

**Terms of Reference for the Local School Committee of
West Monkton CofE Primary School for 2020/2021
Approved by the Board of Directors of The Oak Partnership ('The Trust')
on 4 December 2019**

1. THE ROLE OF THE LOCAL SCHOOL COMMITTEE (LSC)

The LSC is a committee of the main board of the Trust. Each LSC is established by the Board in accordance with the Trust's Articles and will be subject to Terms of Reference set out below which will detail the responsibilities of the LSC and its relationship with the main board.

2. THE TRUST AND LSC

The Trust is a charitable company limited by guarantee. It has entered into a Master Funding Agreement with the Department for Education (DfE) and a Supplemental Funding Agreement in respect of the School (together the "Funding Agreements") and so it is the Trust that is ultimately responsible to the DfE pursuant to the Funding Agreements.

The Trust Directors are the charity trustees (within the terms of Section 177 of the Charities Act 2011) and are responsible for the general control and management of the administration of the Trust in accordance with the provisions set out in the Articles.

The LSC is a committee of the Trust Board of Directors, established pursuant to Article [101]. The LSC will act in accordance with these Terms of Reference and the Scheme of Delegation for the School unless otherwise directed by the Trustees. It will be accountable to the Trustees for its decisions.

3. LSC – APPOINTMENT AND STRUCTURE

3.1 Membership of the LSC shall consist of:

- The School's Headteacher.
- Two (2) Elected Parents.
- Two (2) Elected Staff Representatives.
- Five Co-opted Members (including three (3) foundation).
- One Associate member may be appointed for a time limited task specific role.
- All appointments agreed by the Trust Board.
- Observers may join the meetings at the agreement of the Chair.

3.2 With regard to the appointments made by the Trustees, the Trustees shall ensure that the views of the LSC (represented by the Chair of the LSC in the appointment process) are taken into account, for example individual school Head Teacher positions.

3.3 The length of an LSC Member's term of office shall be four (4) years. An LSC Member may be re-appointed for consecutive periods not exceeding eight (8) years in total but thereafter an LSC Member shall not be eligible for re-appointment until one year after his or her retirement, unless agreed exceptionally by resolution of the Trustees that he or she shall be eligible to serve for a further consecutive term.

3.4 No person shall be qualified to be an LSC Member unless aged eighteen (18) or over at the date of his election or appointment. No current pupil of any of the Academies shall be an LSC Member.

- 3.5 An LSC Member shall cease to hold office if they become incapable, by reason of illness or injury, of managing or administering his own affairs.
- 3.6 All absences will be noted at meetings.
- 3.7 An LSC Member shall cease to hold office if absent from all the LSC meetings held within a period of three (3) months, without due reason.
- 3.8 A person shall be disqualified from holding or continuing to hold office as an LSC Member if:
 - 3.8.1 They have been declared bankrupt and/or their estate has been seized from their possession for the benefit of their creditors and the declaration or seizure has not been discharged, annulled or reduced; or
 - 3.8.2 They are the subject of a bankruptcy restriction order or an interim order.
- 3.9 A person shall be disqualified from holding or continuing to hold office as an LSC Member at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- 3.10 An LSC Member shall cease to hold office if:
 - 3.10.1 They would, by virtue, of any provision in the Companies Act 2006 or Section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision), be disqualified from acting as a trustee; or
 - 3.10.2 Is otherwise found to be unsuitable by the Secretary of State under the provisions of the Funding Agreements.
- 3.11 A person shall be disqualified from holding or continuing to hold office as a LSC Member if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.
- 3.12 A person shall be disqualified from holding or continuing to hold office as a LSC Member where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under Section 178 of the Charities Act 2011.
- 3.13 After the School has opened, a person shall be disqualified from holding or continuing to hold office as a LSC Member if he has not provided to the Chairman of the Trustees, by the date of the LSC Member's appointment or as soon as practicable thereafter, a disclosure and barring service certificate (previously known as a criminal records certificate) at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that, the certificate discloses any information which would in the opinion of either the Chairman of the Trustees or the Chief Executive Officer (CEO) confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

- 3.14 Where, by virtue, of these Terms of Reference, a person becomes disqualified from holding, or continuing to hold office as a LSC Member; and he is, or is proposed, to become such a LSC Member, he shall upon becoming so disqualified give written notice of that fact to the Clerk.
- 3.15 An LSC Member's term of office shall be terminated if:
- 3.15.1 He/she resigns by serving written notice to the [Clerk]/[Secretary].
 - 3.15.2 The Trustees terminate his/her appointment.
 - 3.15.3 He/she is removed by the persons appointing them (although this does not apply to elected staff or Parent LSC Members).
 - 3.15.4 In the case of a Staff Member, their employment is terminated.
- 3.16 The LSC may continue to act notwithstanding a temporary vacancy in its composition.

