



Governance Handbook
Part Three:
Roles and Responsibilities
Academy Council



Part Three: Roles and Responsibilities

Academy Councils

1.0 Purpose

- 1.1 The purpose of this section of the Governance Handbook is to outline the roles, responsibilities and duties of the Academy Councils.
- 1.2 Further information is available from the SET central team and via the SET intranet.
- 1.3 The Shaw Education Trust Governance Handbook outlines the various tiers and principles of governance across the Trust and is in 5 parts. These have been published separately.
 1. Part One – Overview
 2. Part Two – The Trust Board and Members and Reserved Matters
 - 3. Part Three– Academy Councils**
 4. Part Four– Regional Boards (as appropriate)
 5. Part Five – Letters, Templates and Other Key Documents

2.0 Introduction

- 2.1 Shaw Education Trust is a charitable voluntary organisation which relies on the crucial input of a considerable number of volunteers, supported by an experienced team of staff. This constitution and terms of delegation for your Academy Council has been made by the Trustees of Shaw Education Trust Academy Trust and we ask that you please read it alongside the Shaw Education Trust Delegated Accountability Framework.
- 2.2 Academy Councillors are accountable to the Shaw Education Trust Board via the CEO and Executive Leadership Team (who are in turn accountable to the Department for Education) as well as to the communities they serve.
- 2.3 The role of an Academy Councillor within our Trust is an important one. In developing governance arrangements, the Trust Board has sought to ensure that the responsibility to govern is vested in those closest to the impact of decision- making and that such responsibility matches the capacity of those assuming this responsibility.
- 2.4 The Shaw Education Trust Board and Executive Leadership Team will ensure Academy Councils are established, and properly constituted, for each of the Academies. In the most part they are made up of individuals drawn from the Academy's community, both as elected and appointed members. A member of the ELT is linked to each Academy Council and quality assure statutory compliance. These are known as SET Representatives and are not Academy Councillors.

- 2.5 The Academy Council will comply with any guidance issued from time to time by the Shaw Education Trust Board as to the composition of the Board, the carrying out elections and any other matter affecting the functioning of the Academy Council, including the removal of members of the Board. Minutes of all meetings will be sent to the CEO, Regional Director and the Director of Compliance.

3.0 Training and Development

- 3.1 Academy Councillors are expected to participate actively in the induction process and undertake any relevant training and development provided by the Trust. Academy Councillors are encouraged to;
- Undertake independent research and reading including use of their membership to the National Governors Association (NGA)
 - Report back to the Academy Council regarding any training, research or learning which they have undertaken or attended.

4.0 Composition

- 4.1 The expectation is that an Academy Council will comprise of no less than 7 persons with at least 2 members being elected from amongst the parents and carers of pupils attending the Academy and 2 members being elected from the staff body (one teaching and one non-teaching).
- 4.2 Each Academy Council comprises **a minimum** of seven members (known as Academy Councillors), including:
- At least two co-opted Academy Councillors, whose appointments must be agreed by the Shaw Education Trust. (Whilst there is no maximum number of co-opted members, Academy Councils must ensure that they have a highly effective board. Too many members may make this more difficult. To this end, the recommendation is to have an Academy Council with around 9-12 members in total, but this may also depend on the size of the academy. It is important that any significant additions to the number of members is first of all discussed with SET).
 - Two elected parents of a pupil at the Academy known as Parent Academy Councillors; this is a minimum.
 - Two employees of the Academy. This usually comprises one teacher and one non-teaching staff member, elected by employees of the Academy. Any exceptions to this must be clearly identified and agreed by the CEO,
 - The Principal of the Academy (ex-officio)
 - The Shaw Education Trust reserve to the right to add any number of Academy Councillors as they see fit
- 4.3 On joining the Trust the terms of office of the Academy Councillors will be continuous.

- 4.4 Each Academy Council shall have a Chair and a Vice-Chair. These roles are usually appointed in the autumn term for 12 months.
- 4.5 The length of service of all Academy Councillors and the Clerk to the Academy Council shall be four years. Subject to remaining eligible to be an Academy Councillor may be reappointed or re-elected at the end of his or her term. Any Academy Councillor wishing to be elected for a third term of office will need to ensure that they are able to demonstrate their positive impact on the work of the Academy Council.
- 4.6 Every person wishing to become an Academy Councillor will be required to sign a declaration of acceptance and of willingness to act as an Academy Councillor (using the appropriate forms) or as prescribed by the Shaw Education Trust Board from time to time, and shall make disclosures for the purposes of a criminal records check by the Disclosure and Barring Service.
- 4.7 The governance of the Academy is delegated to the Academy Council who may exercise the powers of the Shaw Education Trust Board in so far as they relate to the Academy, subject to:
- any restrictions in the Companies Act which requires a decision of the Members or the Trust Board;
 - the Articles;
 - Policies and Procedures set by the Shaw Education Trust Board;
 - a specific decision of the Shaw Education Trust Board;
 - paragraphs (b) to (d) below; and
 - the reserved matters as set out in Part 5
- 4.8 The Shaw Education Trust Board and the Academy Council acknowledge that they each play a crucial role in the governance of the Academy and commit to working together in the best interests of the Trust and the Academies. They also acknowledge that the duties and responsibilities in relation to the operation of the Trust sit with the Shaw Education Trust Board and as such the Trust Board is entitled:
- to overrule a decision of the Academy Council; and/ or
 - to remove delegated powers from an Academy Council if (in their reasonable opinion) they consider it to be in the best interests of the Academy or the wider Academy Trust.

