (Charity Commission, July 2015) and in the *DfE Governors Handbook (January 2015)*.

The Trustees shall have regard to the Academies Financial Handbook, which shall be circulated to all Trustees.

6 Chair of Trustees

The Board shall appoint an individual from among their number to act as Chair. A change of Chair will require a notification to be made to the DfE, including a Disclosure and Barring Service (DBS) disclosure form to be submitted via the DfE.

The main role of the Chair is to chair meetings of the Trust Board. He or she also provides leadership to the Trustees and acts as the main point of contact between the Trustees and the Executive Team.

Apart from any special responsibilities or powers given to the Chair in the Articles of Association (e.g. the right to chair meetings of the Trust Board and to have a second or casting vote in any case of an equality of votes at a meeting of the Trust Board), the Chair has no special powers or rights over any other Trustee. If the Chair is to carry out certain specific functions (for example, the power to approve an overspend in a certain area of the budget or the CEO's appraisal) then this must be expressly delegated to him by the Board.

7 Meetings of Trustees

There will be a minimum of three meetings of the Trustees each academic year. Meetings of the Trustees shall be convened and conducted as provided by the Articles.

In determining the agenda for Board meetings and committee meetings, the Trustees will have regard to the requirement on them to:

- ensure good financial management and effective internal controls;

- comply with the Funding Agreement and the current version of the Academies Financial Handbook (or successor documents);
- receive and consider information on financial performance at least three times a year; and
- take appropriate action to ensure ongoing viability against agreed budgets.

In consultation with the Chair, the Clerk to the Trust Board shall prepare an annual plan for the meetings of the Trustees.

8 Delegation of powers of Trustees

Trusteeship (and directorship which necessarily follows) is a personal office of trust and responsibility and this cannot be transferred to another individual. However, in order to ensure the proper management of the Academies, the Trustees are able to delegate specific tasks to assist them in carrying out their duties and obligations.

It is for the Trust Board to determine what decisions it will take for itself, what will be delegated to committees, working groups or individual Trustees (e.g. the Chair) and what will be delegated to the Executive Team. The Trustees must also consider when and from whom they should take professional advice.

In determining whether delegation is appropriate, the Trustees will have regard to the following principles:

- non-executive powers must be exercised by the Trustees personally and may not be delegated;
- except when it is impracticable to do so, executive powers should be delegated to the Chief Executive Officer and Director of Finance, who may authorise further delegation; and
- every act of delegation is only a delegation of powers and does not relieve

Delegation can be made to:

- Board committees including the standing agenda:
 - Finance,
 - Risk and Audit,
 - Safeguarding
 - HR and
 - Education Standards and Performance.
- the LGBs;
- any individual Trustee;
- the Executive Team (which in turn may delegate to further individuals).

9 Stakeholder voices

Trustees are asked to have regard to the voices of their various stakeholders and to put in place arrangements to receive feedback and to respond appropriately. This shall include the following, as they are involved in other elements/tiers of trust governance and more broadly:

- a) Pupils
- b) Parents
- c) Staff.

10 Risk management

The Trustees' report therefore must include a description of the principal risks and uncertainties facing the Academy Trust and any subsidiary undertakings, as identified by the Trustees. The report must also include a summary of the Trustees' plans and strategies for managing these risks. The Trustees must identify specific risks and describe ways to combat each one, rather than making general statements regarding risk management.

The Trustees are therefore responsible for:

- identifying the major risks that apply to the Academy Trust, including:
 - operational risks (employment issues, health and safety, fraud, service quality and development etc.);
 - financial risks (accuracy of financial information, cash flow, reserves, over-reliance on funding sources etc.);
 - external risks (changes in government policy, economic factors, demographic changes, adverse publicity etc.); and
 - regulatory risks (compliance with legislation, changes in policies of the regulators etc.).
- making decisions (based where appropriate on advice from professional advisors) as to how to respond to those risks; and
- making appropriate statements regarding the management of risks in the annual report.

The Risk and Audit Committee, supported by the Executive Team, shall prepare a risk register for approval by the Trustees, along with a procedure by which the risk register shall be subject to regular review. The risk register shall have named individuals assigned to manage each area.

11 The management of conflicts of interest

The Companies Act 2006 imposes a statutory duty on the Trustees to avoid situations in which they have or could have an interest, which conflicts (or could conflict) with the interests of the Academy Trust. The duty is to:

- a) declare the nature and extent of any interest in any matter relating to the Academy Trust; and

- b) avoid any conflict of interest between that interest and the interests of the Academy Trust.

In addition, charity law and guidance issued by the Charity Commission confers obligations on the Trustees to manage any conflict between a Trustee's duty to the Academy Trust and their own personal interests or for a Trustee to be influenced by conflicting duties to the Academy Trust and a third party.

Further details are set out in the Conflicts of Interest Policy with which the Trustees are obliged to comply.

12 Recruitment of Trustees

It is essential that the Trust Board has a proper mix of skills and experience. The Trustees must therefore be able to identify potential new Trustees in order to plan for succession, which combines continuity of experience and expertise with new ideas and energy.

