

# Forest Academy

**Terms of Reference  
(See also Members, Governors and Committee  
Structure)  
2022-23**

Revised: 8 July 2023

Agreed: *18 July 2023*

Next Review Date: Oct 2023

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## The Members

*Having more members increases the range of perspectives represented and reduces the risk of concentrating power. It also ensures that Members can take decisions via special resolution (75% of members agree) without requiring unanimity, while minimising circumstances in which a split membership prevents decisions being taken by ordinary resolution (at least 51% of the Members are in favour). The minimum number of Members is three; preference is for at least five in number. There is no maximum number.*

### Terms of reference:

- **Members will comprise the signatories / subscribers to the Memorandum of Association** and their rightful successors.
- **Members may amend the Articles of Association** subject to any restrictions created by the funding agreement or charity law.
- **Members appoint the academy trust's auditors** and will receive and review (but do not have to sign off) the academy trust's annual audited accounts (subject to the Companies Act).
- **Members may appoint or remove other Members** in accordance with the Articles of Association by Special Resolution of the Members not the subject of the resolution as long as the number of Members is at least three. (See Note.)
- **Members will act within the bounds of the Articles of Association.**
- **Members may appoint by ordinary resolution up to 12 Governors / Trustees** (hereafter referred to as Governors with equivalent meaning of Trustees). (The total number of Governors who are employees of Forest Academy may not exceed one third of the total number of Governors.) Members may remove by ordinary resolution any Governor so appointed (as long as three Governors will remain in office). This article notwithstanding, parent Governors are preferably elected from among the parents of pupils in the school (two as a minimum).
- **Members may by ordinary resolution appoint the Head Teacher as a Governor** providing the Head Teacher agrees so to act.
- **Members may direct by special resolution, the Governors to take or not take specific actions** which they otherwise would be empowered to take / not take in accordance with the Articles of Association and the Companies Act 2006.
- **Members must not take any action or do anything that would cause Forest Academy to contravene its Objects.**
- **Members shall act in a way which they decide, in good faith, will be most likely to further the Objects of the Academy Trust.**
- **Members will meet at least annually (at the Annual General Meeting)** to receive the report and approve the actions of the Governing Body. Additional General Meetings may be convened of Members in accordance with the Articles of Association.
- **Members have the power to change the company's name and, ultimately, wind it up.**

### Note:

- **No employee of the Trust may be a Member.**
- **A majority of the Members must not also be Governors of Forest Academy.**

**Qualification and Disqualification for being a Member of Forest Academy Trust** will be in accordance with the Articles of Association.

**Quorum:** A majority of the number of Members in post, present in person or by proxy, physically or by suitable electronic means in accordance with the Articles of Association

**Governance Professional required to support all meetings.**

These terms of reference agreed by the Members and Governors on 29<sup>th</sup> November 2022.

## The Governing Body

*The Governing Body needs to take a strategic role, act as a critical friend to the School and be accountable for its decisions. It should set aims and objectives and agree, monitor and review policies, targets and priorities.*

### Terms of reference:

- **General:**
  - **Provide Strategic Leadership** that sets and champions vision, mission, ethos and strategy for Forest Academy.
  - Adhere to the 7 principles of public life.
  - **Appoint, suspend or dismiss the Head Teacher** after consultation with Members of the Trust (selection panel may be used)..
  - **Consult with the Head Teacher on selection, appointment, suspension, or dismissal of Deputy Head Teacher(s)**
  - **Ensure Accountability** that drives up educational standards and financial health.
  - **Provide effective oversight of the Head Teacher.**
  - Agree, by early in the previous summer term, the programme of work and calendar of meetings for the Governing Body and any committees for the school year, based on known cycles of school improvement, financial management, staffing issues and communicating with parents.
  - Consider recommendations made by stakeholders with regard to the working of the Governing Body.
  - Establish and keep under review a protocol for the Governing Body.
  - Oversee arrangements for Governor involvement in formulating and monitoring the School Development Plan.
  - Establish exceptional working arrangements where particular circumstances arise e.g. a joint committee to oversee a building project or a special committee to oversee an Ofsted inspection.
  - Monitor the progress of work being undertaken by individuals and any committees / working groups.
  - **Employ and engage people** with the right skills, experience, qualities. and capacity.
  - **Appoint an Accounting Officer (the senior executive leader) with responsibility for regularity, propriety and value for money and for assuring the board about compliance with the funding agreement and handbook\***
  - Request any information it requires from any employee, consultant, contractor, or financial agent operating for or dealing with the Trust.
  - Obtain outside legal or independent professional advice it considers necessary.
  - **Foster structures** that reinforce clearly defined roles and responsibilities.
  - **Ensure compliance** with statutory and contractual requirements.
  - **Monitor, evaluate, and improve** the quality and impact of governance.
  - Establish and keep under review arrangements for Governors' visits to school.
  - **Agree constitutional matters\***, including procedures where the Governing Body has discretion.
  - Execute the Powers of Governors specified in the Forest Academy Trust Articles of Association.
  - **Co-opt new Governors\*** in accordance with the Articles of Association.
  - **Appoint parent Governors / Trustees** from among the parents of pupils at the Academy if the number of parent Governors / Trustees elected (from among the parents of pupils at the Academy) to the Board falls below two in number.
  - **Have at least three Governors on the Governing Body at all times.**
  - **Hold at least six Governing Body meetings a year.\***
  - **Appoint Associate members to draw on expertise and experience both inside and outside the school.**
  - Request any information it requires from any employee, consultant, contractor, evaluator or agent / agency,
  - Obtain outside legal or independent professional advice it considers necessary.
  - **Appoint or remove the Chair and Vice Chair.\***
  - **Appoint or remove a Clerk to the Governing Body.\***