5.0 Relationship between the Shaw Education Trust Board

- 5.1 The relationship between the Shaw Education Trust Board/the Regional Board and the Academy Council is underpinned by the principles that there should be no duplication of governance and governance should be as close to the point of impact of decision-making as possible. The Delegated

Accountability Framework provides further clarity as to who the decision makers are for different levels of decisions should be read alongside the Shaw Education Trust Governance Structure document and this constitution and terms of delegation.

- 5.2 The Academy Council shall assess the annual budget for the subsequent financial year prepared by the Academy's Principal and senior leadership team and submit the budget to the Shaw Education Trust's Finance Committee for approval in accordance with the timeline specified by the Trust Board.

Subject to the paragraph below, the Academy Council shall have the power to expend funds of the Trust Board which relate to the Academy as it considers in the best interests of the Academy and in accordance with the Finance Manual and the Procurement Policy.

- 5.3 The Academy Council shall have regard to:
- the Objects of the Trust and the restrictions attached to any grant funding;
 - the Academy's developmental priorities as set out in the Academy Development Plan;
 - financial sustainability.
- 5.4 In line with their duties and responsibilities as trustees and directors, the 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 Trustees acting reasonably and in the best interests of the Academy Trust.

6.0 Commitment of Academy Council members

- 6.1 Academy Councillors are asked to:
- prepare for and make an active contribution at meetings of the Academy Council;
 - champion the Academy in the local community;
 - familiarise themselves with the Academy's policies;
 - visit the Academy both during school hours (with prior arrangement with the Principal) and for evening events to get to know the Academy and to be visible to the Academy community;
 - attend and participate in training activities as outlined in the Academy Council training calendar(s) as required to ensure effective governance.

7.0 Stakeholder voices

- 7.1 Academy Councils are expected to have regard to the voices of their various stakeholders (especially pupils, parents/carers and staff) and to put in place arrangements to receive feedback and to respond appropriately. This includes engaging stakeholders through defined governance arrangements (including elected parent and staff governors on the Academy Councils) and more broadly.
- 7.2 Accessing and responding to pupils' collective concerns is an important part of the operations and governance of Shaw Education Trust academies. All schools have active Pupil Councils with representatives from each year group. Each Academy Council is expected to give due regard to issues that are raised through the Pupil Council and the management actions taken in response to the issues.

8.0 Appointment and particular responsibilities of Academy Councils

a) Chair

The Chair is appointed by the Academy Council. The term of office of the Chair is 12 months and the Chair is eligible for reappointment at the end of that term.

The Shaw Education Trust Board are entitled to remove the Chair from office at any time, although this would not necessarily affect the individual's position as an Academy Councillor.

The Chair and Vice-Chair will ordinarily meet with the Principal of the Academy and the Clerk before the start of the academic year to plan the work of the Academy Council for the year.

The responsibilities of the Chair include the following:

- to chair meetings of the Academy Council;
- to set the agenda for meetings with the Principal, Vice-Chair and clerk; supported by the Trust's central governance function as appropriate.
- to report to the Shaw Education Trust Board, and any future Regional Board, in writing following any Academy Council meeting, if requested;
- to give an oral summary of the Academy Council's deliberations, if requested, at meetings of the Shaw Education Trust Board/future Regional Board;
- to provide a direct link between the Academy Council and the Shaw Education Trust Board/ Regional Board.
- In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the Academy Council, the Chair of the Academy Council (or the Vice- Chair of the Academy

Council in his or her absence) in consultation with the CEO/Regional Director, and in the future, Chair of the Regional Board, shall take appropriate action on behalf of the Academy Council. The decisions taken and the reasons for urgency shall be explained fully at the next meeting of the Academy Council/ Regional Board. There is specific guidance available.

