

Bury College Education Trust



Governance Handbook 2019 – 2020

***Including Committee Terms of Reference
and Areas of Responsibility for Local
Governing Boards***



Bury College Education Trust

Building Character; Empowering Transformation

We are a family of schools working together to provide an excellent education and the best possible opportunities for all of the children in our schools. We believe that no child should be left behind, regardless of their starting points.

Mission and Purpose

The BCET Mission:

To provide a world class education for all the children in our schools by:

- removing barriers;
- creating endless possibilities and experiences;
- teaching the children in our schools the 'power of yet'
- building character traits within our children that will help them to face the challenges of living in the 21st Century.

We will deliver all of this through a unique curriculum which has been written and designed by the talented leaders within BCET. With a highly successful vocational college as our sponsor, we also have strong links to FE which provides a concrete path of aspiration for the children in our schools.

There has never been a time when more of our young people have faced more challenges in order to find their own route to happiness and success. During our journey of shaping and creating BCET we have realised that we need to help many of the children in our schools to become more resilient, and also to develop other important character traits that will help them to be successful in life.

Our aim is to inspire aspiration, self-belief and resilience in all of the children in our schools.

Early in 2017, we started to think about how we could build more confidence and resilience in our children. At first, we couldn't find anything 'BIG' enough or 'BOLD' enough for our mission to create a world class education. So, along with some of our partners, we decided to write our own curriculum and came up with a 'character curriculum'. These are the main elements of the character curriculum which underpins everything we do at BCET:

Resilience

Empathy

Self-awareness

Perseverance

Excellence

Communication

Teamwork

Through this exciting new curriculum and our close links with Bury College, we have begun to create a very unique educational experience for the children in our schools. We believe that children can achieve anything they want to achieve if they believe in themselves!

Bury College Education Trust aims to offer schools wide opportunities for mutual support and partnership, through the practical sharing of leadership, educational and pedagogical expertise, resources and joint professional development.

The Trust supports its local governing boards in their important role of working with the head teacher of each school to ensure high standards are maintained. Local governing boards have a central role to play in preserving the identity of each school and building and maintaining strong links with parents and to the community it serves.

The Trust provides high quality professional development for governors and open and frequent communication with the Trust board, which carries ultimate responsibility for the performance of the Trust. We aim to relieve governors of routine or administrative responsibilities so that they can focus on the important part of their work: improving the experience for children and young people in their school.

The way in which the Trust is funded is transparent and all schools understand the way in which they benefit directly from the contribution they make to central services. Education and Skills Funding Agency (ESFA) allocation is based on pupil numbers and paid to each individual school. The school contributes towards the Trust central services from that allocation. The enhanced buying power of a large Trust can secure significantly better rates for many contracts and services than individual schools can procure.

A. Members

Bury College Education Trust is a charitable company (a company limited by guarantee and an exempt charity) which exists for the provision of education. It has an establishment of five members:

Mr. Charlie Deane (Bury College Corporate Member)

Mr. Peter Nicol (Appointed by Bury College)

Ms. Janet Butterworth (Appointed by Members)

Mr. Mark Granby (Chair of Board of Trustees)

Vacancy

The Academies Financial Handbook (2018) summarises the role of members as follows:

“The members of an academy Trust have a different status from the Trustees. The members are the subscribers to the Trust’s memorandum of association ... Members have an overview of the governance arrangements of the Trust and have the power to appoint Trustees and remove these Trustees ... While members can also be Trustees, retaining some distinction between the two layers ensures that members, independent of Trustees, provide oversight and challenge. This is especially important in multi-academy Trusts in which Trustees are responsible for a number of academies ... Members must not be employees of the Trust.”

In the Bury College Education Trust the Members, acting corporately and by majority vote, appoint members of the Board of Trustees (and may remove any Trustees appointed by them) and receive the Trust’s Annual Report, including its annual accounts.

In addition, in accordance with the requirements of the Companies Act 2006, Sections 489 and 490, the members ensure the Trust has legally appointed auditors.

a. Articles of Association

This document is the ‘constitution’ of the Trust. It is a legal agreement between the Members, lodged at Companies House, which can only be varied by special resolution of the Members (a 75% majority). The Articles are available on the Bury College Education Trust website.

b. The Board of Trustees – overview

Trustees constitute together the Board of Trustees. In some documents Trustees are referred to as ‘directors’ – the terms are interchangeable, but within this Trust we use the term ‘Trustees’ or the ‘Board’ to refer to the Board of Trustees.

