

Introduction to governance in the Greenshaw Learning Trust

The Greenshaw Learning Trust

The Greenshaw Learning Trust (the Trust) is an ‘academy trust’ – a charitable company with the sole purpose of maintaining and developing academy schools, to provide comprehensive and inclusive education for the public benefit, funded by the Department for Education.

The formal governance arrangements of the Trust are set out in its Articles of Association.

The Members of the Trust

The Trust was established under a Memorandum of Association; the Members of the Trust are the subscribers to the Memorandum of Association and other individuals subsequently appointed by the Members.

The Members have an overview of the governance arrangements of the Trust, but have delegated all their powers and duties with respect to the running of the Trust to the Board of Trustees. The Members appoint Trustees and may remove Trustees, and they appoint the Trust’s auditors.

The Board of Trustees

The Board of Trustees is the ‘governing board’ of the Trust, and is responsible for the operation and performance of all schools in the Trust.

The Board of Trustees retains responsibility for:

- Formal accountability for the statutory functions of the Trust and for the operation and performance of all schools in the Trust.
- Ensuring clarity of vision, ethos and strategic direction of the Trust as a whole.
- Approving the annual budget of each school in the Trust and the Trust as a whole, and the Annual Report & Financial Statements of the Trust.
- Oversight of the financial and educational performance of the schools in the Trust.
- Holding the Chief Executive Officer (CEO) to account for the financial and educational performance of the Trust as a whole.
- Agreeing Trust policies and procedures as required to ensure that the Trust fulfills its statutory responsibilities; and the oversight, monitoring and review of the implementation of those policies.

The Board of Trustees can delegate powers and functions other than those above to committees including governing bodies, but retains legal accountability for any decisions taken. The Board of Trustees will not get involved in the day-to-day running of the Trust or its schools.

Trust Committees

The Board of Trustees has a number of Committees that carry out specific functions on behalf of the Board, including overseeing the Trust’s central services and its audit functions, and monitoring the educational and financial performance of the Trust’s schools and the Trust as a whole. The Board also establishes ad hoc committees as required to deal with matters relating to a specific incident or individual, such as appointing senior staff, considering a complaint or a personnel matter.

Governing Bodies

The Board of Trustees has established a governing body for each school (or group of schools) in the Trust, to which it delegates powers and functions with regard to the governance of the school. The governing body is legally a committee of the Board of Trustees, and plays a vital role in the overall governance of the Trust and its schools.

The governing body is the 'governing body' of the school, as distinct from the Board of Trustees which is the 'governing body' of the Trust as a whole; the members of the governing body are referred to as 'governors' and members of the Board of Trustees are referred to as 'Trustees'.

Each governing body is responsible for:

- Holding the Headteacher and school leaders to account for the educational performance of the school(s) and its pupils, and the performance management of staff.
- Overseeing the financial performance of the school(s) and making sure that money is well spent.
- Ensuring that the school(s) operates in accordance with the policies and procedures of the Greenshaw Learning Trust.

The governing body will not get involved in the day-to-day running of the school(s).

Governors act collectively with other governors in the governing body and take equal responsibility for the decisions it takes; they must act at all times with honesty and integrity, in accordance with the Nolan principles of public life and the Trust Code of Conduct; and must put the interests of the school(s) first, and protect the assets, property and good name of the school and the Trust, regardless of the route by which they became a governor.

The governing body must at all times act in accordance with the Governance Procedures and Scheme of Delegation agreed by the Board of Trustees, and must ensure that the school(s) is(are) managed and operated in accordance with the Articles of Association, Object and Funding Agreements of the Trust, the policies and procedures agreed by the Board of Trustees, and with all relevant legislation and regulations. The governing body must take account of any direction or advice given to it by the Board of Trustees and the CEO.

The Board of Trustees may, in exceptional circumstances, impose conditions and restrictions upon the delegated authority it has given to the governing body that may amend or over-ride the delegated responsibilities described above.

Headteachers

The Board of Trustees has delegated the responsibility for the day-to-day running of the school to the Headteacher of the school. The Headteacher is dually accountable, both to the governing body and, through the appropriate GLT Director of Education, to the GLT CEO and the Board of Trustees, for the internal organisation, management and control of the school and the direction of teaching and the curriculum, and for the implementation of the policies of the Trust and the governing body.

The Trust's governance arrangements and the roles of the Board, its committees and governing bodies are formally set out in the Trust's 'Scheme of Delegation for Governance Functions'. The constitution of and terms of reference for the governing body are set out in its Governance Procedures, which explain and expand upon the relevant requirements of the Articles of Association as they apply to the governing body.

Requirements for being a school governor

To be a school governor a person must be over 18 and cannot be a current student of any school in the Greenshaw Learning Trust.

Any candidate to become a school governor must state if they are an employee of the Trust or a parent of a pupil at any school in the Trust, or about to join or considering joining the Trust, or a 'local authority influenced person' (see below); this would not automatically prevent the person becoming a governor. Before their appointment can be confirmed a governor must provide certain information we are required by the DfE to hold, undergo a criminal records check through the Disclosure and Barring Service, register any relevant business and personal interests as required by the DfE and the Trust's Funding Agreement (certain relevant interests will be made available to the public), and agree to abide by the Trust's Code of Conduct.

You are a 'local authority influenced person' if any of the following apply:

- You are, or have been in the last 4 years, an elected member of any local authority;
- You are an officer or employee of any local authority; or
- You are both an employee and either a director, manager, secretary or other similar officer of a company which is under the control of any local authority.

Disqualifications to serve as a school governor

A governor may be removed from office if they are absent without the permission of the governing body from all the meetings of the governing body held within a period of six months and the governing body resolves that their office be vacated.

A person is disqualified from holding or continuing to hold office as a governor if they:

- become incapable by reason of illness or injury of managing or administering their own affairs.
- has been declared bankrupt and/or their estate has been seized from their possession for the benefit of their creditors and the declaration or seizure has not been discharged, annulled or reduced.
- is the subject of a bankruptcy restrictions order or an interim order.
- is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- is disqualified from acting as a trustee by virtue of any provision in the Companies Act 2006 or of section 178 of the Charities Act 2011 or is otherwise found to be unsuitable by the Secretary of State under the provisions of the Relevant Funding Agreements.
- has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he/she by his/her conduct contributed to or facilitated.
- has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
- has not provided to the chairman of the Trustees a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997, or if the certificate discloses any information which would in the opinion of either the chairman or the Chief Executive Officer of the Trust confirm their unsuitability to work with children.