

**Scheme of Delegation, Constitution and Terms of
Reference for the Local Governing Body of a VC
Church of England School**

The Academy Trust of Melksham

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1 Introduction

- 1.1 These terms of reference have been made by the Trustees of the Academy Trust of Melksham (**Academy Trust**) in exercise of the powers conferred on them by Articles 100 to 105 of the Articles of Association of the Academy Trust (**Articles**).
- 1.2 The funding agreement requires the Board of Trustees to establish a Local Governing Body (**LGB**) (also referred to as an advisory body) in respect of each of the Schools to provide advice to the Trustees on the functioning of them.
- 1.3 This document sets out the composition of the LGB of a VC Church of England School (the **School**) and the functions which the Trustees wish to delegate to the LGB.
- 1.4 These terms of reference form part of the scheme of governance, management and delegation made by the Trustees.

2 Purpose

- 2.1 To assist the decision making of the Academy Trust by enabling more detailed consideration to be given to the best means of fulfilling the Trustees' responsibilities in relation to the operation of the School.
- 2.2 To make appropriate comments and recommendations on matters relevant to the School's operation to the Trustees on a regular basis.

3 Remit

- 3.1 Broadly, the role of an LGB is to provide focused governance for the School at a local level. It will also monitor the School's key performance indicators and act as a critical friend to the Headteacher, providing challenge where appropriate.
- 3.2 More specifically, the LGB shall carry out the duties referred to in Annex A.
- 3.3 The LGB carries out its functions in relation to the School on behalf of the Trustees and in accordance with policies determined by the Trustees.
- 3.4 The act of delegation from the Trustees to the LGB shall be a delegation of powers and duties, and not a delegation or shedding of responsibilities.

4 Ethos and mission statement of the School

- 4.1 The LGB will determine the ethos of the School, ensuring this is in line with the overarching ethos and strategy of the Academy Trust.
- 4.2 As the School is designated with a Church of England religious character, it shall be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and in having regard to any advice and following any directives issued by the Diocesan Board of Education (**DBE**).
- 4.3 The LGB shall evaluate and promote the Church of England ethos through self evaluation involving students, staff, Trustees and Local Governors.
- 4.4 Neither the Trustees nor the LGB shall make any alteration to the religious character of the School or the conduct of the School as a Church of England School without the consent of the DBE.

5 Constitution of Local Governing Body

- 5.1 The LGB shall comprise a minimum of 7 local Governors including:
- 5.1.1 **Foundation Local Governors** approved by the Diocesan Board of Education in the same or greater proportion as the ratio of "foundation governors" in the Instrument of Government of the predecessor school;
 - 5.1.2 Two elected parents of a pupil at the School (**Parent Local Governors**);
 - 5.1.3 the Headteacher of the School;
 - 5.1.4 a maximum of two employees of the School (to be elected by employees of the School); and
 - 5.1.5 the balance of the LGB to be made up of further Local Governors, appointed by the Trustees.
- 5.2 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 Annex B, which shall include an undertaking to DSET (The Diocese of Salisbury Educational Trust) to uphold the Church of England character of the School.
- 5.3 Every Local Governor shall make disclosures for the purposes of a check by the Disclosure and Barring Service.

6 Term of office

- 6.1 The length of service of all Local Governors, with the exception of the Headteacher shall be four years.
- 6.2 Where the Local Governor was a governor of the predecessor school immediately prior to the opening of the School, his or her first term of office shall be deemed to have commenced on the date on which their most recent term of office commenced at the predecessor school. If his or her term of office is thereby deemed to have expired, their term of office shall commence on the date on which they are appointed as a Local Governor.
- 6.3 Subject to remaining eligible to be a Local Governor, any Local Governor may be reappointed or re-elected.

7 Appointment and particular responsibilities of Local Governors

7.1 Chair of the Local Governing Body

- 7.1.1 The Chair shall be appointed by the Trustees in full consultation with the LGB
- 7.1.2 The Trustees shall be 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.
- 7.1.3 The Chair shall work with the Trustees and the Headteacher to plan the work of the LGB.
- 7.1.4 Subject to paragraph ~~7.1.17-1.17-1.2~~, the Chair shall serve in such capacity for two years, but shall be eligible for reappointment at the end of that term.
- 7.1.5 The responsibilities of the Chair include the following:

- (a) to chair meetings of the LGB;
- (b) to set the agenda for meetings with the Headteacher and Vice-Chair;
- (c) to ensure that the minutes of the LGB meeting are reported to the Trustees;
- (d) to give an oral summary of the LGB's deliberations if necessary at meetings of the Board of Trustees; and
- (e) to provide a direct link between the LGB and the Trustees of the Academy Trust.

