



'Engaging learners to enhance their life opportunities and outcomes'



BEST HUB LGB AND SIB: CONSTITUTION AND TERMS OF DELEGATION

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CONTENTS

1 INTRODUCTION.....	3
2 REMIT	3
3 INTERVENTION.....	4
4 COMPOSITION OF SIBS AND HUB LGBS.....	4
4.1 SIBs.....	4
4.2 Hub LGBs.....	4
5 COMMITMENT OF GOVERNORS.....	5
6 STAKEHOLDER VOICES	5
7 APPOINTMENT AND PARTICULAR RESPONSIBILITIES OF GOVERNORS.....	5
7.1 Chair	5
7.2 Deputy-Chair.....	6
7.3 Staff Governors.....	6
7.4 Elected Parent Governors	6
7.5 Other responsibilities.....	7
7.6 Clerk to the Hub LGB	7
7.7 Ceasing to be a Governor	8
8 CONVENING MEETINGS OF THE HUB LGB	8
9 VOTING AT MEETINGS OF THE HUB LGB	8
10 INTERESTS OF GOVERNORS	9
11 COMMITTEES OF THE HUB LGB	10
12 MINUTES	10
13 DELEGATION TO THE HUB LGB	10
13.1 General	10
13.2 Decision Making.....	10
13.3 Financial matters	11
13.4 Contractual authority	11
14 KEY FUNCTIONS OF THE HUB LGB	12
14.1 Governance.....	12
14.2 Finance and contracts.....	12
14.3 Curriculum and standards	12
14.4 SEND / SEMH	12
14.5 Child Protection including Safeguarding and Prevent Duty	13
14.6 Relational Behaviour.....	13
14.7 Admissions	13
14.8 Pupil related matters	13
14.9 Staffing.....	13
14.10 Information management and communication	14
14.10 Well-being, health and safety, risk and estates	14
15 ALTERATIONS TO TERMS OF REFERENCE	14
16 CIRCULATION LIST.....	14

1 INTRODUCTION

Thank you for agreeing to play a valuable role, as a member of a BEST's Hub Local Governing Body (LGB) or School Improvement Board (SIB).

BEST is a charitable voluntary organisation which relies on the crucial input of a considerable number of volunteers, supported by an experienced team of staff. Currently, BEST is a small MAT with three schools. There are three layers of governance:

- Members;
- Trust Board; and
- Hub LGBs or SIB.

The BEST Governance Structures provides an overview of some of the three layers, as well as our principles of governance.

For all Schools which have an Ofsted rating of Good or /Outstanding, they are members of a Hub LGB. Schools which do not have an Ofsted rating of Good or Outstanding have a SIB. The primary difference between a Hub LGB and a SIB is the process for appointing their members and the level of reporting to the Board. Once a Schools with a SIB attains an Ofsted rating of Good or Outstanding, the SIB will be dissolved by the Board and the Schools joins the relevant Hub LGB for its governance. There are two Hub LGBs – one called SEND LGB for Special Schools and one called SEMH LGB for SEMH PRUs.

This constitution and terms of delegation¹ for your Hub LGB or SIB has been made by the Trustees of BEST (the Trust and Trust Board respectively) and we ask that you please read it alongside the BEST Governance Structures and BEST's Scheme of Delegation Matrix. The Trustees have also approved a Trust **Virtual Meeting Policy**² which permits virtual attendance of individual governors at face to face meetings and also convening completely virtual meetings in exceptional circumstances. The Virtual Meeting Policy provides details of how virtual attendance and virtual meetings are to be conducted.

There is also a Code of Conduct for Governors, which incorporates the Nolan Principles and all governors are expected to read, sign and comply with this.

In this document, Hub LGB means **both** Hub LGB and equally SIB, where they are in place.

2 REMIT

The role of a Hub LGB is an important one. It is to provide focused governance for the Schools at a local level. The Trust Board's intention is to ensure that the responsibility to govern the Academy is vested in those closest to the impact of decision-making. The HUB LGB monitors the School's key performance indicators and acts as a critical friend to the Headteacher(s) and the senior leadership team, providing challenge where appropriate.

¹ Adapted from REAch2 Academy Trust.

² **INSERT website reference to policy**

The Hub LGBs carry out their functions in relation to their respective Schools on behalf of the Trust Board and in accordance with policies determined by the Trust Board. The act of delegation from the Trust Board to the Hub LGBs is a delegation of powers and duties, and not a delegation or shedding of responsibilities.