- Appoint the Chair of any committee *(if not delegated to the committee itself)*.
- **Appoint or remove a Clerk to each committee.\***
- **Remove a co-opted governor\*** in accordance with the Articles of Association.
- **Appoint individuals as 'Link Governors' to monitor specific functions / activities in the Trust alone, in pairs, or in small groups; coordinate with the HT (if in groups, with each other); and report back to the Governing Body.**
- **Standards:**
  - Exercise oversight of the Academy Trust's overall performance in the planning, delivery, evaluation and monitoring of academic performance and individual development of pupils at the Academy.
  - Receive and assess all school data related to the academic performance, behaviour, attendance, wellbeing and personal development of pupils at the school against agreed Key Performance Indicators (KPIs).
  - Monitor, evaluate and hold the school executive to account for rates of progress and standards of achievement by pupils, including any underachieving / disadvantaged groups.
  - Approve the curriculum and ensure it is fit for purpose, faithful to the vision, mission and fiscal constraints / opportunities of the Trust, and compliant with all relevant legislation; to monitor the intent and impact of curriculum decisions and, by exception, implementation.
  - Approve the relative funding priorities necessary to deliver the chosen curriculum.
  - Monitor the accuracy of assessment.
  - Monitor the active promotion of British values and cultural capital.
  - Monitor, evaluate and hold the school executive to account for the deployment and impact of classroom support staff and any other specialist staff used to support pupils.
  - Approve the annual Pupil Premium Plan and review the impact of the previous years Pupil Premium Plan.
  - Monitor, evaluate and hold the school executive to account for the deployment and impact of the Pupil Premium grant and the progress, attendance, behaviour, and wellbeing of those children benefiting from the Pupil Premium grant or other targeted funding.
  - Approve the annual Sports Premium Plan and review the deployment and impact of the previous years Sports Premium Plan.
  - Monitor, evaluate and hold the school executive to account for the deployment and impact of SEND provision for those children identified with a SEND, including those who have an Education Health Care Plan.
  - Compliance of SEND provision with the SEND Code of Practice.
  - Monitor and evaluate provision for all groups of vulnerable / disadvantaged children (e.g. looked after children, young carers and children with a social worker in their lives) and ensure all their needs have been identified and addressed, and to evaluate their progress and achievement.
  - Regularly review and develop the Assessment Policy and to ensure that the policy is operating effectively.
  - Consider recommendations from external reviews of the school (e.g. Ofsted or local school improvement advisers), agree actions as a result of reviews and evaluate regularly the intent and impact of improvement plan implementation.
  - Annually review the IDSR, review the schools data against national comparisons, and adjust Governor oversight plans accordingly to stimulate improvement.
  - Ensure that all children have equal educational and developmental opportunities.
  - Monitor and evaluate the intent and impact of continuing professional development on quality of teaching.
  - Set priorities for improvement and monitor and evaluate the intent and impact of improvement plans
  - Monitor EYFS provision and compliance with EYFS legislation.
- **Finance:**
  - Oversee the Academy Trust's financial planning and management so that it executes and supports the Trust's vision, mission, values and ethos.
  - Review, adopt and monitor the school's Financial Regulations which includes the local scheme of delegation for spending and budgetary adjustments (virements).

