

## THE ROLE OF THE GOVERNOR OF A LOCAL ADVISORY BOARD

### What it means to be a Governor of the Local Advisory Board (LAB) of the Atlantic Centre of Excellence Multi Academy Trust (ACE MAT)

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 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'. The Atlantic Centre of Excellence (ACE) is a Multi Academy Trust (MAT) incorporating Charlestown, Gatehouse, Robartes, St Agnes, St Columb Major and St Columb Minor academies.

### What documents govern Academy Trusts?

- **Memorandum and Articles of Association**  
Like all companies, ACE 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

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

- **Scheme of Delegation**

This is the terms of reference for the Local Advisory Board (LAB) of each of the academies in ACE. It sets out how the Governors of each LAB will be appointed, how meetings of the LAB shall be conducted and which of the Board of Directors powers and responsibilities shall be undertaken by the LAB. The Scheme of Delegation can be amended by the Board of Directors of ACE at any time.

### **Who are the Governors of an Academy Trust?**

Governors 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. Governors 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 Governors and appoint and remove one or more Governors. However, Governors should not interfere with the day-to-day operation of a school or approach Directors or the Headteacher/Principal on an individual basis in their role as a Governor.

### **Who are the Directors?**

Directors are made up of a diverse range of individuals. The Executive Principal (of ACE) will also be an ex officio Director, which means they will be a Director for so long as they remain in post. The Articles will stipulate the number and types of Directors which the Academy Trust should have.

In ACE, the Directors will be appointed because of the range of skills and experience they have. The Directors will come together to form the Board of Directors (Board). Directors must act in the interests of **all** the academies within ACE.

### **Who are the Governors of a Local Advisory Board within ACE?**

In ACE, the Board will set-up a committee in each Academy which is known as a Local Advisory Board (LAB). Unlike a Governing Body of a maintained school, a LAB 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 LAB has are those which are delegated to them by the Board. The Board will usually appoint the Chair of the LAB and most, if not all, of the Governors of the LAB. The appointment of Governors and details of their delegated powers are usually formalised into a written Terms of Reference (see attached).

Governors of a LAB 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 Principal/Headteacher (or representative) of each Academy will be an ex officio Governor of the LAB, which means they will be a Governor of the LAB for as long as they remain in post.

## Governors of a Local Advisory Board

- **How are Governors of a Local Advisory Board appointed?**

The Terms of Reference sets out:

- The number of Governors the LAB will have
- The types of Governors a LAB should have eg staff, parents, community etc
- How the Governors of a LAB are appointed

The Board will usually appoint the Chair of the LAB and most, if not all, of the Governors of the LAB. In ACE's Terms of Reference, each LAB will have the ACE Executive Principal, Principal/Headteacher or Head of School (as applicable) of the Academy, 1 Staff LAB Governor, 2 Parent Governors and up to 3 Community governors.

- **What responsibilities do Governors of a Local Advisory Board have within ACE?**

Governors of a LAB play a key role in supporting the Board to fulfil their statutory, contractual and regulatory duties. As a Governor of a LAB, you will share equally with the other Governors of the LAB, the responsibility of exercising the powers and responsibilities delegated to the LAB by the Board. Details of these powers and responsibilities are set out in the Terms of Reference (see attached).

Governors of the LABs will have the following duties:

- Ensuring good governance of the Academy
- Safeguarding and promoting the values of the Academy
- Supporting the Principal/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 eg 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 LAB on improving school standards and will often wish to meet with representatives of the Board and the LAB.

- **How much commitment is involved in being a Governor of a Local Advisory Board?**

Under the Terms of Reference, LABs are required to meet at least three times a year. LABs will often have the power to set up their own committees, which might meet more frequently. Governors of a LAB 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 Director of ACE and a Governor of a LAB is that Directors will have commitment and legal responsibility for all the academies in ACE, whilst LABs focus solely on one academy within it.

- **What would my liability be as a Governor of a Local Advisory Board?**

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

## Associate Governor Role

### Associate Governors <sup>1</sup>

- are not Members of ACE MAT
- are not Governors of the LAB
- may be appointed by the Governing Body to attend meetings of the Governing Body, as appropriate
- may be anyone who the Governing Body feels could contribute to its work
- may be appointed for between 1 - 4 years and can be reappointed at the end of their term of office
- voting rights are decided by the ACE Board of Directors
- are limited by law to be excluded from matters concerning the budget, admissions, pupil discipline and the election or appointment of Governors
- can attend Full Governing Body Meetings, but may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil

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<sup>1</sup> [www.gov.uk/government/publications/governors-handbook](http://www.gov.uk/government/publications/governors-handbook)

### Governors Handbook January 2014

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“The need for governing bodies to establish committees, including for exclusions or disciplinary matters, does not in itself necessitate a large governing body.

- Committees of the governing body can be established specifically for these purposes to which new associate members may be appointed and/or the committee may be established as a joint committee under the Collaboration Regulations to enable the committee to include governors from another school.”

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- “The governing body can appoint associate members to serve on one or more governing body committees.
- Associate members can attend full governing body meetings but may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil.
- They are appointed for a period of between one and four years and can be reappointed at the end of their term of office.
- Associate members are not governors and they are not recorded in the instrument of government.

The definition of associate member is wide and pupils, school staff and people who want to contribute specifically on issues related to their area of expertise (for instance, finance) can be appointed as associate members.”

## Applying to Become a Governor of a Local Advisory Board

- **How are Governors of a Local Advisory Board selected?**

The role of a Governor of a LAB of an Academy within ACE is a very important one. The Board of Directors will usually appoint the Chair of the LAB and most, if not all, of the Governors of the LAB.

The Board of ACE will meet regularly and will consider any applications for vacancies in the LABs of the Academies it runs. 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 Board's decision promptly after the meeting. All new and reappointments of Governors of a LAB will normally be required to provide an acceptable Enhanced Disclosure and Barring Service check.

- **Person specification**

A LAB Governor would be expected to have:

- A commitment to ACE 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 LAB and the Board
- An ability to hold others to account for their professional practice
- Strategic vision
- Good independent judgement
- Experience of schools (as a former Governor, a parent, a Governor of staff for example)
- Commitment to a particular academy and a willingness to support the aims of ACE as a whole.

## How can I apply to become a Governor of a Local Advisory Board?

Please complete the relevant application form and return to:

Clerk to Governors  
St Columb Minor Academy  
Porthbean Road  
Newquay TR7 3JF