The names of all Trustees, with terms of office, must be lodged both with Companies House and the ESFA. The term of office for a Trustee is 4 years.

All terms of office are four years. All Trustees currently, apart from the CEO, are non-executive, in other words they do not form part of the senior management of the Trust and are not employed by it. However, legally there is no difference in the level of responsibilities of non-executive Trustees and Trustees who have executive (or senior management) roles and are employed by the Trust.

The Board of Trustees elects its own chair annually, and the chair automatically serves as a member, and chairs meetings of members, during the term of office as chair.

The Board is held legally accountable for all aspects of the Trust’s work, and in particular for ensuring that the terms of the Funding Agreements (FA) are fully met. They are also responsible for ensuring that the Trust complies with

- the Companies Act 2006 – the Trust’s obligations as a company limited by guarantee must be met;
- charity law – the Trust’s charitable objects must be observed and the obligations of the Trustees as charity Trustees must be met.

Specifically, the Board is accountable to the following bodies for the Trust’s educational and financial performance:

- The Education and Skills Funding Agency (ESFA)
- The Department for Education (DfE), in particular through the Regional Schools Commissioner (RSC)
- Ofsted

c. The Company Secretary

As a company limited by guarantee, the Trust has a company secretary. This role is fulfilled by the Deputy Principal at Bury College, Mr. Andrew Harrison. The responsibilities of a company secretary are in summary

- Ensuring Trustee and member appointments are made according to the Articles
- Terms of office of Trustees are adhered to
- Meetings are constitutionally convened and recorded
- Filing requirements at Companies House and the EFA are met

- Statutory registers (of Members and Trustees) are maintained
- Committees have legal and constitutional terms of reference
- The Trustees have appropriate assistance to discharge their obligations

Some of these functions are discharged through the Clerk to the Trustees, but the Company Secretary has the formal responsibility for ensuring they happen, so liaises with the Clerk (commissioned through One Education) to allow this accountability to be discharged.

B. The Board of Trustees – composition and functioning

The Board comprises currently:

Mr. Mark Granby (Chair)
 Mr. Chris Trees (Vice-Chair)
 Mr. Roger Holt
 Mr. Charlie Deane
 Ms. Steph Isherwood

New Trustees are recruited from time to time. This is done in a transparent way and in order to strengthen the Board in the light of an audit of skills and experience. Where it is felt by the members that there is a good match, a new Trustee may be appointed by the members.

The Board of Trustees discharges its responsibilities through meetings 4-6 times per year which include all Trustees, including the Executive Headteacher, and the Chief Finance Officer in attendance at certain meetings. It receives reports from:

- The Executive Headteacher summarising the achievements and challenges of the Trust against the Trust's development plan, and any strategic decisions the Trust faces
- Headteachers of the Trust's schools on pupil progress and outcomes and updates the work of the LGBs
- Trustees' Resource and Audit Committee – with all Trust level financial reporting and a report from the CFO

C. The Accounting Officer

The Accounting Officer for the Trust has a range of legal responsibilities in particular for:

- financial transparency and probity in the use and management of public money;
- achieving value for money;
- ensuring feasibility of plans and decisions;
- annual financial reporting;

along with a range of other duties defined by the DfE, including that relating to the Prevent duty and safeguarding more widely.

The Accounting Officer has, in law, a direct personal responsibility to Parliament for the discharge of these responsibilities. The Accounting Officer's annual statement on regularity, propriety and compliance must be included in the Trust's annual report. This is a formal declaration by the Trust's accounting officer that his personal responsibilities to Parliament for the resources under his control during the year have been met.

The Accounting Officer is held to account by other Trustees at all Trust board and committee meetings, where he is questioned about projected and actual outturns (financial as well as educational) and projections, and Trustees assure themselves of the robustness of mitigation strategies against the Trust risk register. This happens at Board meetings and at every committee meeting.

D. Trustees' responsibilities and duties

The Companies Act 2006 applies to the Board of Trustees and imposes a general duty on them to:

- act within their powers
- promote the success of the company
- exercise independent judgement
- exercise reasonable care, skill and diligence
- avoid conflicts of interest
- not to accept benefits from third parties
- declare interest in proposed transactions or arrangements.