- Review, adopt and monitor all additional financial policies, including a charging and remissions policy.
- Establish and maintain a three-year financial plan, taking into the account priorities of the School Development Plan, roll projection and signals from central government regarding future years' budgets, within the constraints of available information.
- Create and maintain a three-year rolling school budget, with emphasis on the current / upcoming year, taking into account the priorities of the School/Academy Development Plan.
- Approve a balanced budget for the financial year and have that approval shown in meeting minutes.
- **Authorize the opening or closing of any and all bank accounts.\***
- Make decisions in respect of service level agreements and all major contracts.
- Monitor school insurances and any claims.
- Monitor non-pupil funds and letting income.
- Monitor payroll expenditure.
- Ensure that sufficient funds are set aside for pay increments as set out in the Pay Policy and as recommended by the Headteacher.
- Monitor the management of assets as per the asset register, including the maintenance, repair and disposal of assets in line with the scheme of delegation.
- Monitor the income and expenditure throughout the year of all delegated and devolved funds against the annual budget plan.
- Receive monthly financial monitoring reports from the CFO.
- Review management accounts at least six times a year and take action needed to maintain financial viability.
- Subject to the local scheme of delegation, to approve any budgetary adjustments that will from time to time be necessary in response to the evolving requirements of the school.
- Review, complete and submit the Academies Resource Management Self-Assessment Tool.
- Undertake any remedial action identified as part of the self-assessment tool.
- Complete annual financial benchmarking.
- **Premises:**
  - Oversee the maintenance and development of the premises and grounds so that it executes and supports the Trust's vision, mission, values and ethos.
  - Provide support and guidance for the headteacher on all matters relating to the maintenance and development of the premises and grounds.
  - Ensure that an annual inspection of the premises and grounds takes place and a report is received identifying any issues.
  - Set out a proposed order of priorities for maintenance and development of premises.
  - Arrange professional surveys and emergency work as necessary.
  - The headteacher is authorised to commit expenditure without the prior approval of the Board in any emergency where delay would result in further damage or present a risk to the health and safety of pupils or staff. In this event the headteacher would normally be expected to consult the chair at the earliest opportunity.
  - Oversee and approve the School Asset Management Plan
  - Review requests for tender / quotes, responses to requests for bids / quotes for all capital projects.
  - Ensure compliance with relevant contract law and regulations.
  - Review termly reports on Capital Projects for internal scrutiny.
  - Create a project committee where necessary to oversee any major developments.
  - Establish and keep under review an Accessibility Plan and a Building Development Plan.
  - Ensure the responsibilities regarding litter, refuse and dog excrement are discharged according to Section 89 of the Environmental Protection Act 1990, so far as is practicable.
- **Staffing**
  - Oversee the Academy's staffing so as to ensure efficient and effective operation of the school and fulfilment of the Trust's strategic objectives.

- Ensure that the school is staffed sufficiently for the fulfilment of the School Development Plan and the effective operation of the school.
- Establish and oversee the operation of the school's Performance Management Policy - including the arrangements and operation of the school's appraisal procedures for the Headteacher.
- Establish a Pay Policy for all categories of staff.
- **Ensure decisions about executive pay follow a robust evidence-based process reflecting the individual's role and responsibilities, and that the approach to pay is transparent, proportionate and justifiable.\***
- Be responsible for the administration and review of the Pay Policy.
- Ensure that staffing procedures (including recruitment procedures) follow current equalities legislation and that all relevant HR policies are up to date and followed.
- Annually review procedures for dealing with staff discipline and grievances and make recommendations to the board for approval.
- Monitor approved procedures for staff discipline and grievance and ensure that staff are kept informed of these.
- Recommend to the board staff selection procedures, ensuring that they conform with safer recruitment practice, and to review these procedures as necessary.
- In consultation with staff, to oversee any process leading to staff reductions.
- establish the annual and longer-term salary budgets and other costs relating to personnel, e.g. training.
- **Other Areas**
  - **Submit audited accounts to ESFA by 31 December yearly.\***
  - **Ensure an appropriate, reasonable and timely response to findings by auditors, taking opportunities to strengthen financial management and control.\***
  - **Oversee and retain the Risk Register as submitted and approved by Head Teacher\*.**
  - **Oversee contingency and business continuity planning as submitted and approved by the Head Teacher\*.**
  - **Discuss letters to trusts' accounting officer from ESFA's accounting officer about the accountability framework and, where appropriate, use such feedback to strengthen the trust's systems.\***
  - Agree, by early in the previous summer term, the programme of work and calendar of meetings for the Governing Body and its committees for the school year, based on known cycles of school improvement, financial management, staffing issues and communicating with parents.
  - To monitor pupil intake and in-year movement of pupils.
  - **Exercise its functions with respect to the consideration of a suspension or permanent exclusion of a pupil(s) to a designated sub-committee consisting of at least three governors.**
  - Following permanent exclusion of any pupil from the school, ensure the appropriate steps are taken to remove the permanently excluded pupil's name from the school register in accordance with Academy and DfE policies and procedures.
  - When required to consider reinstating a suspended or permanently excluded pupil, follow Academy and DfE policies and procedures; consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community.
  - As required, convene, fund, and support an Independent Review Panel in accordance with Academy and DfE policies and procedures to consider a challenge to a decision of the Academy's Exclusion Review Panel.
  - **Establish the committees of the Governing Body and their terms of reference.\***
  - **Decide which functions of the Governing Body will be delegated to committees, groups and individuals.\***
  - Monitor the progress of work being undertaken by committees and individuals.
  - **Review the delegation arrangements annually.\***
  - **Receive reports from any individual or committee to whom a decision has been delegated and to consider whether any further action by the Governing Body is necessary.\***
  - Ensure the school website is fit for purpose and compliant with current regulations.
  - Ensure compliance with GDPR.