The Board as a whole is responsible for ensuring that:

- the skills of any new Trustee fit in with the Academy Trust's requirements in the short, medium and longer term;
- each new Trustee is not disqualified from acting as a Trustee by any provision of the Academy Trust's Articles of Association (including the requirement that he is not disqualified as a company director or charity trustee);
- there is a system in place which ensures that all relevant checks, including a enhanced DBS check (countersigned by the Secretary of State in the case of a new Chair), are completed before or as soon as practicable after a Trustee takes up position; and
- the new Trustee understands the responsibility he / she is taking on and consents to act as a Trustee.

Each new Trustee will be properly inducted to ensure that he / she understands the nature and extent of his role and responsibilities. It is the duty of a new Trustee to ensure that he / she is familiar with the Objects of the Academy Trust; its history and ethos and the nature and extent of its activities; and the content of the Academy Trust's Articles of Association.

The Trustees shall provide each new Trustee with:

- the Academy Trust's Articles of Association
- these terms of reference
- the scheme of delegation to the Executive Team
- the Roles and Functions Matrix

The Clerk to the Trustees shall ensure that any appointment of a new Trustee is notified to the EFA (via the Information Exchange) within 14 days of the appointment (as required under the Academies Financial Handbook).

13 Training and development of Trustees

The Trustees shall ensure that the Board has the skills and experience needed to perform its functions effectively. Trustees shall also be kept up to date with developments in the legal and regulatory framework in which the Academy Trust operates.

The Trustees must have in place a system for evaluating Trustees, with a view to identifying potential gaps in their skills and any requirements for training. Such evaluation shall be carried out annually.

Annex 1 the Seven Principles of Public Life set out by the Committee on Standards in Public Life ("the Nolan Principles")

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 2 Trustees' code of practice

1 Introduction

This code of practice is designed to set out the conduct required of trustees in order to ensure the highest standards of integrity and stewardship.

2 General responsibilities

"Trustees must act reasonably and prudently in all matters relating to the Charity and must always bear in mind the interests of the Charity. They should not let their personal views or prejudices affect their conduct as trustees." (The Essential trustee: what you need to know (CC3), Charity Commission, February 2008).

"The primary duty of a trustee is to carry out the function of his or her office with the utmost good faith. He or she must be impartial and mindful of the interests of the beneficiaries of the Charity and of the objects for which the Charity is established". (Governance and management of charities, Andrew Hind, NCVO Publications, 1995)

Trustees should listen to the view of other trustees, staff, volunteers or external advisers respectfully, taking cognisance of differences of opinion. Trustees should not cause offence to others or undermine the standing of their colleagues as a member of the Trust Board.

3 Board papers

While the board aims to conduct its business openly, it is inevitable that some matters must be confidential either for a time or always.

All matters discussed at board meetings (save for items which are clearly neither confidential nor of a sensitive nature either legally, commercially, financially or personally) should be treated as strictly confidential and should not be discussed with anyone other than those present at the meeting when the matter in question was discussed unless authorised by the board to do so. If in any doubt, trustees should contact the chair.

4 Board meetings

Open discussion and debate is actively encouraged, in which every spectrum of objective opinion is welcomed.

As Trustees must act with probity, the Board should take and consider professional advice from internal and / or from external advisers in all decision-making.

Where consensus is not achieved, decisions will be taken during board meetings by calling for a vote by those present. Trustees who abstain on, or vote against, any motion may request an appropriate note be made in the minutes.

The Board must be accountable but delegate authority on various matters on which it is entitled to full reports as necessary.

5 Outside board meetings

Trustees should exercise restraint outside a meeting in relation to particular

comments made within the Board meeting by individual members. Trustees must accept that it is inappropriate for any private or public references to "who said what", except in dialogue with other trustees.

Trustees should accept the need for care and restraint, honouring the spirit as well as the letter of the code of practice, when talking about board matters in any other forum.

6 Disagreements

Where a Trustee has a disagreement on any matter, he or she should raise the matter informally with the chair or through the normal procedures at a board meeting.

If not resolved, a trustee may request the matter be taken further by the chair.

If a satisfactory conclusion is not reached, the board may recommend the appointment of an independent mediator.

7 The Executive Team and the wider staff

Staff and Trustees are expected to deal with each other with respect and courtesy.

Trustees must ensure there is a clear understanding of the scope of authority delegated to the chief executive officer ("the **CEO**").

Having given the CEO delegated authority, trustees should be careful, individually and collectively, not to undermine that authority either by word or action.

Trustees delegate the management to the CEO, which includes the management of staff.

If a Trustee has concerns relating to the performance of a member of staff, he or she should contact the chair, who will take up the matter with the CEO.