7.1.6 In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the LGB, the Chair can seek a decision of the LGB via a tele-conference or via email, with a minute of the issue and decision being recorded and the minute being agreed at the following LGB meeting. The minuted record will also need to be reported to the Trustees.

7.2 Vice-Chair

7.2.1 The Vice-Chair shall be appointed by the LGB, with the appointment being ratified by the Trustees. In the absence of both the Chair and the Vice-Chair at a meeting, the LGB will elect a temporary chairman from among the Local Governors present at the meeting.

7.2.2 The Trustees of the Academy Trust shall be 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.

7.2.3 Subject to paragraph ~~7.2.17.2.17.2.2~~, the Vice-Chair shall serve in such capacity for two years, but shall be eligible for reappointment at the end of that term.

7.2.4 The responsibilities of the Vice-Chair include the following:

- (a) to deputise for the Chair in his or her absence;
- (b) with the Chair, to set the agenda for meetings of the LGB; and
- (c) to provide a link between the LGB and the Trustees of the Academy Trust.

7.2.5 Where it appears to the Vice-Chair that:

- (a) the circumstances set out in paragraph 7.1.6 apply; and
- (b) the Chair (whether by reason of a vacancy in the office or otherwise) would be unable to exercise the function in question, the reference in paragraph 7.1.6 to the Chair shall be read as if it were a reference to the Vice-Chair.

7.3 Foundation Local Governors

7.3.1 The Foundation Local Governors shall be nominated in accordance with the Diocesan Board of Education policy and guidance, and appointed by DSET.

7.3.2 The responsibilities of the Foundation Local Governors are to represent the foundation of the former voluntary controlled school and religious character of the School to the LGB.

7.4 Staff Local Governors

- 7.4.1 The Staff Local Governor shall be elected by all staff employed in respect of the relevant School in accordance with the process set out below:
- (a) When a vacancy arises, the LGB will write to all members of staff employed in respect of the School seeking nominees for the vacancy. Nominees will be asked to provide a short statement about why they are interested in being a Staff Local Governor and their background and experience that makes them suitable for the role.
 - (b) In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the LGB shall appoint all of those nominated.
 - (c) If there are more nominees than places available, the LGB will conduct a secret ballot of all members of staff employed in respect of the School asking them to vote for their preferred candidate.
- 7.4.2 The question of whether a member of staff is employed in respect of the School shall be determined by the Headteacher of the School.
- 7.4.3 The responsibility of the Staff Local Governor is to represent the interests and opinions of teaching and non-teaching staff at the School to the LGB.

7.5 Parent Local Governors

- 7.5.1 Parent Local Governors for each LGB shall be elected in accordance with the process set out below:
- (a) When a vacancy arises, the LGB will write to all parents of pupils at the School 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.
 - (b) In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the LGB shall appoint all of those nominated.
 - (c) If there are more nominees than places available, the LGB will write to all parents of pupils at the School asking them to vote for their preferred candidate.
- 7.5.2 A Parent Local Governor should be a parent of a registered pupil at the relevant School or where this is not reasonably practical, a person who is the parent of a child of compulsory school age.
- 7.5.3 The responsibilities of the Parent Local Governors are to represent the interests and opinions of the Parent Body of the School to the LGB.

7.6 Other responsibilities

- 7.6.1 Each LGB shall appoint from among its members individuals with specific responsibilities which shall include:
- (a) a Local Governor with responsibility for special educational needs;

- (b) a Local Governor with responsibility for safeguarding;
- (c) a Local Governor with responsibility for health and safety; and
- (d) a Local Governor with responsibility for financial matters at the School.

7.7 Ceasing to be a Local Governor

7.7.1 The office of a Local Governor shall be vacated if:

- (a) any event or circumstance occurs which would disqualify him or her from the office of Trustee of the Academy Trust under the Articles were he or she to hold such office;
- (b) he is removed by the person or persons who appointed him. This sub clause 7.7.1(b) does not apply in respect of a person who is serving as a Parent Local Governor;
- (c) he or she is a Staff Local Governor who has ceased to be employed by the Academy Trust;
- (d) he or she has, without the consent of the LGB, failed to attend 3 consecutive LGB meetings;
- (e) he or she resigns from office by notice to the Academy Trust and in the case of a Foundation Local Governor, notice should also be given to the DBE;
- (f) 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.