The Hub LGB 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 the HUB LGB are explained in further detail in:

1. the DfE Governance Handbook (Jan 2019 and its successors) and
2. the DfE Competency Framework for Governance (Jan 2019 and its successors) – all of which are available on www.gov.uk.

The Hub LGB shall have regard to the Academies Financial Handbook (Sept 2019 and its successors), which is also available on www.gov.uk.

3 INTERVENTION

The Hub LGB will work closely with the Executive Team and shall promptly implement any advice or recommendations made by the Executive Team in respect of standards and performance, particularly where areas of weakness have been identified (either internally within the Trust or externally by the Regional Schools' Commissioner or Ofsted).

The Trust Board reserves the right to review or remove any power or responsibility conferred on the Hub LGB under this constitution and terms of reference, in particular, in circumstances where serious concerns in the running of the Schools are identified, including where:

- there are concerns about financial matters;
- there is insufficient progress 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 Schools is managed or governed; or
- the safety of pupils or staff is threatened, including a breakdown of discipline.

Where necessary, the Trust Board will put in place for an appropriate period of time an intervention board whose responsibility it will be to address the areas of weakness.

4 COMPOSITION OF SIBS AND HUB LGBS

4.1 SIBs

SIBs comprise of a maximum of FIVE members; all of whom are appointed by the Trust Board. Each SIB will have a Chair; again appointed by the Board. SIBs will remain in place until dissolved by the Trust Board.

4.2 Hub LGBs

Each Hub LGB comprises a maximum of NINE members (which we refer to as **Governors**), including:

- the Headteacher(s) of the School(s) ('ex officio' – which means by dint of the position they hold);

- two elected parents or guardians of a pupil at the School(s) (**Parent Governors**);
- two employees of the School(s), usually comprising one teacher and one non-teaching staff member, elected by employees of the School(s) (**Staff Governors**); and
- four members from the community co-opted by the Governors (**Community Governors**).

Each Hub LGB shall have a Chair and a Deputy-Chair.

The length of service of all Governors and the Clerk to the Hub LGB shall be four years. Subject to remaining eligible to be a Governor, any Governor may be reappointed or re-elected at the end of his or her term.

Every person wishing to become a Governor will be required to sign a declaration of acceptance and of willingness to act as a Governor, in the form set out in Code of Conduct for Governors or as prescribed by the Trust Board from time to time, and shall make disclosures for the purposes of a criminal records check by the Disclosure and Barring Service.

5 COMMITMENT OF GOVERNORS

Governors are asked to:

- prepare for and make an active contribution at meetings of the LGB;
- champion the Schools in the local community;
- familiarise themselves with the Schools' policies;
- visit the Schools both during Schools' hours (with prior arrangement with the Headteacher(s)) and for evening events to get to know the Schools and to be visible to the Schools' community; and
- attend training sessions for Governors, where possible.

6 STAKEHOLDER VOICES

Hub LGBs are expected to have regard to the voices of their various stakeholders (especially pupils, parents and staff) and to put in place arrangements to receive feedback and to respond appropriately. This includes engaging stakeholders through defined governance arrangements (including elected parent and staff governors on the Hub LGBs) and more broadly.

Accessing and responding to pupils' collective concerns is an important part of the operations and governance of BEST schools. All Schools are encouraged to have active Pupil Councils with representatives from its pupils. Each Hub LGB is expected to give due regard to issues that are raised though the Pupil Council and the management actions taken in response to the issues.

7 APPOINTMENT AND PARTICULAR RESPONSIBILITIES OF GOVERNORS

7.1 Chair

The Chair is appointed by the Governors. The term of office of the Chair is two years, but the Chair is eligible for re-appointment at the end of that term. Each Hub LGB Chair is ex officio a Trustee and therefore a member of the Trust Board. Where a HUB LGB Chair, due to personal circumstances, is unable to also be a Trustee, the LGB will elect another of their governors to become a Trustee.

The Trust Board are entitled to remove the Chair from office at any time, although this would not necessarily affect the individual's position as a Governor.

The Chair will ordinarily meet with the Headteacher(s) of the Schools before the start of the academic year to plan the work of the Hub LGB for the year.

