Local Governing Bodies: Constitution and Terms of Reference

2026 - 2027

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1 Introduction

This constitution and terms of reference have been made by the Trustees of The Balcarras Trust (**Academy Trust**).

The Trustees shall establish a Local Governing Body (**LGB**) for each Academy and may establish an LGB to operate across two or more Academies.

2 Remit

Broadly, the role of an LGB is to provide focused governance for an Academy (or a number of Academies) at a local level. It monitors the Academy's key performance indicators and acts as a critical friend to the Headteacher (HT), providing challenge where appropriate.

The LGBs carry out their functions in relation to their respective Academy on behalf of the Trustees and in accordance with this constitution and terms of reference, the decision making matrix and policies determined by the Trustees. The act of delegation from the Trustees to the LGBs is a delegation of powers and duties, and not a delegation or shedding of responsibilities.

3 Composition of Local Governing Bodies

Each LGB comprises a maximum of 16 members (**Local Governors**), including:

- the HT of the Academy;
- at least two elected parents or guardians of a pupil at the Academy (**Parent Local Governors**)[1];
- up to two employees of the Academy usually comprising one teaching member and one non-teaching staff member elected by employees of the Academy (**Staff Local Governors**); and
- such other members as the Trustees decide.

Each LGB shall have a Chair and a Vice-Chair.

The length of service of all Local Governors to the LGB shall be four years. Subject to remaining eligible to be a Local Governor, any Local Governor may be reappointed or re-elected at the end of his or her term. However, longer service is possible but should be justified, subject to regular review and with approval from the Trustees. They will still be required to be re-elected at the end of each term.

Every person wishing to become a Local Governor will be required to sign a declaration of acceptance and of willingness to act as a Local Governor, in the form set out in Appendix 1 or as prescribed by the Trustees from time to time and shall make disclosures for the purposes of a criminal records check by the Disclosure and Barring Service (**DBS**).

4 Commitment of Local Governors

Local Governors are asked to:

- comply with the code of conduct (attached at Appendix 2);
- prepare for and make an active contribution at meetings of the LGB;
- champion the Academy in the local community;
- familiarise themselves with this constitution and terms of reference, and the decision making matrix;
- familiarise themselves with the Academy's policies;

[1] This is a requirement of the Articles.

- visit the Academy both during school hours (with prior arrangement with the HT) and for evening events to get to know the Academy and to be visible to the Academy community; and
- attend training sessions for Local Governors, where possible.
- follow the Seven Principles of Public Life set out by the Committee on Standards in Public life (referred to as "the Nolan Principles" and set out in Appendix 4)
- familiarise themselves with the latest version of Keeping Children Safe in Education (KCSIE)

5 Appointment and particular responsibilities of Local Governors

5.1 Chair

The Chair is appointed by the LGB (with approval from the Trustees). The term of office of the Chair is one year, but the Chair is eligible for reappointment at the end of that term.

The Trustees are entitled to remove the Chair from office at any time, although this would be without prejudice to the individual's position as a Local Governor.

The Chair will ordinarily meet with the HT of the Academy and the Clerk to the LGB before the start of the academic year to plan the work of the 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 HT and Vice-Chair;
- to report to the Trustees in writing following each LGB meeting, if requested;
- to give an oral summary of the LGB's deliberations if requested at meetings of the Board of Trustees; and
- to provide a direct link between the LGB and the Trustees.

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

5.2 Vice-Chair

The Vice-Chair is appointed by the LGB (with approval from the Trustees). The term of office of the Vice-Chair is one year, but the Vice-Chair is eligible for reappointment at the end of that term.

The Trustees are entitled to remove the Vice-Chair from office at any time, although this would be without prejudice to the individual's position as a Local Governor.

The responsibilities of the Vice-Chair include deputising for the Chair in his or her absence.