8 Clerk to the Local Governing Body

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

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

- (a) convene meetings of the LGB including sending notices and papers of meetings;
- (b) attend meetings of the LGB and ensure minutes are produced;
- (c) maintain a register of members of the LGB and report any vacancies to the LGB;
- (d) maintain a register of Local Governors' attendance at meetings and report on non-attendance to the LGB;
- (e) report to the LGB as required on the discharge of the Clerk's functions; and
- (f) perform such other functions as the LGB shall reasonably determine from time to time.

8.3 Attendance at each LGB meeting, issues discussed and recommendations for decisions shall be recorded. The written record shall be forwarded by the Clerk to the LGB to the Clerk to the Trustees in sufficient time for its inclusion in the agenda and papers of the next meeting

of the Trustees. This is to provide information to the Board and to consider any recommendations.

9 Convening meetings of the Local Governing Body

- 9.1 Meetings of the LGB will be held in each term.
- 9.2 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.
- 9.3 Any two Local Governors may requisition a meeting by giving written notice to the Clerk, which includes a summary of the business to be transacted. It shall be the duty of the Clerk to convene a meeting as soon as reasonably practicable.
- 9.4 The Local Governors may invite persons who are not Local Governors (including, but not limited to, 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 such a meeting.

10 Voting at meetings of the Local Governing Body

- 10.1 The quorum for meetings of the LGB and for any vote on a matter at such meetings shall be one half of the total number of Local Governors in office at that time (rounded up to the nearest whole number).
- 10.2 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.
- 10.3 Where there is an equal division of votes, the Chair shall have a casting vote.
- 10.4 Any Local Governor shall be able to participate in, and be counted as present at for the purposes of the quorum, meetings of the LGB by telephone or video conference provided that:
- 10.4.1 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
- 10.4.2 the LGB has access to the appropriate equipment, and
- provided that, if after all reasonable efforts it does not prove possible for that person to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.

11 Personal interests of Local Governors

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

- 11.2 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:
- 11.2.1 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 may or will arise between his or her duty to act solely in the interests of the School and such duty or personal interest;
 - 11.2.2 withdraw from any meeting for that item unless expressly invited to remain in order to provide information;
 - 11.2.3 not be counted in the quorum for that part of any meeting; and
 - 11.2.4 withdraw during the vote and have no vote on the matter.

12 The minutes

- 12.1 The minutes of the proceedings of a meeting of the LGB shall be drawn up and entered into a book kept for the purpose by the person authorised to keep the minutes of the LGB, and shall be signed (subject to the approval of the LGB) at the same or next subsequent meeting by the person acting as Chair. The minutes shall include a record of:
- 12.1.1 all appointments of Local Governors and/or officers made by the LGB and/or the Trustees; and
 - 12.1.2 all proceedings at meetings of the LGB and of committees of the LGB including the names of all persons present at each such meeting.
- 12.2 The Chair shall ensure that copies of minutes of all meeting of the LGB (and such of the subcommittees as the Trustees shall from time to time notify) shall be provided to the clerk to the Trustees as soon as reasonably practicable after those minutes are approved.

13 Committees of the Local Governing Body

- 13.1 Subject to paragraph ~~13.213.213-2~~, the LGB may establish committees to carry out certain functions of the LGB. The LGB must determine the constitution, membership and terms of reference of any committee it decides to establish and review them annually.
- 13.2 The establishment of any committees must be communicated to the Trustees.

14 Roles and responsibilities of the Local Governing Body

- 14.1 In relation to each School, the LGB will act in an advisory capacity to the Academy Trust and to the Headteacher, except where powers have been specifically delegated to it by the Trustees. The LGB will undertake such duties as are delegated to it in relation to the day to day governance of the School.
- 14.2 The LGB will adopt and will comply with all policies of the Trustees communicated to the LGB from time to time.
- 14.3 Both the Trustees and all Local Governors have a duty to act with integrity, objectivity and honesty in the best interests of the Academy Trust and the School and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.