The Board's main responsibilities are:

1. To set and communicate a strategic vision for the Trust and to plan strategically for its future, including for its sustainable growth, future shape, leadership, outcomes and financial health.
2. To assess and manage principal risks to the Trust – financial, educational, reputational and legal risk in particular – and to set an acceptable risk level in key areas and for key significant projects. This is done through the maintenance of a Trust risk register which is considered at every meeting, with a longer examination of risk twice annually.
3. To appoint and hold to account the Accounting Officer for the implementation of the Trust's overall performance, and to determine arrangements for the performance management of the Executive Headteacher, including securing external professional advice. The Executive Headteacher is held to account principally through outcomes set out in the Trust development plan and progress towards them, and through the risk register and the satisfactory mitigation of principal risks.
4. To ensure that the terms of the Funding Agreement are being fully met. This is done through an annual review of the obligations of the Funding Agreements as part of preparation for the annual report.
5. To ensure that all strategic decisions are taken in the light of the Trust's charitable objects. The charitable objects are set out in the annual report and in the articles, and all Trustees are familiarised with these when they join the board and regularly thereafter.
6. To ensure the requirements of the Academies Financial Handbook (AFH) in force at the time are being fully met, that the Trust Board takes overall responsibility for Trust funds and approves a delegation of financial powers that maintains robust internal controls. The CFO leads on the AFH and ensures all Trustees are familiar with its requirements.
7. To ensure that the Trust undertakes prudent financial planning and remains solvent at all times in order that it can continue to discharge its responsibilities. This is done through annual budget planning and prudent financial projections, along with stress testing against lower than anticipated income or higher than anticipated expenditure.
8. To appoint, train and induct local governors, monitor the work of local governing boards (LGBs) for each member academy and to delegate roles and responsibilities to those LGBs according to their capacity. This is done through advertising openly for local governors, and ensuring that there is a robust selection process in place for those who express interest, and that all newly appointed local governors access good quality bespoke professional development.

9. To set a budget for the Trust, (to include the 'Trust contribution' and the allocations of funding for each school in the Trust with a range of indicative benchmarks for the school to use when setting the individual school's budget), to monitor the budget of the Trust as a whole on a monthly basis and to take action when necessary in the light of that monitoring. This is done on the recommendation of the CFO who prepares draft budgets for approval.
10. To ensure, in line with the requirements of the AFH, that an appeals procedure is in place for headteachers to challenge the budget share allocated to the school on grounds of unfairness or unreasonableness.
11. To set end of key stage pupil achievement targets for each school, overall and by significant pupil groups such as the disadvantaged, to monitor end of key stage achievement at least three times per year and to take action when necessary in the light of that monitoring. Targets are set on the recommendation of the Executive Headteacher and are designed to move performance overall forward incrementally each year towards outstanding, or maintain an outstanding level of performance.
12. To set targets for pupil attendance for each school in the Trust, to monitor attendance at each school three times per year and to take appropriate action in the light of that monitoring. These targets are to move towards or maintain a high level of attendance.
13. To receive minutes of each local governing body meeting (to include all papers and reports appended to them) and address issues arising from them 'by exemption'; to consider the executive summary of key issues produced by each LGB (see below under LGBs); to challenge the Executive Headteacher where these reveal underperformance.
14. To ensure that each LGB is discharging the obligations placed by Trustees on their behalf with respect to the statutory requirement for collective daily worship and delivery of religious education in the school. In the Bury College Education Trust this duty is delegated at an operational level to LGBs.
15. To make sure appropriate arrangements are made for the external verification or moderation of information provided by the Executive Headteacher, CFO, LGBs, head teachers or other staff on any main area of responsibility, for example through commissioning of an external advisor or consultant from time to time, or the scrutiny of audit reports or external benchmarking data.
16. To ensure that the health and safety and safeguarding obligations of the Trust (including 'Prevent' and 'British values') are met via regular health and safety reviews in each school, reports of training on Prevent and British Values, and reports of the implementation of these through the curriculum in each school. Mr. Mark Granby is the nominated Safeguarding Trustee.
17. To ensure that all conflicts of interest are declared and documented. Because conflicts of interest are the subject of regular briefing and training, Trustees may identify conflicts of interest for other Trustees, and as such are obliged to draw these to the attention of the chair. Once declared, identified and documented, conflicts of interest are managed by ensuring that no Trustee is party to a decision from which they may derive personal advantage or advantaged for any party connected with them. In most cases this will mean being absent from both discussion and decision making on that issue. In some rare cases, and at the request of the chair, a conflicted governor may be asked to provide information about the conflicted issue but will always be absent from the decision itself. That absence will be specifically noted in minutes.

Trustees may delegate 'powers' to other committees or individuals, but in so doing cannot delegate 'responsibilities'. In other words, for all external purposes the accountabilities remain with the Board of Trustees even when another committee has received delegated powers.