4. APPOINTMENT OF CHAIR AND VICE-CHAIR OF LSC

- 4.1 The Chair of the LSC shall be nominated by the LSC and ratified by the Trustees.
- 4.2 The term of office of the Chair of the LSC shall be two (2) years. Subject to remaining eligible to be a Chair, an LSC Member may be re-appointed for a further term of office as Chair by the LSC Members.
- 4.3 Subject to remaining eligible to be a Chair, any LSC Member may be re-appointed as Chair for consecutive periods not exceeding five (5) years in total. Thereafter, an LSC Member shall not usually be eligible for re-appointment as Chair until one year after his or her retirement, unless otherwise agreed by the Trustees.
- 4.4 The Vice-Chair of the LSC shall be appointed by the LSC Members from amongst their number, for a term of two (2) years. Subject to remaining eligible to be a Vice-Chair, an LSC Member may be re-appointed for further terms of office as Vice-Chair by the LSC Members
- 4.5 If both the Chair and the Vice-Chair are absent from any meeting of the LSC, those LSC Members present shall appoint one of their number to chair the meeting.

5. RESPONSIBILITIES OF TRUSTEES AND LSC MEMBERS

Compliance and Governance

- 5.1 **The Trustees shall:**
- 5.1.1 Ensure compliance with all statutory regulations and Acts of Parliament governing the operation of the School, including health and safety.
 - 5.1.2 Comply with the provisions of the Funding Agreements; and
 - 5.1.3 Determine the corporate planning and strategy for the School and the Trust in consultation with the LSC.
- 5.2 **The LSC Members shall:**
- 5.2.1 Carry forward the Trust's vision, in a way appropriate to the specific qualities and community characteristics of the School.

- 5.2.2 Ensure that standards of attainment and progress by the pupils of the School are fully met.
- 5.2.3 Take a strategic role in the governance of the School.
- 5.2.4 Provide support to the School's Headteacher and the staff.
- 5.2.5 Monitor and evaluate the work of the School systematically and regularly in relation to the following priorities identified in the 2019-2020 School Implementation Plan:
- Stabilise leadership, at all levels (including governance) to ensure that standards and outcomes, across core subjects, are increased.
 - Continue to implement and audit a rigorous domain-based curriculum model.
 - Ensure that standards are raised in the whole school teaching of English, at all key stages.
- 5.2.6 Monitor and evaluate the School's management of its delegated budget to ensure financial probity.
- 5.2.7 Implement actions and policies required to comply with statutory regulations and the Funding Agreements.
- 5.2.8 Implement the policies agreed by the Trustees.
- 5.2.9 Ensure election of Parent Local Governors.
- 5.2.10 Ensure the school website is compliant with requirements laid out by DfE.
- 5.2.11 Carry out skills audit and review LSC performance, setting out priorities for governance improvement in the following academic year, including 360 review of the Chair.
- 5.2.12 Establish and maintain register of interests of the local governors and publish this in accordance with regulation.
- 5.2.13 Consult on changes to admissions arrangements, or where no changes are made, consult at least every seven (7) years.
- 5.2.14 Review the risk register of the School and prepare the risk report for the Executive Team and Board of Directors.
- 5.2.15 Participate in site inspections to review Health and Safety (H&S) issues and security of premises and equipment.
- 5.2.16 Implement the actions identified in the Due Diligence Action Plan dated December 2018.

6. APPOINTMENTS AND TRAINING

6.1 Trustees shall:

- 6.1.1 Ratify appointment of a school leader in partnership with the LSC and staff.
- 6.1.2 Determine salary increases and undertake performance management for the School's Headteacher subject to the terms of the contract of employment.
- 6.1.3 Determine terms and conditions of service for staff (the Trust is the employer of all staff and is responsible for procedures and terms and conditions of service for all employees including the setting of appropriate rules for the conduct of staff, in each case as developed with each School). Changes to such policies and procedures will be affected only after consultation with the LSC, School's Headteacher and staff groups where appropriate.
- 6.1.4 Ratify the appointment of the Chair of the LSC
- 6.1.5 Ensure that Trustee and LSC Member training and evaluation is provided.