- Monitor and support promotion of the school.
- Monitor compliance with all data management legislation.
- To monitor the update of the Manual of Internal Procedures on an annual basis.
- To monitor, review, revise as needed, and recommend all policies and procedures related to these Terms of Reference to the Governing Body for final approval.

**\*these matters cannot be delegated to either a committee or an individual**

**Qualification and Disqualification for being a Governor of Forest Academy Trust** will be in accordance with the Articles of Association.

Governors with significant / pecuniary / business interest in any discussion / decision must recuse themselves from the discussion / decision and temporarily remove themselves from the meeting. The meeting may continue as long as there is a quorum. This condition may occur for some staffing and pay discussions / decisions, but Governors need to be alert for and guard against other potential conflicts of interest.

**Quorum: Three Governors or one-third (rounded up) of the number of Governors in post (whichever is greater), present in person, physically, or by suitable electronic means, in accordance with the Articles of Association; exception exists for votes to remove a Governor or the Chair of Governors in which cases a quorum is two-thirds (rounded up) of the number of Governors in post at that time – minimum of three.**

**Governance Professional required to support all meetings.**

**Accounting officer** and the **Finance Officer** will attend meetings. As needed, the **Head of Internal Audit** may be required to attend meetings where Audits are on the agenda.

These terms of reference agreed by the Members and Governors on **31 January 2023.**

## The Role of the Chair of the Governing Body

- ❖ To ensure the effective functioning of the Governing Body in accordance with the highest professional standards of governance and the legal and Suffolk County Council delegation requirements.
- ❖ To lead Governing Body meetings in a way which embodies the culture, values and ethos of Forest Academy.
- ❖ To ensure different perspectives, viewpoints and dissenting voices are properly taken into account and recorded.
- ❖ To support individual Governors in the fulfilment of their responsibilities.
- ❖ To ensure the Governing Body works together as an effective team, building knowledge, skills and experience while undertaking collective responsibility for actions and decisions.
- ❖ To update the Governor Action Plan annually (more frequently if needed) and provide it to Governors at the beginning of each Academic Year. The Governor Action Plan, taking account of the Academy Self-Evaluation Form (SEF) and School Development Plan (SDP), is to provide overall guidance to Governors on objectives, priorities and activities for the year.
- ❖ To ensure meetings are run effectively, focusing on priorities and making the best use of time available, and to ensure that all members have an equal opportunity to participate in discussion and decision-making.
- ❖ To build rapport and confidence with stakeholders.
- ❖ To seek and maximize opportunities for partnership / collaborative working and sharing good practice and lessons learned both to advance strategic goals and for the mutual benefit of Forest Academy and others.



❖ To ensure the Governing Body recognizes and understands organisational risks and scrutinizes risk management plans.
❖ To ensure the right data is provided by executive leaders to support effective decision-making; to ensure such data is accessible to the Governing Body and open to scrutiny.
❖ To promote the importance of data interrogation to hold executive leaders to account.
❖ To ensure the Governing Body holds executive leaders to account for financial and business management as much as educational outcomes.
❖ To receive the academy trust's financial management accounts each month and ensure that all Academy Governors receive management accounts at least six times each year
❖ To lead the Governing Body to identify when specialist skills and experience are required to lead specific projects or guide standing committees and to engage people with such skills.
❖ To undertake leadership appraisal confidently and explain leadership pay awards to the Governing Body for approval.
❖ To ensure the Governing Body is prepared for formal external scrutiny.
❖ To develop supportive working relationships between all stakeholders.
❖ To develop leadership within the Governing Body and foster effective succession planning.
❖ To promote and facilitate coaching, development mentoring and support for all members of the Governing Body; to recognize and develop talent in board members and provide opportunities for individual growth and fulfilment.
❖ To ensure the board is compliant with the regulatory framework for governance and, where appropriate, Charity and Company Law.
❖ To ensure the board receives appropriate training or development where required on issues of compliance.
❖ To listen to the Governance Professional, take direction on issues of compliance and other matters, and value their assistance in coordinating leadership and governance requirements for Forest Academy.
❖ To seek external advice when needed.
❖ To establish and foster an effective relationship with the Headteacher based on trust and mutual respect for each other's roles. The Chair has an important role in ensuring that the Governing Body acts as a sounding board to the Headteacher and provides strategic direction.
<b>Disqualification – the Headteacher, Staff Governors, Pupils, Staff Members</b>

## The Role of the Governance Professional / Clerk to the Governing Body

❖ To work effectively with the Chair of Governors, the other Governors and the Headteacher to support the Governing Body.
❖ To advise the Governing Body on Constitutional and Procedural Matters, duties and powers.
❖ To convene meetings of the Governing Body.
❖ To attend meetings of the Governing Body and ensure minutes are taken.

- ❖ To maintain a register of members of the Governing Body and report vacancies to the Governing Body.
- ❖ To give and receive notices in accordance with relevant regulations.
- ❖ To perform such other functions as may be determined by the Governing Body from time to time.