Trustees' responsibilities are discharged through a series of meetings, 4-6 times per year, at which reports and information are received and examined, proposals discussed, challenged and shaped and further work commissioned. This work is assisted by a written report on the progress of the Trust against its short and medium term objectives produced at least three times per year by the Executive Headteacher for the Trust

Board. From time to time the Trust Board may ask a senior employee with a particular remit) to join a meeting to support such discussions. As outlined above, the Board also has a link trustee positions to focus on safeguarding.

E. Trust and school policies

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will:

1. either set a full Trust wide policy,
2. or set a 'policy principles' document (a framework within which LGBs develop a full and appropriately customised policy),
3. or delegate to LGBs the power to develop their own policy which the Trust Board will then ratify.

Statutory policies and the levels of delegation for them are as follows:

Statutory policy	Level at which set (see above)
Safeguarding	2
Whistleblowing	1
Staff capability	1
Charging and remissions	1
Behaviour	2
Relationship and sex education	2
Special Educational Needs	2
Teacher Appraisal	1
Pay	1
Data protection	1
Health and safety	1
Admissions	3
Accessibility plan	2
Single Central Record and vetting	1
Complaints	1
Freedom of Information	1
Home school agreement	1
Premises management	1
Equalities and duty to publish report every four years	1
Staff discipline, conduct and grievance	1
EYFS	3
Dealing with allegations of abuse against staff	1
Pupils with medical conditions	2
Allocation of responsibilities for publishing information either on school or the Trust websites as required by the ESFA, Ofsted or the AFH	2
Worship, RE and religious ethos	3

F. Committees of the Trust Board

There is one main committees of the Trust Board:

- **Resources and Audit Committee** – The Committee has the strategic oversight of all matters related to Audit, Finance and Human and Capital Assets of the Bury College Education Trust.

The Committee will seek to:

- monitor internal scrutiny,
- the delivering of objectives and
- provide independent assurance over the suitability and compliance with, its financial systems and operational controls, seeking to ensure that the Trust is operating within the Funding Agreement and in line with the Academies Financial Handbook (The Handbook).
- assist the decision making of the Bury College Education Trust Board by enabling more detailed consideration to be given to the best means of fulfilling the Board's responsibility to ensure sound management of their finances and capital assets, including proper planning, monitoring and probity.
- To consider matters relating the Trust's staff structure.

Membership the committee for 2019-20 is as follows:

Mr. Chris Trees (Chair), Mr. Roger Holt (Vice-chair), Ms. Steph Isherwood

G. Local Governing Boards

Each school in the Trust will have a Local Governing Board (LGB) which is accountable to the Board of Trustees. This will comprise in each case

- The headteacher (ex officio)
- One further elected staff local governor (term: 4 years)
- Two elected parent governors (term: 4 years)
- Up to five governors appointed by the Trust Board and selected on the basis of their skills or professional experience, each for a term of 4 years

The chair of each LGB is appointed annually by the Trust Board.

There are no committees of LGBs. The frequency and scheduling of meetings are determined at local level, providing that a minimum of three take place annually for established schools, and at least 6 per year for newly sponsored schools – at the chair's discretion this may increase to monthly meetings in the first year of opening.

Local governing board meetings are supported by the clerk to the Trust Board, in collaboration with whom agendas locally are planned in line with areas of responsibility set out below.

H. Areas of responsibility for LGBs

Local Governing Boards have a critical role to play in supporting the work of the School and the Trust. Their role falls into three main areas:

a. Standards – in particular:

- Approving a school improvement plan, produced at the start of each school year, which should contain appropriately challenging targets at each key stage and identify areas of underperformance with robust strategies for improvement. The plan will be drawn up by the headteacher and targets will be designed to move the school to outstanding.
- Ensuring that the curriculum and its planning is fit for purpose, fully compliant with external and Trust requirements and enables pupils to flourish and maximise their potential. A curriculum plan will be produced by the headteacher in consultation with the Trust and approved by the LGB.
- Examining progress towards targets for all pupils and all identified pupil groups and in each year group (not just end of key stage), challenging the headteacher on progress towards targets at a granular level; acknowledging and celebrating significant improvement and strong performance. This will be achieved through the headteacher's report to the LGB which will comprise all pupil level data from data collection with commentary to enable governors to challenge against targets.
- Holding the school to account for the quality of teaching and its improvement, ensuring that full and reliable information about teaching and its effectiveness at raising standards is available; celebrating strong teaching or significantly improved teaching and its impact. Quality of teaching is contained in the headteacher's report and is expected to report proportions of teaching at each Ofsted grade, identify key strengths and areas for improvement, and intervention strategies matched to the areas for improvement.
- Ensuring that the quality of staff professional development is such that it enables the staff team to meet the needs of the pupils in the school. Staff development, matched to areas for improvement and the annual improvement plan, are reported in the headteacher's report to governors, along with data on impact (improvements evidenced because of staff development)
- Monitoring behaviour, exclusions and attendance, and ensuring that patterns are promptly identified by the school and appropriate interventions are put in place and monitored. This data will be reported to governors at each governing body meeting.
- Monitoring safeguarding and health and safety in the school to hold the school to account for maintaining high standards of compliance and best practice; this will include ensuring all pre-employment checks are properly undertaken and recorded. Governors will access externally conducted health and safety audit reports and will be expected to challenge the headteacher on the addressing of issues arising. Pre-employment checking will also be audited by the Trust three times per year and reported to the local governing body. All LGBs have a nominated Safeguarding governor.
- Monitoring the achievement of pupils with SEND and who are disadvantaged to ensure that they achieve as well as other students. SEND is contained in the report to governors by the headteacher as a routine item and governors will be expected to ensure that all appropriate measures are being taken to enable SEND students to achieve as well as others. All LGBs have an appointed SEND governor.

b. Distinctive ethos, character and local traditions

- Ensuring the quality and appropriateness of the PSHE and sex and relationships education offered to pupils, including the promotion of fundamental British values. This will be reported to local governors and externally verified (and reported) annually.

- Where there are established local relationships in place, for example with a local church, ensuring that these are appropriate to the school's character and are nurtured and maintained in the interests of the pupils the school serves.
- Holding the school to account for the quality of the programme of extracurricular development, and for levels of pupil participation in the programme, including by disadvantaged students, monitoring that programme and challenging the headteacher where necessary to improve it further; responsibility for the approval of residential visits. Data on this area will be provided twice annually to governors for scrutiny.

c. Communication between LGBs and Parents/Carers and the wider community

Maintenance of good communication with and the confidence of parents and the wider local community:

- Knowing the cohort and their families well, for example by ensuring that regular parent and pupil surveys are conducted, results scrutinised and actions taken to ensure that the school meets the expectations of its students and their parents.
- Holding the school to account for the quality of external communication about the school to parents and the wider public, including the school website. Governors will be expected to visit the website and be familiar with the school's local marketing and projection and challenge the headteacher as required.
- Monitoring communication with parents, both pupil-specific and general, and ensuring it is regular, clear, helpful and positive. Local governors will be well placed to do this themselves and question the headteacher as required.
- Ensuring that opportunities to project or represent the school at local, regional or national level are taken. Governors will question the headteacher about this aspect of the school's work in meetings.
- Ensuring that for the purposes of pupil recruitment the school publicises itself well and attracts good numbers of applicants – the aim should be for every school to be oversubscribed. Reports on admissions and pupil recruitment will be made available to governors annually at the appropriate time in the admissions cycle.
- Challenging the school to take responsibility for meeting its obligations for wrap-around childcare. The local governors will ensure that the school regularly checks demand for wrap around care with local parents to ensure it is meeting the needs of the local community.

At least three times per year, the headteacher will produce a written report for the LGB covering the main areas of the LGB's responsibilities. This report will always be part of the communication between LGBs and the Trust Board. The report will cover:

- standards being achieved by each year group in key curriculum areas;
- attendance;
- exclusions;
- behaviour;
- quality of teaching;
- staffing issues.

The full minutes of each LGB will be available to Trustees on a regular cycle, but issues in them will be addressed by exception only.

To ensure there is effective communication between the Trust Board and the LGBs, there will be termly meetings involving the Chair of the Trust Board, the LGB chairs and the headteachers.

d. Local Governing Boards and Policies

In addition to the three main areas of LGB responsibility, which will be addressed as appropriate to the annual cycle at every Local Governing Body meeting, LGBs will be asked to play a part on policies in the three ways which follow:

- i. By ensuring that the headteacher is observing all Level 1 Trust-wide policies
- ii. By ensuring that Level 2 policies are completed and sent to the Trust Board for ratification
- iii. By ensuring that Level 3 policies are developed or reviewed and sent to the Trust Board for ratification.

Local governors will meet this responsibility by asking for copies of each of the policies at each level as outlined in the schedule of policies in section E above.