The responsibilities of the Chair include the following:

- to chair meetings of the LGB;
- to set the agenda for meetings with the Headteacher(s);
- to report to the Trust Board in writing following any Hub LGB meeting, if requested; to give an oral summary of the Hub LGB's deliberations, if requested, at meetings of the Trust Board; and
- to provide a direct two-way communication link between the Hub LGB and the Trust Board. This is enshrined by the Hub LGB Chairs (or their elected governor) being Trustees.

In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the Hub LGB, the Chair of the Hub LGB (or the Deputy-Chair of the Hub LGB in his or her absence) in consultation with the Chair of the Trust Board, shall take appropriate action on behalf of the Hub LGB. The decisions taken and the reasons for urgency shall be explained fully at the next meeting of the Trust Board and of the Hub LGB.

7.2 Deputy-Chair

The Deputy-Chair is appointed by the Governors. The term of office of the Deputy-Chair is two years, but the Deputy-Chair is eligible for re-appointment at the end of that term.

The Trust Board is entitled to remove the Deputy-Chair from office at any time, although this would not necessarily affect the individual's position as a Governor.

The responsibilities of the Deputy-Chair include the following:

- to deputise for the Chair in his or her absence;
- to set the agenda for meetings of the Hub LGB with the Chair, if requested; and
- to provide a link between the Hub LGB and the Trust Board, if requested.

In the absence of both the Chair and the Deputy-Chair at a meeting, the Hub LGB will elect a temporary chair from among their number.

7.3 Staff Governors

The teacher member of the Hub LGB shall be elected by the teaching staff at the relevant Schools.

The non-teaching staff member of the Hub LGB shall be elected by the non-teaching members of staff of the relevant Schools.

The responsibilities of the Staff Governors are to help reflect the interests and opinions of teaching and non-teaching staff at the Schools to the Hub LGB and to act in concert with the other Governors in the best interests of the Schools.

7.4 Elected Parent Governors

Parent Governors for each Hub LGB shall be elected in accordance with the process set out below:

- When a vacancy arises, the Hub LGB will write to all parents of pupils at the Schools seeking nominees for the vacancy. Nominees will be asked to provide a short

statement about why they are interested in being a Parent Governor and their background and experience that makes them suitable for the role.

- In the event that the number of nominees equals or is less than the number of vacancies on the Hub LGB, the Hub LGB can choose to appoint all (or any) of those nominated.
- If there are more nominees than places available, the Hub LGB Chair will write to all parents of pupils at the Schools asking them to vote for their preferred candidate.

A Parent Governor should be a parent or carer of a registered pupil at the relevant Schools or where this is not reasonably practical, a person who is the parent of a child of compulsory Schools age.

The responsibilities of the Parent Governor are to help reflect the interests and opinions of the Parent Body of the Schools to the Hub LGB and to act in concert with the other Governors in the best interests of the Schools.

7.5 Other responsibilities

Each Hub LGB shall appoint from among its members individuals with specific responsibilities which shall include:

- a Governor with responsibility for SEND and inclusion;
- a Governor with responsibility for Child Protection including Safeguarding and Prevent Duty;
- a Governor with responsibility for statutory grants (including pupil premium);
- a Governor with responsibility for well-being, health and safety; and
- a Governor with responsibility for finance.

7.6 Clerk to the Hub LGB

The Hub LGB shall appoint a Clerk to the Hub LGB who must not be a Governor. In the absence of the Clerk, the Hub LGB shall elect a replacement for the meeting (who may be a Governor).

The responsibilities / functions of the Clerk to the Hub LGB are as follows:

- convene meetings of the Hub LGB including sending notices and papers of meetings;
- attend meetings of the Hub LGB and ensure minutes are produced;
- maintain a register of members of the Hub LGB including their terms of office and report any vacancies to the Hub LGB, ensuring this information is on the School's website and liaising with the BEST Executive Team to ensure the School's governor details in Get information About Schools (successor to Edubase) are up-to-date;
- maintain a register of any relevant personal or business interests of Hub LGB members, and ensuring a summary is published on the Schools website;
- maintain a register of Governors' attendance at meetings and report on non-attendance to the Hub LGB;
- report to the Hub LGB, as required, on the discharge of the Clerk's functions; and
- perform such other functions as shall be determined by the Hub LGB from time to time.