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

5.3 Staff Local Governors

It will usually be the case that the two Staff Local Governors will comprise one teaching member of staff and one non-teaching member of staff as follows:

- The teaching member of the LGB shall be elected by the teaching staff at the Academy (or Academies if the LGB operates over more than one Academy).
- The non-teaching staff member of the LGB shall be elected by the non-teaching members of staff of the relevant Academy (or Academies).
- Their role is to bring their **unique staff perspective** to the board. Apart from that, it's no different from other governors, and they will help the board carry out its core functions. Like all governors, they are there to make strategic decisions and work together to carry out core functions of governance.
- Their role isn't representing staff, nor to be held to account by the governing board. It is not the role of staff governors to represent staff or act as a spokesperson. The governing board should have systems in place to engage with staff.
- A staff governor cannot be the chair or vice chair of the governing board.

Where it is not possible to fill either a teaching or a non-teaching vacancy due to lack of nominees in that category, two teaching members or two non-teaching members of staff may be elected by all staff.

5.4 Parent Local Governors

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

- when a vacancy arises, the LGB will write to all parents of pupils at the Academy (or Academies if the LGB operates over more than one Academy) seeking nominees for the vacancy. Nominees will be asked to provide a short statement about why they are interested in being a Parent Local 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 LGB, the LGB can choose to appoint all (or any) of those nominated); and
- if there are more nominees than places available, the LGB will write to all parents of pupils at the Academy (or Academies) asking them to vote for their preferred candidate.

A Parent Local Governor should be a parent of a registered pupil at the relevant Academy (or one or more of the Academies over which the LGB operates) or where this is not reasonably practical, a person who is the parent of a child of compulsory school age.

As a parent governor or trustee, your role is:

- To bring a **parental perspective** to the issues discussed – you're not there to speak 'on behalf' of the parent body
- No different from other governors or trustees

5.5 Appointed Governors

Other than staff and parent governors and the HT, the LGB will be made up of appointed governors.

When a vacancy for an appointed governor arises, or preferably in anticipation of such a vacancy, the LGB will take the necessary steps to recruit a new governor(s) usually by advertisement.

When doing this, LGBs should bear in mind the need to balance the skills set of the governing body and to ensure that as far as is practically possible the board represents the diverse nature of the school community.

The LGB will identify suitable candidates and carry out appropriate due diligence checks. When the LGB has collectively agreed on the suitability of the identified candidate(s), their name(s) will be passed to the Trustees for formal approval.

The Trustees reserve the right, if they consider it be in the best interest of the academy trust, to make their own appointments to an LGB, as long as the overall number does not exceed the limit of 16.

5.6 Other responsibilities

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

- a Local Governor with responsibility for special educational needs; maintaining awareness of the Trust's strategic priorities relating to inclusion, SEND, disadvantaged pupils and vulnerable learners, and support the Academy in evaluating its effectiveness in these areas.
- a Local Governor with responsibility for inclusion and vulnerable pupils (which may be combined with the SEND Governor role); who shall support the LGB by monitoring the effectiveness of provision for pupils with SEND and other vulnerable groups, seeking assurance that statutory duties are met, and reporting to the LGB on key developments, risks and priorities relating to inclusion.
- a Local Governor with responsibility for safeguarding;
- a Local Governor with responsibility for finance; who shall support the Local Governing Body in understanding financial sustainability, value for money and significant financial risks affecting the Academy;
- a Local Governor with responsibility for the pupil premium; and
- a Local Governor with responsibility for health and safety.

5.7 Clerk to the Local Governing Body

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

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

- convene meetings of the LGB including sending notices and papers of meetings;
- attend meetings of the LGB and ensure minutes are produced;
- maintain a register of members of the LGB including their terms of office and report any vacancies to the LGB;
- maintain a register of business interests of LGB members;
- maintain a register of Local Governors' attendance at meetings and report on non-attendance to the LGB;
- report to the LGB as required on the discharge of the Clerk's functions; and
- perform such other functions as shall be determined by the LGB from time to time.