Annex 3 Reserved matters

The Reserved Matters are:

Members

(subject to such other consents/ requirements as might be required by law or the Funding Agreement)

- 1 to change the name of the Academy Trust
- 2 to change the Objects (which would require Charity Commission and Secretary of State consent)
- 3 to change the structure of the Trust Board
- 4 to amend the Articles of Association
- 5 to pass a resolution to wind up the Academy Trust
- 6 to appoint the auditors (save to the extent that the Trustees may make a casual appointment)

Trustees

(subject to such other consents/ requirements as might be required by law or the Funding Agreement)

- 7 to change the name of the Academies
- 8 to determine the educational character, mission or ethos of the Academies
- 9 to adopt or alter the constitution and terms of reference of any committee of the Trust Board
- 10 to terminate a supplemental funding agreement for an Academy
- 11 to establish a trading company
- 12 to sell, purchase, mortgage or charge any land in which the Academy Trust has an interest
- 13 to approve the annual estimates of income and expenditure (budgets) and major projects;
- 14 to appoint investment advisors
- 15 to sign off the annual accounts;
- 16 to appoint or dismiss the Chief Executive Officer, the Finance Director, the Company Secretary or the Clerk to the Trustees;

- 17 to do any other act which the Funding Agreement expressly reserves to the Trust Board or to another body (including for the avoidance of doubt, terminating the Funding Agreement or any part of it)
- 18 to do any other act which the Articles expressly reserve to the Trust Board or to another body or
- 19 to do any other act which the Trust Board determine to be a Reserved Matter from time to time.

Trustee declaration on appointment

I confirm that I am willing to act as a director of the Academy Trust ("**a Trustee**"). I further confirm that I am not disqualified from so acting by virtue of any provisions of the Articles of Association of the Academy Trust, including, but not limited to, the requirement that I am not disqualified from acting as a charity trustee or director by virtue of section 178 of the Charities Act 2011 (extract included below).

Signed
.....
Full name
.....
Address
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Date
.....
.....

Please sign and retain the additional copy of this document with your records.

Extract from section 178 of the Charities Act 2011

178 Persons disqualified from being charity trustees or trustees of a charity

(1) A person ("P") is disqualified from being a charity trustee or trustee for a charity in the following cases—

Case A

P has been convicted of any offence involving dishonesty or deception.

Case B

P has been adjudged bankrupt or sequestration of P's estate has been awarded and (in either case)—

- c) P has not been discharged, or
- d) P is the subject of a bankruptcy restrictions order or an interim order.

Case C

P has made a composition or arrangement with, or granted a trust deed for, creditors and has not been discharged in respect of it.

Case D

P has been removed from the office of charity trustee or trustee for a charity by an order made—

- e) by the Commission under section 79(2)(a) or by the Commission or the Commissioners under a relevant earlier enactment (as defined by section 179(5)), or
- f) by the High Court,

on the ground of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or which P's conduct contributed to or facilitated.

Case E

P has been removed, under section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10) (powers of the Court of Session) or the relevant earlier legislation (as defined by section 179(6)), from being concerned in the management or control of any body.

Case F

P is subject to—

- g) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/ 3150 (N.I.4)), or
- h) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order).

Local Governing Bodies: Constitution

Dearham Primary School

Name	Governor Type	Appointed by	Date appointed	Renewal due
Samantha Kidd	Headteacher	School	10/04/2010	N/A
Shirley Ferguson	Co-opted	Governing Body	01/09/2008 & 2012 & 2016	01/09/2020
Janet Simpson	Non Teaching Staff	Staff	01/05/2005 & 2009 & 2013 & 2017	01/05/2021
Andrew Southwell	LA Governor	Governing Body / LA	01/07/2007 & 2011 & 2015	01/07/2019
Louise Maguire	Co-opted	Governing Body	01/09/2006 & 2010 & 2014	01/09/2018
Mandy Humphrey	Parent	Parents	01/09/2007 & 2011 & 2015	01/09/2019
Joan Kearton	Parent - Chair of Governors	Parents	01/09/2011 & 2015	01/09/2019
Paul Moody	Co-opted - Vice Chair of Governors	Governing Body	01/01/2011 & 2015	01/01/2019
Julie Graham	Parent (member of staff)	Parents	01/06/2014	01/06/2018
Lindsay Walker	Staff	Staff	01/09/2014	01/09/2018

Dearham Primary School

Ian Oglanby	Co-opted	Governing Body	18/10/2016	18/10/2020
Bruce Burnett	Co-opted	Governing Body	10/10/2017	10/10/2021
Sharon Rossin	Clerk	Governing Body	08/11/2016	N/A

Northside Primary School

Name	Governor Type	Appointed by	Date appointed	Renewal due
Mary Ann Lancaster	Co-opted Governor	Governing Body	20/12/2013	20/12/2017
Gill George	LA Governor	Governing Body / LA	15/07/2015	15/07/2019
John Moffat (Chair)	Co-opted Governor	Governing Body	13/01/2016	13/01/2020
Samantha Kidd	Headteacher	School	01/11/2015	N/A
Grant O'Townson	Staff Governor	Staff	08/06/2016	08/06/2020
Mark Jenkinson	Appointed Parent Governor	Governing Body	16/11/2016	16/11/2020
Sharon Rossin	Clerk	Governing Body	29/09/2015	N/A

* to be convened in the future when deemed necessary