The duties and responsibilities of the Clerk to the Hub LGB are explained in further detail in:

- the DfE Clerking Competency Framework (April 2017 and its successors) - which is available on www.gov.uk.

7.7 Ceasing to be a Governor

A Governor's term of office will be terminated if:

- any event or circumstance occurs which would disqualify him or her from the office of Trustee under the Articles were he or she to hold such office;
- he or she has, without the consent of the Hub LGB, failed to attend Hub LGB meetings for a continuous period of six months, beginning with the date of the first such meeting he or she failed to attend and the Chair and the Deputy Chair agree that the term of office should be terminated;
- he or she resigns from office by notice to the Trust Board;
- he or she is removed from office by the Trust Board.

8 CONVENING MEETINGS OF THE HUB LGB

Meetings of the Hub LGB will be held at least once in each term.

The Clerk to the Hub LGB shall give written notice of each meeting and circulate an agenda and any reports or other papers to be considered at the meeting at least seven clear days in advance of each meeting. However, where the Chair determines there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda and other papers are given within such shorter period as the Chair directs.

Any two Governors may call a meeting by giving written notice to the Clerk, which includes a summary of the business they wish to carry out. It shall be the duty of the Clerk to convene a meeting as soon as reasonably practicable.

The Governors may invite persons who are not Governors (such as a member of a committee, any employee, any pupil, any professional adviser and any experts of any kind) to attend the whole or part of any meeting for purposes connected with the meeting.

The convening of a meeting and the proceedings conducted at meetings shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda.

9 VOTING AT MEETINGS OF THE HUB LGB

The quorum for meetings of the Hub LGB and for any vote on a matter at such meetings is one half of the total number of Governors in office at that time (rounded up to the nearest whole number).

A meeting shall be terminated if the number of Governors present ceases to constitute a quorum. Where a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the Clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.

Any Governor shall be able to participate in, and be counted as present at for the purposes of the quorum, meetings by telephone or video conference provided that:

- he has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and
- the LGB has access to the appropriate equipment; and
- provided that, if after all reasonable efforts it does not prove possible for that Governor to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.

Every question to be decided upon at a meeting of the Hub LGBs shall be determined by a majority of the votes of Governors present and voting on the question. Votes tendered by proxy shall not be counted.

Where there is an equal division of votes, the Chair has a casting vote.

The Governors may act notwithstanding any vacancies, but, if the number of Governors is less than the number fixed as the quorum, the continuing Governors may act only for the purpose of filling vacancies.

A resolution in writing, signed by all Governors entitled to receive notice of a meeting shall be valid and effective, as if it had been passed at a meeting duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more Governors and may include an electronic communication by or on behalf of the Hub LGB indicating his or her agreement to the form of resolution providing that the Governor has previously notified the Hub LGB in writing of the email address or addresses, which the Governor will use.

10 INTERESTS OF GOVERNORS

Governors shall complete a register of their relevant personal and business interests, which shall be reviewed annually and published in summary on the Schools' website.

Any Governor who has any duty or personal interest that conflicts or may conflict with his or her duties as a Governor shall:

- disclose that fact to the Hub LGB as soon as he or she becomes aware of it. A Governor must absent himself or herself from any discussions of the Hub LGB in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Schools and such duty or personal interest;
- withdraw from any meeting for that item unless expressly invited to remain in order to provide information;
- not be counted in the quorum for that part of any meeting; and
- withdraw during the vote and have no vote on the matter.

11 COMMITTEES OF THE HUB LGB

The Hub LGB may establish committees to carry out certain functions of the Hub LGB. The Hub LGB must determine the constitution, membership and terms of reference of any committee it decides to establish and review them annually.

The establishment of any new committees, other than a regular two committee structure with remits on educational standards and finance/resources or temporary, ad hoc committees required to deal with specific issues, must be agreed in advance with the Trust Board.

12 MINUTES

Attendance at each Hub LGB meeting, issues discussed and recommendations for decisions shall be recorded and the minutes signed by the Chair at the next meeting of the Hub LGB. The written record (once approved by the Chair of the relevant Hub LGB meeting) shall be forwarded by the Clerk to the Hub LGB as soon as is reasonably practicable to the Chair of the Trust Board (and/or whoever else they specify).