- 14.4 The LGB will review its policies and practices on a regular basis, having regard to recommendations made by the Trustees from time to time, in order to ensure that the governance of the School is best able to adapt to the changing political and legal environment.
- 14.5 The LGB shall provide such data and information regarding the business of the School and the pupils attending the School as the Trustees may require from time to time.
- 14.6 The LGB shall work closely with and shall promptly implement any advice or recommendations made by the Trustees in the event that intervention is either threatened or is carried out by the Secretary of State and the Trustees expressly reserve the unfettered right to review or remove any power or responsibility conferred on the LGB under these terms of reference in such circumstances.
- 14.7 The LGB shall have the roles set out in Annex A and any other role that the Trustees of the Academy Trust agree shall be carried out by the LGB and that is communicated in writing to the Chair of the LGB.

15 **LGB Governors attendance at Meetings and Governor Training**

- 15.1 Each Local Governor shall attend such training as is reasonably required by the Trustees and consistent with the requirements of his or her particular area of responsibility and or committee membership.
- 15.2 Each Local Governor shall use reasonable endeavours to attend each meeting of the LGB and sub committee of which he or she is a member and to send apologies as far in advance as is reasonably practicable where attendance is not possible.
- 15.3 Each Local Governor with a particular responsibility for Safe-Guarding or Special Educational needs shall use reasonable endeavours to attend meetings scheduled by the Trustees with a specific focus on their area of responsibility and attended by their counterparts from other Academies run by the Trustees. The Trustees shall seek to ensure that any training in relation to these specific areas of responsibility is scheduled to co-incide with such meetings.

16 **Alterations**

- 16.1 This constitution and these terms of reference may be altered by a majority resolution of the Trustees of the Academy Trust, subject to the prior written consent of the DBE.

17 **Circulation list**

- 17.1 This constitution and these terms of reference shall be circulated to Trustees of the Academy Trust, all Local Governors, the Clerk to the LGB, the DBE and others at the discretion of the Chairman of the Trustees of the Academy Trust or the Chair of an LGB. This constitution and these terms of reference were approved and adopted by a resolution of the Trustees of the Academy Trust passed at a meeting held on [• 00 month year] and take effect from [• 00 month year].

Annex A Delegated authority from the Trustees to the LGB

(please also refer to the full Scheme of Delegation for the Academy Trust of Melksham)

<p>1 General</p>	<p>1.1 Supporting the Headteacher in the creation, implementation and monitoring of the School Development Plan in the context of the Academy Trust's vision, aims and objectives.</p> <p>1.2 Tailoring Academy Trust template documents to local arrangements.</p> <p>1.3 Ensuring that the School implements and monitors the policies approved by the Trustees.</p> <p>1.4 Assisting the Academy Trust in ensuring that the School is operated efficiently and in accordance with the Trustees' agreed principles of governance.</p> <p>1.5 Promoting and upholding the ethos of the School.</p>
<p>2 Ethos and mission</p>	<p>2.1 Uphold the School's mission and ethos ensuring that it is in line with the Academy Trusts overarching ethos and strategy.</p> <p>2.2 Ensure that the Academy is conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and in having regard to any advice and following any directives issued by the Diocesan Board of Education (DBE).</p> <p>2.3 Evaluating and promoting the Church ethos through self evaluation involving students, staff, Directors and Local Governors.</p>
<p>3 Monitoring and evaluation</p>	<p>3.1 Monitoring the School key performance indicators and publically available information such as RAISE online data.</p> <p>3.2 Ensuring 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 School.</p> <p>3.3 Working with the Headteacher and Head of School Improvement to agree and publish targets for pupils' performance.</p>
<p>4 School Development Plan</p>	<p>4.1 Working with the Headteacher on the preparation towards the School Development Plan for approval by the Trustees.</p> <p>4.2 Monitoring and reviewing the School Development Plan throughout the year.</p> <p>4.3 Preparing an annual report to the Trustees with the Headteacher on progress made against the School Development Plan and the targets set.</p>
<p>5 Risk, health and safety</p>	<p>5.1 Ensuring adequate asset management systems are in place across</p>