6.2 The LSC shall:

- 6.2.1 Comply with the Trust's HR policies, including the process for local performance reviews for members of staff.
- 6.2.2 Advise the CEO, in the event that they consider changes are required to staff terms and conditions (to be clear, LSC Members may not make any amendments to terms and conditions without the Trustees' consent).
- 6.2.3 Appoint Link Committee Members to oversee key aspects of the school and agree roles and responsibilities and reporting arrangements:
 - Pupil Premium (PP).
 - Vulnerable Groups (SEND).
 - Looked After Children.
 - Early Years Foundation Stage (EYFS).
 - Safeguarding.
 - Health & Safety (H&S).
 - Finance.
- 6.2.4 Determine any restructuring of staff at the School.
- 6.2.5 Appoint and remove the clerk to the LSC
- 6.2.6 Participate in succession planning for the School Headteacher in conjunction with the CEO.

7. FINANCES**7.1 The Trustees shall:**

- 7.1.1 Have oversight, with regard to the finances of the Trust and the School, including, but without limitation, responsibility for compliance with the financial and accounting requirements detailed within the Funding Agreement.
- 7.1.2 Determine the School's annual budget in consultation with the LSC and Hub committees.
- 7.1.3 Determine, after consultation with the LSC and Local Hub Committees, the extent of the services provided to the School by the Trust and how the costs for such services should be allocated, apportioned or retained.
- 7.1.4 Comply with the Academies Financial Handbook including, but without limitation, determination of procurement policies for the Trust; put in place guidelines for the local maintenance of assets and appropriate registers.

7.2 The LSC shall:

- 7.2.1 Provide to the ESBM by 01 June details to enable draft budgets to be considered by the Trustees and to be submitted to the DfE as required by the Funding Agreements and provide such further support, in connection, with the budgetary process as may be required.
- 7.2.2 Except where prior permission has been obtained from the Trustees, the School budget is to be prepared to show break even or better.
- 7.2.3 Comply with the final budget as notified by the Trust, including monitoring and reviewing expenditure on a regular basis.
- 7.2.4 Ensure any variances are reported to the Audit and Finance Committee.
- 7.2.5 Manage the School's cash flow and monitor expenditure by the School in accordance with policies determined by the Trustees. Under no circumstances has the LSC the authority to borrow money.

- 7.2.6 Maintain proper accounting records and the preparation of income and expenditure and balance sheets and audit procedures as required by the ESBM
- 7.2.7 Assist the Trustees in complying with the provisions of the Funding Agreements where requested from time to time.
- 7.2.8 Maintain or put in place appropriate arrangements for the maintenance of the School estate in accordance with the guidelines established by the Trust.
- 7.2.9 Seek value for money and be able to, demonstrate that value for money has been achieved, including implementation of the Trust's procurement policies.
- 7.2.10 Notify the Trust of any changes to fixed assets used by the School; and
- 7.2.11 Observe proper levels of delegation and protocols, in conjunction with the CFO and Accounting Officer.
- 7.2.12 Ensure School financial policies and procedures are implemented and monitored effectively.
- 7.2.13 Ensure provision of Free School Meals (FSM) to pupils meeting the criteria.
- 7.2.14 Maintain and review of Governors' Expenses Policy.
- 7.2.15 Identify priorities for EFA capital improvement bids in consultation with the Executive Team.

8. POLICIES AND TARGETS

8.1 The Trust Directors in consultation with the LSC shall:

- 8.1.1 Determine the School's Development Plan (SDP); and
- 8.1.2 Determine the policies for use by the School
- 8.1.3 Determine the admissions policy and arrangements for the School in accordance with admissions law and DfE codes of practice (which is communicated to the LSC, Members and implemented).
- 8.1.4 Determine any additional financial and reporting targets for the School.
- 8.1.5 Consider and evaluate performance against Key Performance Indicators (KPIs) set by the Trust in relation to academies, finances and other matters.

8.2 Each LSC Member shall act in the best interests of the School, at all times.

8.3 No LSC Member shall act or omit to act in a way which would be prejudicial to the interests of the School or the Trust at any time, including any actions or omissions which might create bad publicity for the School or the Trust.

8.4 The LSC Members must keep confidential all information of a confidential nature, obtained by them relating to the School and the Trust; excluding where this is public knowledge or to comply statutory obligations e.g. whistle blowing where major financial irregularities are discovered.

8.5. When a person becomes a LSC Member of an School within the Trust (following his or her appointment or his or her transfer from a maintained school), he or she shall be required to complete and sign a registration form (with details required for the Trust) in which the LSC Member agrees to comply with:

- The Articles;
- The Funding Agreements;
- These Terms of Reference;
- Any terms of reference of sub-committees which may apply to that LSC Member.