13 DELEGATION TO THE HUB LGB

The Hub LGB shall have the roles set out in this section and any other role that the Trust Board agree shall be carried out by the Hub LGB and that is communicated in writing to the Chair of the Hub LGB.

13.1 General

The governance of the Schools is delegated to the Hub LGB who may exercise the powers of the Trust, in so far as they relate to the Schools, subject to:

- any restrictions in the Companies Act, which requires a decision of the Members or the Trust Board;
- Reserved Matters;
- the Articles;
- Policies and Procedures set by the Trust Board;
- a specific decision of the Trust Board;
- BEST's Scheme of Delegation Matrix.

The Trust Board and the Hub LGB acknowledge that they each play a crucial role in the governance of the Schools and commit to working together in the best interests of the Trust and the Schools. They also acknowledge that the duties and responsibilities in relation to the operation of the Trust sit with the Trust Board and as such the Trust Board is entitled:

- to overrule a decision of the Hub LGB; and/ or
- to remove delegated powers from a Hub LGB

if (in their reasonable opinion) they consider it to be in the best interests of the Schools or the wider Trust.

13.2 Decision Making

The relationship between the Trust Board and the Hub LGB is underpinned by the principles that there should be no duplication of governance and governance should be as close to the point of impact of decision-making as possible.

The Scheme of Delegation Matrix provides further clarity as to who the decision makers are for different levels of decisions. It should be read alongside the BEST Governance Structures and this constitution and terms of delegation.

13.3 Financial matters

The Hub LGB shall assess the annual budget for the subsequent financial year prepared by the Headteacher(s) and senior leadership team. The recommended budget will be to the Trust Board for approval, in accordance with the timeline specified by the Trust Board.

Subject to the paragraph below, the Hub LGB shall have the power to expend funds of the Trust Board which relate to the Schools, as it considers in the best interests of the Schools and in accordance with the financial procedures of the Trust. The Hub LGB shall have regard to:

- the Objects of the Trust and the restrictions attached to any grant funding;
- the School's developmental priorities as set out in the School's Development Plan; and
- financial sustainability.

In line with their duties and responsibilities as Trustees, the Board in agreement with Hub LGBs and SIBs, shall determine certain sums of the budget, in respect of the Schools, to be contributed to central Trust funds for the following reasons:

- to be allocated for the provision of central services received by the Schools, where this 'bulk buying' provides cost savings;
- to be allocated for the provision of Trust activities required to operate as a Trust e.g. Trust strategic work, consolidation of Trust finances and financial reporting etc.; and/or
- as otherwise may be determined by the Board acting reasonably and in the best interests of the Schools.

13.4 Contractual authority

The Hub LGB is authorised to enter into a contract on behalf of the Trust, in so far as it relates to the Schools and complies with the Scheme of Delegation Matrix provided that:

- the contract does not exceed the value specified in the Scheme of Delegation Matrix;
- the contract has been procured in compliance with the Trust's procurement policy and in accordance with the Academies Financial Handbook;
- consideration is given as to whether the contract constitutes a 'related party transaction'; and
- the contract does not relate to the following services, which are negotiated, in consultation with Hub LGBs and school leadership teams, on a Trust wide basis:
 - HR;
 - payroll;
 - accountancy;
 - audit;
 - financial management systems;
 - management information systems;
 - ICT systems and ICT hardware supplier contracts;

14 KEY FUNCTIONS OF THE HUB LGB

The LGB is asked to carry out the following functions:

14.1 Governance

- To champion the BEST vision and values in the Schools and to ensure the wellbeing and personal and academic development of all pupils
- To determine the educational character, vision and ethos of the Schools reflecting the wider character, vision and ethos of the Trust
- To ensure that the Schools has a medium to long-term vision for its future and a clear strategy for achieving it
- To appoint (and remove) from its number, the Chair, Deputy-Chair and Governors with specific responsibilities for SEND and inclusion, child protection including safeguarding and Prevent Duty, statutory grants (including pupil premium), well-being, health and safety and financial matters.
- To appoint a Clerk
- To review, amend and scrutinise the implementation of the policies of the Schools (in line with any Trust prescribed policy).
- To implement a means whereby the Schools can receive and react to pupil, parental and staff feedback.
- To establish and maintaining a relationship with the members of the local community.