I. Line Management of Headteachers

Headteachers of individual schools will be line managed professionally by the Executive Headteacher, who will undertake the headteacher's annual performance review, as well as interim monitoring, and determine salary progression in the light of it. The Executive Headteacher, or a person acting on their behalf, will ensure professional support and challenge on issues associated with standards and pupil performance.

Head teachers should see LGBs as important 'scrutiny and challenge' boards. LGBs' role is not to direct leaders on what specific course of action to follow on any particular issue, but to question challenge and as far as possible assure themselves that appropriate action is being taken to identify and address areas for improvement, and to flag a concern to the Trust Board if it is unsure. It is then for the Executive Headteacher, acting on behalf of the Trust Board, to work with the headteacher to ensure the issue is appropriately resolved. If necessary and in extremis the Executive Headteacher, as line manager, may use powers of direction to ensure a serious issue is acted upon.

Independent challenge to local headteachers will take place via the Executive Headteacher, the LGB and via an annual one day inspection-style review from an experienced inspector who is contracted by the Trust for this purpose. The report of the inspection-style review will be copied to the LGB and the Trust Board.

J. Financial accountability and line management of business managers

Annual budget share is allocated to each school by the Trust Board, on the recommendation of the Trust Finance Committee, along with the notification of the annual Trust charge and any specific benchmarks to be observed (such as use or accumulation of any carry forward, or a percentage of income to be used for staff or teacher costs).

It is then the responsibility of the headteacher in each school, working with the school's business manager, to agree a detailed budget for the year in question, using the Trust's budget planning format. That budget is then submitted to the Trust CFO for approval (in this the CFO is acting with delegated powers from the Trust Board). Once approved, the monthly reporting on income and spend is the responsibility of the school headteacher, with the support of the school's business manager, and is communicated to the Trust CFO at regular Trust CFO-SBM meetings. If any variances are proposed to the budget, these must be agreed between the headteacher (via the SBM) and the Trust CFO.

The Trust CFO is accountable then to the Trust Board via the Trust Resource and Audit Committee for the overall financial outturns at the end of the year.

Where an individual school believes that its allocated budget share is unreasonable or unfair, and the disagreement cannot be resolved at local level within the Trust, the Academies Financial Handbook provides a line of appeal from the headteacher of that school to the ESFA directly, which may, if it cannot be resolved by the ESFA, be referred to the Secretary of State for adjudication, which is then binding on the Trust.

K. Clerks to the Trust Board and LGBs

The Trust will appoint a Clerk on an annual basis. Where practicable, the Clerk to the Trust Board will also act as Clerk to the LGBs. This is to ensure unity of message and purpose across the Trust.

Most meetings will be shaped by a template agenda which will act as a prompt for key areas of LGB, committee or Board responsibility.

L. Standards accountability

Accountability for educational standards achieved at each national reporting point (end of key stage) sits with the Executive Headteacher. The Executive Headteacher exercises this through the regular line management of each school headteacher across the school year, via the Trust Board, and through the monitoring of pupil performance at each (at least termly) assessment point. Standards monitoring is part of each Executive Headteacher's report to the Board.

M. Cycle of Meetings

A cycle of meetings is established to maximise the effectiveness of communication between each constituent tier of governance.

N. Annual review of governance and governor and Trustee succession planning

In order to ensure that governance is operating effectively in the Trust, annually each Trustee will complete a self-appraisal of their performance and contribution and will also complete a review of how well the Board as a whole is functioning, including its chairing. In addition, at least once every three years the Board will commission an external review of its governance, including a review of its own performance. Both of these will be reported to Members at the annual general meeting (AGM). In addition, the chair and vice chair will use the outcomes to inform training, development and to shape improvement in the Board's working.

The Board will be responsible not only for evaluating its own performance but also for evaluating the performance of the Local Governing Body. Each local governor will be asked to complete a self-appraisal annually which will be seen by the Chair of the Board of Trustees and by the chair of the LGB. The chair of each LGB will meet annually with the chair of each LGB to review LGB performance – this discussion will be informed by the self-appraisals and will result in areas for improvement in effective governance for that LGB.

O. Succession planning

The Trust understands that it is essential that there is a diverse mix of experienced and newer governors and Trustees covering a wide range of areas of expertise, and that normally governors and Trustees should not serve more than two consecutive terms in office (unless for reasons such as covering rare skills shortage areas or other exceptional reasons).

Annual audits of governor expertise contributes to the strategy for the recruitment, retention, development and succession planning of governors and Trustees.