**Disqualification –The Headteacher.** In the absence of a Governance Professional, a Governor or suitably skilled record keeper, may act as clerk on occasion, but not on a regular basis.

## Audit and Risk Committee

### Terms of reference:

#### Responsibilities

- Exercise oversight of the Academy Trust's financial, governance, risk management and internal control systems.
- Examine and review all systems and methods of control both financial and otherwise including risk analysis and risk management; ensure the Trust is complying with the overall requirements for internal scrutiny, as specified in the Academy Financial Handbook (2022).
- Agree an annual programme of internal scrutiny / audit, which is objective and independent, covering systems, controls, transactions, and risks.
- Ensure the adequacy and effectiveness of the trust's systems of internal control, governance, and risk management processes.
- Drive internal audits to include a review of financial and non-financial controls.
- Use monthly / termly internal audits (currently performed by Schools' Choice) to guide oversight efforts for improvement of financial and non-financial efficiencies and effectiveness and to focus subsequent internal audits on areas of most potential benefit to the Academy.
- Consider the reports of the auditors/scrutineers and, when appropriate, make needed changes to management controls and process improvements. Use results to guide the focus of future internal audits / scrutineers reviews.
- Obtain an annual summary report from the internal scrutineer / auditor identifying areas reviewed by internal scrutiny / audit covering key findings, recommendations, and conclusions.
- Drive internal audits to include a review of financial and non-financial controls.
- Exercise oversight of the Academy Trust's Health and Safety programmes in compliance with appropriate regulations and best practice.
- Report findings termly and annually to the Governing Body and the Accounting Officer as a critical element of the trust's annual reporting requirements.

#### Authority

- The Audit and Risk Committee is a Committee of the Academy Trust and is authorised to investigate any activity within its terms of reference or specifically delegated to it by the Governing Body.
- The Audit and Risk Committee is authorised to
- request any information it requires from any employee, external or internal audit, other assurance provider, consultant, contractor, agent or agency operating in the audit, risk management, or health and safety area of responsibility; and
- obtain outside legal or independent professional advice it considers necessary, normally in consultation with the Accounting Officer and/or the Governing Body.

#### Membership

At least three trustees. In addition, the board may appoint associate members to the Committee to draw on expertise and experience both inside and outside the school

#### Chair

To be appointed by the Governing Body at its first meeting in the Autumn Term, or, if so delegated, to be selected / elected by the Committee during its first meeting in the Autumn Term.

#### Governance Professional / Clerk

A committee with delegated powers must have a clerk. A named individual who can be a governor (incl, Committee Chair), but not Headteacher, will be appointed by the board at its first meeting in the Autumn Term.

#### Other Membership considerations

- Accounting officer and the Finance Officer will attend meetings of the Committee. The Head of Internal Audit may be required to attend specific meetings.
- Employees of the trust may not be audit and risk committee members.
- The Chair of Governors may not chair the audit and risk committee.

- The Chair of the Finance Committee may not chair this committee.
- At least one member of the audit and risk committee should have recent or relevant accountancy, finance, or audit assurance experience.
- Any Governor or Member may attend a meeting of the audit and risk committee.

### Reporting

The Audit and Risk Committee will:

- Report back to the Governing Body regularly every term.
- Provide an annual summary report provided by the internal scrutineer / auditor and areas reviewed by internal scrutiny / audit covering key findings, recommendations, and conclusions.
- Oversee the completion and submission of annual accounts (as of 31 August, the end of the fiscal year) to
  - o the Governing Body (by mid-November),
  - o the Members at the Annual General Meeting (by 30 November),
  - o ESFA (by 31 December annually),
  - o to Companies House (by 31 May), and
  - o the posting of the accounts on the Forest Academy website (by 31 January).
- Provide Health and Safety reports in compliance with appropriate laws and regulations.

### Coverage

The Audit and Risk Committee will:

- Oversee the selection and employment of a suitably qualified internal audit service(s) to provide both internal scrutiny and internal audit.
- Consider the reports of the auditors/scrutineers and, when appropriate, advise the Governing Body of material control issues.
- Use monthly / termly internal audits (currently performed by Schools' Choice) to guide oversight efforts for improvement of financial and non-financial efficiencies and effectiveness and to focus subsequent internal audits on areas of most potential benefit to the Academy.
- Advise the board on the effectiveness and resources of the external/internal auditors or scrutineers to provide a basis for their reappointment, dismissal, retendering, or remuneration.