- 8.6 Each LSC Member shall also be required to take part in regular self-reviews and is accountable for meeting his or her own training and development needs. It is an LSC Member's responsibility to consider if, and raise any concerns where, he or she feels that appropriate training and development is not being provided by the Oak Partnership.

9. CHIEF EXECUTIVE OFFICER (CEO)

The CEO has been appointed by the Trust Directors to oversee and coordinate all Trust activities and to undertake the role of Accounting Officer. Trustees delegate to the CEO such functions and powers as are required in relation to securing the effective internal organisation, management and control of the Trust and its Academies, including the implementation, management and monitoring of all policies approved by the Trustees for the effective operation of the Academies.

10. RESPONSIBILITIES OF THE HEADTEACHER

The School's Headteacher shall be responsible to the LSC and accountable to the Trust Board for the leadership and management of the School, including, in particular for:

- 10.1.1 Implementing the agreed policies and procedures laid down by the LSC and the Trustees.
- 10.1.2 Advising the LSC on strategic direction, forward planning and quality assurance.
- 10.1.3 Advising the LSC on the admission of pupils.
- 10.1.4 Managing the delegated budget and resources agreed by the LSC.
- 10.1.5 Advising the LSC and the Trustees on the appointment of the Deputy School Leaders and such other senior posts as the LSC may determine.
- 10.1.6 The appointment of all other staff and (except to the extent directed otherwise by the Trustees and/or the LSC), the salary grading, allocation of duties, appraisal and discipline of all staff in accordance with the Trust's human resources policies and procedures and best practice for HR and recruitment;
- 10.1.7 The maintenance of good order and discipline by the pupils including their suspension and/or exclusion within the framework laid down by the LSC and monitored by the Trustees; and
- 10.1.8 All such additional functions as may be assigned under the School's Headteacher job description or contract of employment.
- 10.1.9 Promote and ensure the spiritual wellbeing of the pupils.
- 10.1.10 Work with LSCs to establish and maintain positive relationships with all members of the local community, ensuring procedures to respond to feedback.
- 10.1.11 Provide the LSC with a minimum of one written School Leaders' report per academic term.

11. ROLE OF THE CHAIR

The Chair shall:

- 11.1.1 Meet regularly with the School's Headteacher.
- 11.1.2 Preside over efficient LSC meetings (which may include establishing a sound sub-committee structure) and effective working procedures.
- 11.1.2 Be accountable to the Trustees for the operation of the School and shall meet with the Chair of the Trust Board/ CEO and/or the Trustees at such times as may be reasonably required.
- 11.1.3 Oversee attendance/feedback to LSC.

- 11.1.4 Ensure that the LSC is fully involved in approving and monitoring the implementation of a broad and balanced curriculum, delegating sufficient resources and questioning school leaders on suitability and rationale.
- 11.1.5 Ensure that the LSC is fully involved in decisions relating to enrichment and extended services offers, and decisions to discontinue them if not sustainable.

12. CONFLICTS OF INTEREST

- 12.1 The income and property of the School must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions and procedures which apply to the Trustees in the Articles, with regard to having, a Personal Financial Interest shall also apply to the LSC Members.
- 12.2 Any LSC Member who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as an LSC Member shall disclose that fact to the LSC Members as soon as he becomes aware of it.
- 12.3 A LSC Member must absent himself from any discussions of the LSC Members in which it is possible that a conflict will arise between his duty to act solely in the interests of the School and any duty or personal interest (including - but not limited to - any Personal Financial Interest).

13. MEETINGS OF THE LSC

- 13.1 The LSC shall meet at least once each half term and shall hold such other meetings as may be necessary. A quorum must be present, being fifty per cent (50%) of currently serving LSC members.
- 13.2 All meetings and sub-committee meetings shall be convened by the Clerk, who shall send to the LSC Members, the Chair of the Trust Board and the CEO written notice of the meeting and a copy of the agenda at least seven clear days in advance of the meeting.
- 13.3 A special meeting of the LSC shall be called by the Clerk whenever requested by the Chair or at the request in writing of any three LSC Members or of the CEO. Where there are matters demanding urgent consideration, the Chair or, in their absence, the Vice-Chair may, with the approval of the CEO waive the need for seven clear days' notice of the meeting and substitute such notice as he/she thinks fit.
- 13.4 The convening of a meeting and the proceedings conducted shall not be invalidated, by reason of any individual, not having received written notice of the meeting or a copy of the agenda.
- 13.5 If the number of LSC Members assembled for a meeting of the LSC does not constitute a quorum, the meeting shall not be held. If in the course, of a meeting, of the LSC, the number of LSC Members present ceases to constitute a quorum, the meeting shall be terminated forthwith.
- 13.6 If for lack of a quorum a meeting cannot be held or, as the case, may be, cannot continue, the Chair shall, if he/she thinks fit, determine the time and date at which a further meeting shall be held and shall direct the Clerk to convene the meeting accordingly.