- To keep up to date with their training and CPD.
- Communicate with SET Director of Compliance when necessary, around Academy Council matters and processes.

b) Vice-Chair

The Vice-Chair is appointed by the Academy Council. The term of office of the Vice-Chair is 12 months, and the Vice-Chair is eligible for reappointment at the end of that term. The Shaw Education Trust Board is entitled to remove the Vice-Chair from office at any time, although this would not necessarily affect the individual's position as an Academy Council. The responsibilities of the Vice-Chair include the following:

- to deputise for the Chair in his or her absence;
- to set the agenda for meetings of the Academy Council with the Chair, if requested;
- to provide a link between the Academy Council and the Regional Board*.

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

c) Staff Academy Councillors

The teacher member of the Academy Council shall be elected by the teaching staff at the relevant Academy.

The non-teaching staff member of the Academy Council shall be elected by the non-teaching members of staff of the relevant Academy.

Their responsibilities are to represent the interests and opinions of teaching and non-teaching staff at the Academy to the Academy Council.

Staff Academy Councillors are reminded that this is an important role which requires full attendance and involvement at the Academy Council meetings, undertake appropriate governance training, and that their declarations of business and pecuniary interest (as is the case will all Academy Councillors) will be published on the Academy website.

Staff Academy Councillors are elected from amongst their peers and colleagues to be a representative of and not for their peers and colleagues.

Staff Academy Councillors cannot take the role of Chair of the Academy Council.

d) Elected Parent Academy Councillors

Parent Academy Councillors for each Academy Council shall be elected in accordance with the process set out below:

When a vacancy arises, the Academy Council will write to all parents of pupils at the Academy seeking nominees for the vacancy.

Nominees will be asked to provide a short statement about why they are interested in being an Academy Councillor 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 Academy Council, the Academy Council can choose to appoint all (or any) of those nominated.

If there are more nominees than places available, the Academy Council will write to all parents of pupils at the Academy asking them to vote for their preferred candidate. Guidelines are available.

A Parent Academy Councillor should be a parent, have parental responsibility or be a carer of a registered pupil at the relevant Academy.

The responsibilities of the Parent Academy Councillor are to represent the interests and opinions of the parent body of the Academy, to the Academy Council. They cannot canvass for election and must adhere, as do all Academy Councillors with the need for confidentiality.

Parent Academy Councillors can take the role of Chair.

9.0 Other responsibilities

9.1 Each Academy Council shall appoint from among its members, individuals with specific responsibilities which shall include an Academy Councillor with responsibility for:

1. Special educational needs and inclusion;
2. Safeguarding;
3. Statutory grants (including pupil premium);
4. Health and safety;
5. Finance.

10.0 Clerk to the Academy Council

- 10.1 The Academy Council, in consultation with the Shaw Education Trust Board/Regional Board shall appoint a Clerk to the Academy Council who must not be an Academy Councillor.
- 10.2 In the absence of the Clerk, the Academy Council shall elect a replacement for the meeting (who may be an Academy Councillor).
- 10.3 The responsibilities / functions of the Clerk to the Academy Council include as follows:
- convene meetings of the Academy Council including sending notices and papers of meetings;
 - attend meetings of the Academy Council and ensure minutes are produced;
 - maintain a register of members of the Academy Council including their terms of office and report any vacancies to the Academy Council;
 - maintain a register of business interests of Academy Council members;
 - maintain a register of Academy Councillors' attendance at meetings and report on non-attendance to the Academy Council;
 - report to the Academy Council as required on the discharge of the Clerk's functions; and
 - perform such other functions as shall be determined by the Academy Council from time to time.
 - Distribute minutes of all meetings to respective SET Regional Director and Director of Compliance
 - Participate in any relevant training/meetings as determined by SET leadership
 - Communicate with SET Director of Compliance on relevant matters where required.
- 10.4 Minutes of the Academy Council meetings must be made available to the Trustees and the ELT or their representatives on request.
- 10.5 The clerk will be performance managed by the Chair of the Academy Council in respect of their clerking role.

11.0 Ceasing to be an Academy Councillor

- 11.1 An Academy Councillor's term of office will be terminated if:
- any event or circumstance occurs which would disqualify him or her from the office of Trustee under the Articles were he or she to hold such office;
 - he or she has, without the consent of the Academy Council, failed to attend Academy Council 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 Shaw Education Trust Board;
- he or she is removed from office by the Shaw Education Trust Board.