14.2 Finance and contracts

- To appoint a Governor responsible for Finance
- To recommend the annual budget for the Schools for submission to the Trust Board
- To monitor the School's delegated budget and ensure that any variances are reported in line with the Scheme of Delegation Matrix
- To monitor income, expenditure and cash flow of the Schools
- To ensure proper financial controls are in place at the Schools
- To maintain a register of Hub LGB members' business and personal interests
- To ensure provision of free Schools meals to those pupils meeting the criteria
- To enter into contracts up to the limits of delegation and within an agreed budget
- To support the Trust Board in its monitoring and evaluation of the delivery of any services/functions provided/procured by the Trust, on a Trust wide basis.

14.3 Curriculum and standards

- To approve the curriculum proposed by the Headteacher(s) (to the extent that it is consistent with the Trust-wide policy)
- 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 Trust.
- To monitor and evaluate the KPI figures reported by the Headteacher(s) and SLT, relating to standards
- To develop, approve, monitor and evaluate the School's Development Plan.

14.4 SEND / SEMH

- To appoint a Governor responsible for SEND / SEMH and inclusion
- To review and maintain the School's SEND / SEMH policy consistent with any Trust-wide policy

- To provide oversight of the implementation of the policy within the Schools and compliance with the Equality Act requirements.

14.5 Child Protection including Safeguarding and Prevent Duty

- To appoint a designated governor for Child Protection
- To adopt the BEST Child protection policy for the Schools with revisions to reflect the specific circumstances of the Schools, and ensure its implementation plus monitor and evaluate its operation.
- To ensure the completion of the Single Central Record and ensuring that DBS checks are completed where required and renewed every three years.

14.6 Relational Behaviour

- To review and maintain a Relational Behaviour Policy for the Schools (in line with any Trust prescribed policy).
- To convene a committee to review any permanent exclusion of a pupil by the Headteacher(s).

14.7 Admissions

- To ensure effective arrangements are in place for pupil recruitment.
- To contribute to the development of the School's prospectus, where appropriate.

14.8 Pupil related matters

- To review and evaluate attendance and pupil absences (as part of the KPI report)
- To appoint a Governor responsible for statutory grants including pupil premium
- To monitor and evaluate the impact of the pupil premium in the Schools
- To monitor and evaluate the impact of other ring fenced grants such as the Sports Premium and Year 7 catch up.
- To adopt the BEST's Complaints policy
- To hear complaints at the relevant stage in line with the Scheme of Delegation Matrix.
- To ensure effective arrangements are in place for pupil support and representation at the Schools
- To support the Trust and the Headteacher(s) in any extended school provision in the Schools.

14.9 Staffing

- To participate in the process to appoint the Headteacher(s), as requested by the BEST Trust Board.
- To lead the performance management of the Headteacher(s) in line with the Scheme of Delegation Matrix.
- To support the Headteacher(s) in the development and review (from time to time) of an appropriate staffing structure for the Schools and for the appointment of Schools' staff to ensure that the Schools is fully staffed in accordance with that structure
- To ensure that there is effective communication between the Headteacher(s) and the Executive Team and Trust Board
- To ensure that the Trust's policies on all HR matters are implemented in the Schools
- To monitor and evaluate the implementation of the Trust's policies at the Schools 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.

14.10 Information management and communication

- To ensure the effective implementation, monitoring and evaluation of the data protection policies and procedures in the Schools.
- To ensure systems are in place in line with the Trust's strategy at the Schools for effective communication with pupil, parents or carers, staff and the wider community including the support of a local parent teacher association (if established).

14.11 Well-being, health and safety, risk and estates

- To appoint a Governor responsible for well-being, health and safety
- To review the risk register of the Schools and prepare the Risk report for the Trust Board
- To adopt a well-being, health and safety policy for the Schools (in line with the Trust-wide policy)
- To review and evaluate the implementation of the above policy and ensure that appropriate risk assessments are being carried out in the Schools
- To conduct site inspections to review any health and safety issues and the security of premises and equipment
- Every two or three years have an independent Health and Safety review of premises and equipment conducted

15 ALTERATIONS TO TERMS OF REFERENCE

This constitution and these terms of reference may be altered by a majority resolution of the Trust Board.

16 CIRCULATION LIST

This constitution and these terms of reference shall be circulated to the Trust Board, all Governors, the Clerk to the Hub LGB, and others at the discretion of the Chair of the Trust Board or the Chair of a Hub LGB or SIB.