Considerations may include:

- o the auditor's/scrutineer's sector expertise;
- o their understanding of the trust and its activities;
- o whether the audit process allows issues to be raised on a timely basis at the appropriate level;
- o the quality of auditor/scrutineer comments and recommendations in relation to key areas;
- o where relevant the personal authority, knowledge and integrity of audit partners and their staff to interact effectively with, and robustly challenge, the trust's managers; and
- o the auditor's/scrutineer's use of technology.
- Ensure there is co-ordination between internal audit/scrutiny and external audit and any other review bodies that are relevant.
- Encourage a culture within the Trust whereby each individual feels that he or she has a part to play guarding the probity of the Trust, and is able to take any concerns or worries to an appropriate member of the management team or in exceptional circumstances directly to the Full Governing Body.
- Manage risks, including contingency and business continuity planning and maintain a risk register. Retain oversight of risk and review risk register termly on behalf of the Governing Body. Report results termly to the Governing Body.
- Ensure the Trust has adequate insurance or is a member of DfE's risk protection arrangement.
- Oversee the production and submission of the *school resource management self-assessment tool* to ESFA annually.

- Oversee proportionate controls and appropriate action taken by the school against the risk of fraud, theft and irregularity.
- Oversee the Trust's whistleblowing policy.
- Provide minutes of all Audit and Risk Committee meetings for review at Governing Body meetings
- Review of the Accounting Officer's statement on regularity, propriety, and compliance within the external auditor's remit, and address the auditor's conclusions on regularity jointly to the trust and ESFA.
- Review the external auditor's plan, annual accounts, audit findings, management response and effectiveness of the external auditor and produce annual report of conclusions.
- Review regularly, adopt and monitor the Health and Safety programme and policy.
- Provide support and guidance for the Governing Body, other committees, and the Head Teacher on all matters relating to the Health and Safety and environmental protection.
- Ensure that the board's responsibilities regarding litter, refuse and dog excrement are discharged according to Section 89 of the Environmental Protection Act 1990, so far as is practicable.
- Support emergency response to Health and Safety issues affecting pupils or staff in consultation with the Governing Body.

#### External Audit

- Review the external auditor's plan each year.
- Review the annual report and accounts.
- Ensure the annual accounts include at least three focused examples of 'value for money' in a statement in the accounts (as required by ESFA).
- Review the auditor's findings and actions taken by the trust's SLT in response to those findings.
- Produce an annual report of the committee's conclusions to advise the Governing Body and Members.

#### Internal Scrutiny

- Take delegated responsibility on behalf of the Governing Body for examining and reviewing all systems and methods of control both financial and otherwise including risk analysis and risk management; and for ensuring the Trust is complying with the overall requirements for internal scrutiny, as specified in the Academy Financial Handbook (2022).
- Conduct a review of the risk register at least termly.
- Agree an annual programme of internal scrutiny / audit, which is objective and independent, covering systems, controls, transactions, and risks.
- Review regularly the Health and Safety programme and policy and report findings to the Governing Body.
- Advise the trustees on the adequacy and effectiveness of the trust's systems of internal control, governance, and risk management processes,
- Consider the appropriateness of executive action following internal audit/internal scrutiny reviews and to advise the board on any additional or alternative steps to be taken
- Use internal audit results to focus advice for Governing Body and SLT on corrective actions and process improvements; further provide advice and focus to internal auditors / scrutineers for successive audits.
- Oversee the annual review of the trust's risk register

#### Other Areas

- To ensure the school website is fit for purpose.
- To ensure compliance with GDPR.
- To monitor and support promotion of the school.
- To monitor compliance with all data management legislation.
- To monitor, review, revise as needed, and recommend all policies and procedures related to these Terms of Reference to the Governing Body for final approval.

**Disqualification** – The Headteacher and Governors who are also employees of the Trust. The Chair of the Governing Body should **not** chair this committee.

**Quorum – 3****Governance Professional required to support all meetings.**

These terms of reference agreed by the Governing Body: 31<sup>st</sup> January 2023

## Responsible Officer

**Terms of Reference:**

The role of the Responsible Officer (RO) is to provide the governing body (GB) with an on-going independent oversight of the academy's financial affairs. Most public sector organisations, and a growing number of private sector organisations, are required to have an internal audit service but due to the relatively small size of academies this requirement is thought to be too onerous. In the absence of an internal audit service it falls to the RO to provide the GB with independent assurance that:

- The financial responsibilities of the GB are being properly discharged;
- Resources are managed in an efficient, economical and effective manner;
- Sound systems of internal financial control are being maintained; and
- Financial considerations are fully taken into account in reaching decisions.

**Disqualification:**

-Any person employed at the school; any member of the Finance Committee

**These terms of reference agreed by the Governing Body:** 1<sup>st</sup> February 2022

## Headteacher's Performance Review Group

**Terms of reference:**

- To arrange to meet with the External Adviser to discuss the Headteacher's performance targets.
- To decide, with the support of the External Adviser, whether the targets have been met and to set new targets annually.
- To monitor through the year the performance of the Headteacher against the targets.
- To make recommendations to the Finance Committee in respect of awards for the successful meeting of targets set.