The Trust maintains a register of terms of office, skills and background, and other relevant information about each governor and Trustee. This is used, in consultation with the chair and the members, to identify likely or actual vacancies or gaps.

Recruitment uses a mixed approach of personal contacts, advertising (across the Trust and externally), approaches to national and local organisations, including for example Academy Ambassadors and Inspiring Governance.

The Trustees remain mindful of the importance of diversity and equality in Trustee and governor appointments

- Appointments are conditional on a satisfactory DBS check
- All new governors and Trustees are systematically inducted using an established programme, which includes familiarity with this Governance plan, updated annually, and are mentored by a named more experienced colleague in their first year;
- Training for all governors and Trustees is made available three times a year by the Trust, and in addition, governors and Trustees are offered bespoke training against self-assessed needs to enable them to carry out their role effectively.

P. Performance Management of Executive Headteacher

- The Trustees are responsible for the review of the performance and effectiveness of the Executive Headteacher and to discharge this responsibility, will nominate and appoint 2 trustees, together with an external advisor to undertake an annual performance management review and to set targets for the following performance management cycle.
- Where the Executive Headteacher believes any of the trustees appointed under this regulation is unsuitable for professional reasons, they may submit a written request to the board of trustees for that trustee to be replaced, stating those reasons.
- In all other respects, the procedures outlined in the Performance Management Policy adopted by the Trust on conversion will apply to the performance management of the Executive Head teacher.

TERMS OF REFERENCE FOR SUB-COMMITTEES OF THE BOARD OF TRUSTEES

RESOURCE AND AUDIT COMMITTEE

TERMS OF REFERENCE 2019-2020

The Committee has the strategic oversight of all matters related to Audit, Human, Finance & Capital Assets of the Bury College Education Trust.

The Committee will seek to: monitor internal scrutiny, the delivering of objectives and provide independent assurance over the suitability and compliance with, its financial systems and operational controls, seeking to ensure that the Trust is operating within the Funding Agreement and in line with the Academies Financial Handbook (The Handbook).

To assist in the decision making decisions of the Trust Board. Enabling more detailed consideration to be given to the best means of fulfilling the Board's responsibility to ensure sound management of their finances and capital assets, including proper planning, monitoring and probity.

Composition:

The Resource and Audit Committee is a sub-Committee of the Board, as is required by the Handbook. As the current Trust income is below £50M the Board has exercised the option, allowed within the Handbook, of combining both Finance & Audit within one committee; with the safeguards as shown in 1.1 & 1.3 below being put in place.

1. The Committee shall comprise a minimum of 4 members;
 - 1.1. One of whom will be the Trust's Chief Financial Officer (CFO), except when meeting in "Audit" mode (usually the November meeting) when they will be considered as 'in attendance'.
 - 1.2. The remaining members will be appointed by the Board from amongst their membership; one of whom will be appointed Chair; who therefore also will become an ex-officio member of the Pay Committee.
 - 1.3. The Chair of the Board will be a member when the Committee is meeting in "Audit" mode.
 - 1.4. Members of a Local Governing Body (LGB) will usually be considered ineligible to serve on this Committee because of potential conflicts of interest.
 - 1.5. The Quorum will be 3 members, of which at least 2 must be Directors of the Trust.
2. The Trust's Accounting Officer (Executive Headteacher) has the right to attend all meetings of the Committee to enable them to discharge their responsibilities in that role.
3. The Committee shall have the power to seek external legal and other professional advice in order to consider and make recommendations on any specific matter where additional guidance is required.
4. The Committee shall meet at least quarterly and its proceedings shall be recorded and reported to the Board at the earliest convenient time; and in any case at the next meeting of the Board.
5. Where operationally necessary, the Committee may conduct business by email, provided that any decisions taken are minuted at the next meeting of the Committee.

6. The Committee shall not act beyond the powers delegated to it by the Board and shall, in the case of any serious matter of concern relating to its remit, report to and seek advice from the Board.
7. The Committee and the Chair are empowered to take any urgent action which might be necessary to safeguard the Board's financial and capital assets, but must report at the earliest convenient time; and in any case at the next meeting of the Board or Committee .