and asset management	<p>the School.</p> <p>5.2 Monitoring the local arrangements for the effective supervision of building maintenance and minor works.</p> <p>5.3 Tailoring the Academy Trust's health and safety policy to the School and monitoring the implementation of the School's health and safety policy in the School and the local arrangements for the effective supervision of health and safety matters.</p> <p>5.4 Annually reviewing the risk register relating to the School and supporting the Chief Executive Officer in the mitigation of risk.</p>
6 Finance	<p>6.1 Ensuring adequate financial management systems are in place across the School.</p> <p>6.2 Reviewing the draft annual budget for the School with regard to the priorities set out in the School Development Plan and the Academy Trust's Strategic Plan.</p> <p>6.3 Receiving a termly update against the School's budget.</p> <p>6.4 Monitoring the School's budget and ensuring that any variances are reported to the Trustees' for approval.</p> <p>6.5 Ensuring suitable arrangements are in place for the internal audit of the School in line with the requirements of the Handbook and in accordance with the overall arrangement for the Academy Trust determined by the Trustees.</p>
7 Governance	<p>7.1 Ensuring there is effective communication between the Trustees and the LGB.</p> <p>7.2 Making arrangements for the election of Parent and Staff Local Governors.</p> <p>7.3 Appointing from its number, Local Governors with specific responsibilities for special educational needs, safeguarding , health and safety and financial matters.</p> <p>7.4 Setting its own agendas for meetings including the following items: academic standards, finance, health and safety and welfare and any other standing items which might be prescribed on behalf of the board from time to time.</p> <p>7.5 Ensuring that accurate minutes are taken of LGB meetings.</p> <p>7.6 Maintaining a register of LGB member's pecuniary interests and ensuring the proper and effective management of conflicts of interest.</p> <p>7.7 Respecting the confidential nature of matters which might be discussed at LGB meetings.</p>
8 Staffing	<p>8.1 Supporting the Headteacher in the appointment of School teaching</p>

		<p>staff to ensure that the School is appropriately staffed.</p> <p>8.2 Making recommendations to the Trustees' in relation to the Headteacher and assisting in the appointment of other senior members of staff as requested.</p> <p>8.3 Monitoring the implementation of Academy Trust's policies at the School 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.</p> <p>8.4 Establishing an appeals panel or representing the LGB on an appeals panel in respect of staff redundancies, capability, grievance, disciplinaries, pay related decisions as may be required by the Trustees and in accordance with Academy Trust HR policies.</p> <p>8.5 In the event that a staff member is dismissed no payment in respect of that dismissal shall be made without the consent of the Trustees.</p>
9	Students	<p>9.1 Ensuring effective arrangements are in place for student support and representation at the School.</p> <p>9.2 Ensuring student attendance and monitoring systems are in place to maintain access to education at all times.</p> <p>9.3 Reviews the curriculum direction determined by the Headteacher within the Academy Trust's guidelines.</p>
10	Admissions	<p>10.1 Ensuring effective arrangements are in place for student recruitment.</p>
11	Behaviour	<p>11.1 Tailoring the Academy Trust's behaviour and discipline policy to the School and monitoring its implementation and effectiveness.</p> <p>11.2 Convening panels to review the Headteacher's decision to permanently or fixed term exclude a student.</p> <p>11.3 Making local arrangements for the convening and training of independent review panels for exclusions.</p>
12	Complaints	<p>12.1 Tailoring the Academy Trust's complaints policy to the School and monitoring its implementation and effectiveness.</p> <p>12.2 Hearing complaints in accordance with the School's policy.</p>
13	Community and parents	<p>13.1 Representing the School in the community.</p> <p>13.2 Maintaining a positive link with the Incumbent, the Parish and the wider Diocese.</p> <p>13.3 Contributing to the development of the School prospectus.</p> <p>13.4 Supporting the Academy Trust and the Headteacher in the extended school provision in the School.</p>

	<p>13.5 Ensuring systems are in place in line with the Academy Trust's strategy at the School for effective communication with students, parents or carers, staff and the wider community.</p> <p>13.6 Implementing a means whereby the School can receive and react to parental feedback.</p> <p>13.7 Establishing and maintaining a relationship with local elected community representatives.</p>
<p>14 Ofsted Inspections</p>	<p>14.1 Attending the School for interview by Ofsted representatives if requested.</p> <p>14.2 Notifying parents and others of inspection outcomes in accordance with communication directions received on behalf of the Trustees.</p> <p>14.3 Monitoring and implementing the post inspection agreed actions.</p>

Annex B Local Governor declaration

The Academy Trust of Melksham (Academy Trust) - appointment as a Local Governor

I confirm that I wish to be a Local Governor in respect of [] (School) in accordance with the Terms of Reference for the Local Governing Body of the School 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 the Local Governing Body of the School (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 11 of the Terms of Reference for the Local Governing Body of the School.

I hereby undertake to the Diocese of Salisbury Educational Trust to uphold the Church of England character of the School.

Yours faithfully

Signed

Name

Date