**Membership – 3**

**Disqualification** – The Headteacher and Governors who are also employees of the Trust.

**Quorum – 2**

**These terms of reference agreed by the Governing Body:** 1<sup>st</sup> February 2022

## EYFS Review Group

### Terms of reference:

- To ensure that the EYFS profile assessments comply with national standards, including monitoring the school's safeguarding provisions
- To ensure that the school is meeting the statutory requirements of the EYFS framework
- To agree, and review as required, policies relating to the EYFS
- To monitor the implementation of the EYFS curriculum
- To monitor the EYFS Early Learning goals and EYFS profile data in comparison with local and national performance data: and to evaluate achievement and progress throughout the setting
- To monitor how creatively the EYFS environment is used to successfully meet learning goals
- To monitor how the school communicates with parents and other stakeholders, and to consider how the school gathers and responds to feedback
- To consider recommendations from external reviews and moderation of the EYFS setting, such as Ofsted inspections and local authority or academy trust review
- To agree the actions needed to address any issues identified through external review; and to regularly evaluate the implementation of any plan agreed
- To monitor and evaluate the development of the relevant sections of the EYFS setting improvement plan
- To ensure that the whole governing body is aware of both the strengths and weaknesses of the EYFS setting, and the details of plans for building on strengths and addressing weaknesses

### Membership – 3

**Disqualification** – The Headteacher and Governors who are also employees of the Trust.

### Quorum – 2

These terms of reference agreed by the Governing Body: 1<sup>st</sup> February 2022

## Hearings Committee

### Terms of reference:

- Members of this committee must be trained / knowledgeable in relevant Academy and DfE personnel policies and procedures.
- To make any determination to dismiss any member of staff (*unless delegated to the headteacher*).
- **To make any decisions under the Governing Body's personnel procedures e.g. disciplinary, grievance, capability where the Headteacher is the subject of the action.\***
- To make any decisions relating to any member of staff other than the Headteacher, under the Governing Body's personnel procedures (*unless delegated to the Headteacher*).
- To make any determination or decision under the Governing Body's General Complaints Procedure for Parents and others.
- To make any determination or decision under the Governing Body's Curriculum Complaints Procedure, in respect of National Curriculum disapplications, and the operation of the Governing Body's charging policy.
- Members of this committee may be required to sit on a hearing committee for another school in the local cluster of schools.

**\*cannot be delegated to an individual**

**Membership** – 3 members of the Governing Body

2 governors from local schools may be nominated to be on hearing committee



(NB. The number appointed to this committee directly affects the number required for an Appeal Committee)

- **Disqualification** – The Headteacher; any governor / individual who is not trained / knowledgeable in relevant Academy and DfE personnel policies and procedures.

**Quorum – 3**

**Governance Professional required to support all meetings.**

**These terms of reference agreed by the Governing Body: 29<sup>th</sup> November 2022**

(It is suggested that only experienced governors be appointed to this committee and that the Chair of Governors **only if having had prior knowledge of the case**, should not be a member)

## Appeals Committee

**Terms of reference:**

- **To consider any appeal against a decision to dismiss a member of staff made by the Hearings Committee.\***
- **To consider any appeal against a decision short of dismissal under the Governing Body's personnel procedures e.g. disciplinary, grievance, capability.\***
- **To consider any appeal against selection for redundancy.\***
- Members of this committee must be trained / knowledgeable in relevant Academy and DfE personnel policies and procedures.

**\*cannot be delegated to an individual**

**Membership – no fewer members than the Hearings Committee**

- **Disqualification** – The Headteacher. Any members of the Hearings Committee for the decision which is being appealed. Any governor / individual who is not trained / knowledgeable in relevant Academy and DfE personnel policies and procedures..

**Quorum – 3**

**Governance Professional required to support all meetings.**

**These terms of reference agreed by the Governing Body: 29<sup>th</sup> November 2022**

(It is suggested that only experienced governors be appointed to this committee and that the Chair of Governors **only if having had prior knowledge of the case**, should not be a member)

## Exclusion Review Panel

### Terms of reference:

- Oversee and approve whether excluded pupils should be reinstated.
- Panel members will ensure they have received the required training set out in Academy and DfE policies and procedures in the past two years.
- Ensure decisions of the panel with respect to suspension or exclusion of a pupil are fair, lawful, rational, reasonable, and proportionate.
- Ensure decisions take account of the Equality Act of 2010 and the Nolan Principles.
- Follow Academy and DfE approved procedures and policies for the conduct of suspension / exclusion review panels.
- Make reasonable endeavours to arrange the meeting within the statutory time limits set out in policies and procedures; to the extent possible, select a time that suits all relevant parties.
- Consider parents' representations and those of all interested, relevant parties in accordance with Academy and DfE policies and procedures.
- Apply the civil standard of proof, i.e., 'on the balance of probabilities' (more likely than not that a fact is true).
- Seek written evidence in advance of the meeting from all relevant / possible sources. (See specific Academy and DfE policies and procedures.) Circulate such evidence and information to all relevant parties at least five days in advance of the meeting (include an agenda and list of those who are expected to be present).
- Select a chair at the beginning of an suspension or exclusion review if not already appointed by the Governing Body.
- Coordinate with Governance Professional appointed by Governing Body.
- In certain cases, meet within 15 days of receiving notice of exclusion.
- Carefully attend to the need for confidentiality and treatment of privileged information with respect to every suspension or exclusion review.
- If a pupil would miss a public examination or national curriculum test as a result of the suspension or exclusion, consider and decide on the suspension or exclusion, if possible, prior to the date of such test or examination.
- As needed cooperate with any subsequent Independent Review Panel.