Subject to the requirements of the Academies Financial Handbook, the Committee is authorised as follows:

1. The Committee has delegated responsibility on behalf of the Board for ensuring that there is a framework for accountability; for examining and reviewing all systems and methods of control both financial and otherwise including risk analysis and risk management; and for seeking to ensure the Trust is complying with all aspects of the law, relevant regulations and good practice.
2. The Committee is authorised to investigate on behalf of the Board anything that threatens or adversely affects the accomplishment of the Trust's aims and objectives, its assets, the reliability of all records and information, and its compliance with all relevant laws, regulations, policies and its Articles of Association.
3. To consider the indicative funding, notified annually by the DfE, and to assess its implications for the Board & each LGB in considering and recommending the Trust annual budget acceptance/non-acceptance to the Board before the start of each financial year.
4. To seek to ensure that due diligence on finance & capital assets is carried out by the Board in relation to any school seeking to join the Bury College Education Trust.
5. To receive and make recommendations on possible income generation & efficiency savings across the Trust.
6. To monitor and review income, expenditure & variances on a monthly basis and ensure compliance with the overall financial plan for the Board and each school and within the financial regulations of the DfE, drawing any matters of concern to the attention of the Board at least once a term.
7. To seek to ensure that information submitted to DfE and ESFA that affects funding, including pupil number returns and funding claims completed by the Trust and by constituent academies, is accurate and in compliance with funding criteria.

Audit Responsibilities

External Audit

- To determine the frequency of tendering for external auditing services.
- To consider tenders for the external auditing services and recommend to the Board for approval by the Members which firm should carry out the annual external audit of the Trust's statutory report & accounts.
- To have delegated powers to sign any letter of representation required by the auditors.
- To scrutinise and advise the Board on the contents of the draft audit report and of any management letter that the auditors provide, and to formulate any written representations that may be needed by the auditors in connection with the Trust's statutory accounts or any other financial statements.
- To discuss with the external auditors any problems or reservations arising from the draft external audit report and draft management letter, reporting relevant issues back to the Board, and advising the Board accordingly and form part of the governance statement.
- To regularly review the performance of the auditors and advise the Board on any changes that ought to be made to their terms of engagement.

Control Assurance and Independent Challenge

- To recommend to the Board a framework of effective independent internal control assurance. This will include the appointment of an independent internal auditor or a Responsible Officer who may be a Trustee where a Trustee possess appropriate financial and audit skills.
- To ensure that regular “internal audits” are carried out to ensure compliance with both the Handbook & the Charity Commission guidance CC8 “Internal financial control” across the Trust.
- To monitor internal reviews and to advise the Board accordingly.
- To consider the appropriateness of executive action following internal audit reviews and to advise the Executive Headteacher & CFO on any additional or alternative steps they should consider.
- To ensure there is coordination and good working relationships between internal audit, external audit and any other review bodies that have been set up.
- To encourage a culture within the Trust whereby each individual feels that he or she has a part to play in guarding the probity of the Trust’s assets, and is able to take any concerns or worries to an appropriate member staff or in exceptional circumstances directly to the Chair of the Finance Committee.

Safeguarding Link Trustee Responsibilities

When considering the safeguarding responsibilities of the Trust Board and the LGBs, the following are the responsibilities that the appointed link trustee should ensure is being carried out by the appointed LGB safeguarding governors.

- Ensuring that a senior member of staff is appointed as the designated safeguarding lead in each school in the Trust and that this role is incorporated into their job description;
- Ensuring that each LGB in the Trust has appointed a safeguarding governor who has received appropriate training for their role;
- Ensuring that there are reporting mechanisms in place in the absence of the DSL;
- Ensuring the DSL receives formal safeguarding training every two years - the local authority should be able to either provide training or details of training providers;
- Ensuring all school staff receive formal safeguarding and child protection training on induction;
- Ensuring all school staff, including DSL and designated teacher, receives regular, updated safeguarding and child protection updates on annual basis;
- Ensuring all trustees and governors receive regular, up-to-date safeguarding training - they could be invited to staff training sessions, for example;
- Overseeing the single central record and ensuring it is up-to-date and compliant with the requirements of Keeping Children Safe in Education:
- Ensuring that at least one member of an interview panel has undertaken safer recruitment training;
- Annually reviewing the Trust's safeguarding policy including child protection and staff behaviour policies; those relating to procedures for allegations against staff members; and those relating to peer-on-peer abuse and make recommendations for approval by the Trust Board;
- Ensuring pupils understand the safeguarding measures in place and are provided with a means for their voices to be heard and acknowledged;
- Ensuring that inter-agency procedures are being followed where necessary i.e. where staff report concerns to the DSL or in the case of staff allegations;
- Reviewing the annual safeguarding audit and providing a summary report to the Trust Board;
- Monitoring progress and actions against the safeguarding audit.