- 13.7 Every question to be decided at a meeting of the LSC shall be determined, by a majority of the votes, of the LSC Members present and voting on the question. Every LSC Member shall have one vote. Where there is an equal division of votes the Chair of the meeting shall have as second or casting vote.
- 13.8 An LSC Member may not vote by proxy and cannot nominate another individual to attend a meeting on their behalf.
- 13.9 No resolution of the LSC may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.
- 13.10 Any LSC Member who is also an employee of the Trust shall withdraw from that part of any meeting of the LSC at which his remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 13.11 A resolution in writing, signed by all the LSC Members, shall be valid and effective as if it had been passed at a meeting of the LSC or (as the case maybe) a committee of LSC duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the LSC Members (or the members of a committee, as the case maybe).
- 13.12 Any LSC Member shall be able to participate in meetings of the LSC Members by telephone or video conference provided that, he has given reasonable notice to the Clerk and that the LSC Members have access to the appropriate equipment.
- 13.13 Minutes must be prepared of all LSC meetings and meetings of all sub-committees. Drafts of those minutes must be sent to all attendees and to the CEO no later than fourteen (14) days after the date of the meeting. Final minutes, as approved by the LSC Members, must be sent to the CEO within seven (7) days of approval.

14. DELEGATION OF FUNCTIONS AND COMMITTEES

- 14.1 The LSC shall establish:
- 14.1.1 A Performance Management Pay committee of three LSC members to oversee the procedure of reviewing the teaching staff performance and pay progression. Any LSC member who is paid to work at the school is ineligible from being a member of this committee.
 - 14.1.2 Committees, with named, trained members, which would enable the convening, from time to time Complaint panels or Appeal committees.
- 14.2 The LSC shall establish and review/approve on an annual basis, the terms of reference for any sub-committee is has set up. All sub-committees will have a minimum of three (3) members.
- 14.3 Each sub-committee will nominate a Chair and Vice Chair of the sub-committee on an annual basis. Any LSC member who is paid to work at the school is ineligible from being Chair or Vice Chair of the sub-committee.
- 14.2 The LSC meeting agenda will comply with the reporting requirements of the Trust Board as set out in the annual work planner.

- 14.3 Sub-committees may include members who are not LSC Members. These will be associate members, their role task specific, time limited and non-voting. Except where it is otherwise constrained within its terms of reference, a sub-committee may invite attendance by persons who are neither LSC Members nor sub-committee members where such attendance is considered by the members of the sub-committee to benefit its deliberations.
- 14.4 All sub-committee meetings will be professionally clerked, and copies of the minutes are to be circulated to all LSC Members and those who are entitled to attend LSC meetings.

15. ACCOUNTS AND AUDIT

- 15.1 The LSC shall:
- 15.1.1 Agree and draft an annual budget
 - 15.1.2 Keep proper accounts and proper records in relation to the accounts; and
 - 15.1.3 Prepare in respect of each financial year of the School end of year statements. The statement of accounts shall give a true and fair account of the state of the School's affairs at the end of the financial year and of the School's income and expenditure during the financial year.
- 15.2 Accounts are audited termly and reported to the LSC and to the Finance and Audit Committee of the Trust Board.
- 15.3 The accounts (including any statements prepared under this paragraph) shall be audited by persons appointed in respect of each financial year by the Trust.

16. AMENDMENT OF TERMS OF REFERENCE

- 16.1 These terms of reference are drafted and maintained by the Trust. The Trustees may make amendments to these terms of reference from time to time. In the event that amendments are made, the Trust shall notify the Chair of each LSCs, who shall be expected to make the other LSC Members aware of such changes.
- 16.2 This document shall be subject to review at least at the first meeting of the Trustees after 31 August each year and at the first meeting of the Trustees in each academic year thereafter.

17. EFFECTIVE DATE

These Terms of Reference shall come into effect, in relation to an LSC, on the establishment of the LSC.