### **Membership – at least 3 (odd number preferred, majority of members must be Governors)**

2 governors from local schools may be nominated to be on hearing committee

**Disqualification** – The Headteacher, Governors / employees of the Trust / parents / other individuals who have significant prior knowledge of the pupil and circumstances surrounding the exclusion. Any individual who has not had the required training (set out in Academy and DfE policies and procedures) in the past two years.

### **Report to Full Governing Body**

### **Quorum – 3**

**Governance Professional required to support this panel.**

**These terms of reference agreed by the Governing Body: 29<sup>th</sup> November 2022**

## Independent Review Panel

### Terms of reference:

- When applied for by parents within the legal time frame, consider, in accordance with Academy and DfE policies and procedures, an appeal against a decision by the Exclusion Review Panel not to reinstate a permanently excluded pupil.
- Panel members will ensure they have received the required training set out in Academy and DfE policies and procedures in the past two years.
- Conform to Academy and DfE policies and procedures for Independent Review Panels.
- Assess whether the pupil's exclusion has been lawful, reasonable, and procedurally fair; determine what if any further action might need to be taken.
- Apply the civil standard of proof, i.e., 'on the balance of probabilities' (more likely than not that a fact is true).
- Remain independent of the school, the local authority and the academy trust.
- Remain accessible, unthreatening and non-adversarial throughout the conduct of the review.
- Following the review, decide to:
  - uphold the Exclusion Review Panel / Governing Body's decision not to reinstate;
  - recommend that the Exclusion Review Panel / Governing Body reconsider reinstatement, or
  - quash the Exclusion Review Panel / Governing Body's decision and direct that the Exclusion Review Panel / Governing Body reconsider reinstatement.
- Decision by majority vote with chair casting the deciding vote in case of ties.
- Coordinate with Governance Professional (who did not support the Exclusion Review Panel for this incident / pupil) appointed by Governing Body.
- Written notification to all parties required following the review to include
  - the panel's decision and the reasons for it;
  - where relevant, details of any financial readjustment/payment to be made; and
  - any information the panel has directed the Governing Body to place on the pupil's educational record.

**Membership – Either 3 or 5** individuals (see Academy and DfE policies and procedures for details) identified in advance of need.

1 lay Member to chair the panel

1 or 2 current or former school governors of a primary school

1 or 2 current or former Headteacher of a primary school

**Disqualification** – Forest Academy Governors, Employees of the Trust, any individual whose impartiality with respect to the incident leading up to this permanent exclusion might be questioned with respect to this matter, any individual with a conflict of interest, or any individual who has not had the required training (set out in Academy and DfE policies and procedures) in the past two years.

**Quorum – 3 (at least one person from each of the three categories)**

**Governance Professional (who did not support the Exclusion Review Panel for this incident / pupil) required to support this panel.**

These terms of reference agreed by the Governing Body: 29<sup>th</sup> November 2022

## Delegation of Responsibility to Individuals

*Any individual to whom responsibility has been delegated is expected to work within the following terms of reference.*

### Terms of reference:

- If assigned as Link Governor to the same area of responsibility as another Governor, to coordinate activities and reports with them.
- To liaise with the appropriate member(s) of staff twice each term.
- To visit the school twice each term with the purpose of gathering information concerning their area of responsibility and to increase their knowledge of the Academy.
- To review the School Self-Evaluation Form, the School Development Plan and the Governor Action Plan concerning in particular one's area of responsibility and develop an oversight strategy to share with school staff and governors.
- To submit a Governor's Visit / Monitoring report for each liaison / school visit within seven days of the event. (See report format on GovernorHub.)
- To monitor the Headteacher's Report on Google Docs – and other available reports – and challenge reports and strategic decisions as required to maintain appropriate oversight of school leadership.
- To regularly report to the Governing Body, or one of its committees, whichever the Governing Body deems most appropriate, on developments and progress within their area of responsibility.
- To raise the profile of the area of responsibility when related matters are considered by the appropriate committee or the Governing Body.
- To attend initial training and refresher training as appropriate so as continually to improve one's ability to contribute to the oversight function of the Governing Body.

### **Disqualification** – The following functions **CANNOT** be delegated to an **individual**:

Functions relating to:

- ❖ The approval of the first formal budget plan of the financial year.
- ❖ School discipline policies.
- ❖ Exclusions of pupils (except in an emergency when the chair has the power to exercise these functions).
- ❖ Admissions.

**These terms of reference agreed by the Governing Body: 29<sup>th</sup> November 2022**