5.8 Ceasing to be a Local Governor

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

- any event or circumstance occurs which would disqualify him or her from the office of Governor under the Articles were he or she to hold such office;
- he or she has, without the consent of the LGB, failed to attend 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 Vice Chair agree that the term of office should be terminated;
- he or she resigns from office by notice to the Academy Trust;

- he or she is removed by the person or persons who appointed him. This does not apply in respect of a person who is serving as a Parent Local Governor;
- he or she is a Staff Local Governor who has ceased to be employed by the Academy Trust; or
- he or she is removed by the Trustees in circumstances where they consider (acting reasonably) that it is in the best interests of the Academy Trust to remove the Local Governor.

6 Convening meetings of the Local Governing Body

Meetings of the LGB will be held in each term.

The Clerk to the 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 Local 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 Local Governors may invite persons who are not Local 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.

7 Voting at meetings of the Local Governing Body

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

A meeting shall be terminated if the number of Local 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 Local 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:

- they have given notice of his intention to do so detailing the telephone number on which they can be reached and / or appropriate details of the video conference suite from which they 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 Local 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 LGBs shall be determined by a majority of the votes of Local Governors present and voting on the question. Votes tendered by proxy shall not be counted.

The quorum for meetings of the LGB is either one third of the total number of local governors in office at the time (rounded up to the nearest whole number) or a minimum of 4, whichever is greater.

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

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

8 Declarations of Interest

Local Governors shall complete a register of their business interests, which shall be reviewed annually.

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

- disclose that fact to the LGB as soon as he or she becomes aware of it. A Local Governor must absent himself or herself from any discussions of the LGB in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Academy 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.

9 Committees of the Local Governing Body

Each LGB shall have the following standing committees:

- Curriculum and standards; and
- Operations and community.

The Trustees shall determine the constitution, membership and terms of reference of these committees and review them annually.

The establishment of any committees other than temporary, ad hoc committees required to deal with specific issues, must be agreed in advance with the Trustees unless such committees are required urgently, in which event the Chair can authorise the establishment of the committee and report subsequently to the Trustees, who reserve the right to intervene.

10 Minutes

Attendance at each LGB meeting, issues discussed and recommendations for decisions shall be recorded and the minutes signed by the Chair at the next meeting of the LGB. The written record (once approved by the Chair of the relevant LGB meeting) shall be forwarded by the Clerk to the LGB to the Clerk to the Trustees as soon as is reasonably practicable.

11 Delegation to the LGB

The LGB shall have the roles set out in the decision making matrix and any other role that the Trustees agree shall be carried out by the LGB and that is communicated in writing to the Chair of the LGB.

For the avoidance of any doubt, Appendix 3 contains a list of reserved matters which are matters for consideration and determination by the Members and Board of Trustees only.

12 Intervention rights

Intervention in times of concern

The Board of Trustees remains ultimately responsible for the Academy Trust and the conduct of the Academies. The operation of the various elements of governance and the decision making matrix are crucial to its success. However, there will be circumstances (more the exception than the norm) where the Board of Trustees might need to intervene and, for example, withdraw delegated authority for a particular element of governance including a LGB.

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

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

- there are concerns about financial matters;
- there are significant concerns regarding financial sustainability, risk management or compliance with Academy Trust Handbook requirements;
- insufficient progress is being made against educational targets (including where intervention by the Secretary of State is being considered or carried out);
- there has been a breakdown in the way the Academy is managed or governed;
- the safety of pupils or staff is threatened, including a breakdown of discipline; or
- the Board of Trustees considers such removal of power or responsibility appropriate in all of the circumstances.

The delegated budget

In line with their duties and responsibilities as trustees and directors and irrespective of the delegations set out in the Decision Making Matrix, the Board of Trustees shall be entitled to determine that a proportion of the budget in respect of the Academy be held centrally for the following reasons:

- to be allocated to the provision of central services received by the Academy;
- in pursuance of the Academy Trust's reserve policy; and / or
- as otherwise may be determined by the Board acting reasonably and in the best interests of the Academy Trust.

13 Alterations

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

14 Circulation list

This constitution and terms of reference shall be circulated to Trustees of the Academy Trust, all Local Governors, the Clerk to the LGB, and others at the discretion of the Chair of the Trustees of the Academy Trust or the Chair of an LGB.

15 Approval and review

This Local Governing Board Constitution and Terms of Reference was approved and adopted by resolution of the Board of Trustees of the Balcarras Trust at a meeting held on 22nd September 2026 and shall take effect from this same date, remaining in force until amended or revoked by the Board of Trustees.

16. Related Policies and other documents

This document should be read in conjunction with other Trust policies and procedures, including those listed below. The list is not exhaustive and should be considered alongside any relevant statutory guidance.

- Trust Governance Code of Conduct
- Scheme of delegation
- Decision Making Matrix

Appendix 1

Local Governor declaration

The Trustees
[• address]

[• 00 month year]

Dear Sirs

The Balcarras Trust (**Academy Trust**) - appointment as a Local Governor

I confirm that I wish to be a Local Governor in respect of [• insert name of Academy / Academies] in accordance with the Terms of Reference for Local Governing Bodies prescribed by the Trustees of the Academy Trust from time to time.

I confirm that I am not disqualified from becoming a Local Governor by reason of any provision in the Terms of Reference for Local Governing Bodies (and by extension the Memorandum and Articles of Association of the Academy Trust).

I also confirm that I understand that I must disclose any personal interest I may have in any matter to be discussed at a meeting of the Local Governors in accordance with paragraph [• clause number] of the Terms of Reference for Local Governing Bodies (or as prescribed by the Trustees of the Academy Trust from time to time).

Yours faithfully

Signed .....

Name .....

Date .....

Appendix 2

Code of Conduct outlining additional points for Local Governing Boards.

1 Introduction

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

2 General responsibilities

The Department for Education states that: "The purpose of governance is to provide confident and strong strategic leadership which leads to robust accountability, oversight and assurance for educational and financial performance." (*Governance Handbook*, March 2019).

Local Governors should listen to the view of other local governors, staff, volunteers or external advisers respectfully, taking cognisance of differences of opinion. Local Governors should not cause offence to others or undermine the standing of their colleagues as a member of the LGB.

3. Roles and responsibilities

- To understand the role of the HT and the purpose of the LGB;
- To actively challenge and support the HT;
- To maintain and develop the values, ethos and reputation of the school(s);
- To accept collective responsibility for all decisions made by the LGB or to its delegated Local Governors;
- To act fairly and without prejudice;
- To fulfil all that is expected of a good employer in circumstances where the LGB has responsibility for staff; and
- To consider how the decisions of the LGB may affect other schools and the community.
- To promote effective stewardship of public funds, transparency, inclusion and equality of opportunity
- To promote inclusion, equality of opportunity and high aspirations for all pupils;
- To consider the impact of decisions on disadvantaged pupils, pupils with SEND and other vulnerable groups within the school community.

4 Commitment

- To commit considerable amounts of time and energy to the LGB in order for it to fulfil its functions and duties;
- To become actively involved in the LGB's work and accept a fair share of responsibilities;
- To send apologies in advance of LGB meetings to which the individual Local Governor is unable to attend, but making full effort to attend all meetings of the LGB;
- To develop and maintain relationships with the school(s) and arrange visits where necessary in advance with the HT;

- To develop and maintain effective working relationships with the HT, senior leadership team(s), staff and parents, volunteers, the Academy Trust, the community, the local authority and other relevant agencies;
- To respond to opportunities and become actively involved in school activities;
- To undertake relevant training and to identify and fulfil any skills gaps as and when determined by the LGB; and
- To accept that relevant individual Local Governor details shall be published on the Academy Trust's website and also logged on the Department for Education's national database ("Get information about schools").

5 LGB papers

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

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

6 LGB meetings

Open discussion and debate is actively encouraged, in which every spectrum of objective opinion is welcomed. Views shall be expressed respectfully, openly and courteously in all communications to every member of the LGB including Local Governors and the Clerk.

Local Governors shall provide support to the Chair at all times.

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

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

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

The Local Governors on the LGB have no legal authority to act individually, unless delegated authority has been provided by the LGB to the individual Local Governor; only in this circumstance will an individual Local Governor speak on behalf of the LGB collectively, after specific authority has been given.

7 Outside LGB meetings

Local Governors shall act appropriately and exercise restraint outside a meeting in relation to particular comments made within the LGB meeting by individual members. Local Governors must accept that it is inappropriate for any private or public references to "who said what", except in dialogue with other Local Governors.

Local Governors shall accept the need for care and restraint, honouring the spirit as well as the letter of the code of practice, when talking about LGB matters in any other forum.

8 Disagreements

Where a Local Governor has a disagreement on any matter, he or she should raise the matter informally with the Chair or through the normal procedures at an LGB meeting.

If not resolved, a Local Governor may request the matter be taken further by the Chair. The Chair shall make the final decision.

9 The executive and the wider staff

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

Local Governors must ensure there is a clear understanding of the scope of authority delegated to the HT by the Trustees.

Where the Trustees have given the Head delegated authority, Local Governors should be careful, individually and collectively, not to undermine that authority either by word or action.

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

If a Local Governor has concerns relating to the performance of a member of staff, he or she should contact the Chair, who will take up the matter with the HT.

10 Breach of the code of conduct

In the event of a breach of this code of conduct, the matter shall be raised with the Chair and an investigation shall take place.

In the event a breach of this code of conduct is believed to have been made by the Chair, another individual Local Governor (such as the Vice Chair) shall conduct the investigation.

The LGB understands that removal of an individual Local Governor by will be used only as a last resort, once all efforts have first been utilised to resolve the matter.

Where there is no other plausible option other than to remove the Local Governor, the Chair (or other Local Governor as appropriate) shall refer the matter to the Trustees.

Appendix 3

Reserved matters

The Reserved Matters are:

Members (subject to such other consents / requirements as might be required by law or the Funding Agreement)	
1	To change the name of the Academy Trust
2	To change the Objects (which would require Charity Commission and Secretary of State consent in any event)
3	To change the structure of the Board of Trustees
4	To amend the Articles of Association
5	To amend the Scheme of Governance
6	To pass a resolution to wind up an Academy or the Academy Trust
7	To appoint the auditors (save to the extent that the Trustees may make a casual appointment)

Trustees (subject to such other consents / requirements as might be required by law or the Funding Agreement)	
1	To change the name of the Academies
2	To determine the educational character, mission or ethos of the Academies
3	To adopt or alter the constitution and terms of reference of any committee of the Board of Trustees (including LGBs)
4	To amend the Scheme of Governance
5	To terminate a supplemental funding agreement for an Academy
6	To establish a trading company
7	To sell, purchase, mortgage or charge any land in which the Academy Trust has an interest
8	To approve the annual estimates of income and expenditure (budgets) and major projects
9	To appoint investment advisors
10	To sign off the annual accounts
11	To appoint or dismiss the Chief Financial Officer, CEO, the Heads, the Company Secretary or the Clerk to the Trustees
12	To settle the division of executive responsibilities between the Trustees on the one hand and CEO, the Heads and the Chief Financial Officer on the other hand, and to settle the division of executive responsibilities between those individuals
13	To do any other act which the Funding Agreement expressly reserves to the Board of Trustees or to another body (including for the avoidance of doubt, terminating the Funding Agreement or any part of it)
14	To do any other act which the Articles expressly reserve to the Board of Trustees or to another body
15	To do any other act which the Board of Trustees determine to be a Reserved Matter from time to time

Appendix 4

The Seven Principles of Public Life (the Nolan Principles)

1 Selflessness

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

2 Integrity

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

3 Objectivity

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

4 Accountability

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

5 Openness

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

6 Honesty

Holders of public office should be truthful.

7 Leadership

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