12.0 Contractual authority

12.1 The Academy Council is authorised to enter into a contract on behalf of the Trust in so far as it relates to the Academy provided that:

- the contract does not exceed the value specified in the DAF;
- the contract has been procured in compliance with the Trust's procurement policy and in accordance with the Academies Financial Handbook;
- consideration is given as to whether the contract constitutes a 'related party transaction'; and the contract **does not relate** to the following services:

HR;

Payroll;

Accountancy;

Audit;

Education inspection;

Leadership and CPD;

Energy supplier and energy management;

Financial management systems; or management information systems;

ICT systems and ICT hardware supplier contracts;

Telecommunication systems;

Stationery and consumables supplier contracts;

Catering contracts;

Cleaning contracts;

Facilities management;

Capital works; and

Health & safety management systems

unless:

a) in the case of leadership and CPD support, it complements rather than duplicates the Trust offer or, in any other service area, the COO has been consulted; or

b) the contract is of a low value and short term (in the view of the Academy Council acting reasonably).

13.0 Key functions of the Academy Council

13.1 The Academy Council is asked to carry out the general following functions;

Governance

- To champion the Shaw Education Trust vision and values in the academy and to ensure the spiritual wellbeing and safety of the pupils
- To determine the educational character, mission and ethos of the academy reflecting the wider character, mission and ethos of the Shaw Education Trust
- To ensure that the school has a medium to long-term vision for its future and a robust strategy for achieving it
- To appoint (and remove) from its number, the Chair, Vice-Chair and Academy Councillors with specific responsibilities for special educational needs and inclusion, safeguarding, statutory grants (including pupil premium), health and safety and financial matters.
- To appoint a Clerk
- To review and amend the policies of the Academy (in line with any Trust prescribed policy).
- To implement a means whereby the Academy can receive and react to pupil, parental and staff feedback
- To establish and maintaining a relationship with the members of the local community

13.2 In addition, the Academy Council has of course more specific duties to carry out and can, if it chooses, delegate some of these to organised committees (see section 18). Those responsibilities/tasks underlined in this section should remain with the full Academy Council. The other responsibilities/tasks can be delegated to committees and each Academy Council should determine the list for each committee.

13.3 Academy Councils should have at least two committees:

1. Standards (i.e. Educational Performance/Pupil Outcomes) – e.g. admissions, behaviour, curriculum, pupil-related matters, safeguarding, SEND, teaching & learning inc. assessment.
2. Resources – e.g. finance, health & safety, premises, risk, staffing.

Admissions

- To undertake consultation, publish admissions and determine arrangements as required in accordance with the School Admissions and Appeals Codes
- To make arrangements for determining admissions and hearing admission appeals
- To ensure effective arrangements are in place for pupil recruitment
- To contribute to the development of the Academy prospectus

Behaviour

- To review and maintain a behaviour policy for the Academy
- To convene a committee to review the exclusion of a pupil by the Principal; ensuring that those Academy Councillors have undertaken appropriate training and that the Clerk to the Panel is cognisant of the legislation pertaining to exclusions

Curriculum and standards (inc. teaching & learning and assessment)

- To approve the curriculum proposed by the Principal (to the extent that it is consistent with the Trust-wide policy)
- To ensure effective processes are in place for monitoring the quality assurance of teaching and learning, the curriculum, inclusion and the sharing of good practice across the Academy
- To monitor the KPI figures reported from the Principal relating to standards
- To develop, monitor and approve the Academy Development Plan in tandem with the Self-Evaluation Form
- To ensure processes are in place for academy leaders to ensure quality teaching impacts on rates of pupil progress and standards of achievement
- To ensure processes are in place for academy leaders to monitor and evaluate rates of progress and standards of achievement by pupils, including any underachieving groups
- To monitor and evaluate the impact of improvement plans which relate to the committee's area of operation
- To monitor and evaluate provision for all groups of vulnerable children (e.g. looked after children) and ensure all their needs have been identified and addressed, and to evaluate their progress and achievement

- To ensure that the academy's Assessment Policy is operating effectively
- To ensure recommendations from reviews of the school including Ofsted and SET reviews, are acted upon by academy leaders.
- To advise the resources committee on the relative funding priorities necessary to deliver the curriculum

Pupil related matters

- To appoint an Academy Councillor responsible for statutory grants including pupil premium
- To review attendance and pupil absences (as part of the Principal's report)
- To monitor the impact of the pupil premium in the Academy
- To monitor the impact of other ring fenced grants such as the Sports Premium
- To adopt an Academy Complaints policy (consistent with the Trust-wide policy)
- To hear complaints at the relevant stage
- To ensure effective arrangements are in place for pupil support and representation at the Academy
- To support the Trust and the Principal in the extended school provision in the Academy
- To ensure that all children have equal opportunities
- To identify and celebrate pupil achievements

Safeguarding

- To appoint a designated councillor for safeguarding
- To ensure implementation of the Trust-wide Safeguarding and Child Protection Policy, ensuring that additions are made to the policy to reflect individual academy and local arrangements, reviewing these aspects annually
- To ensure all relevant Safeguarding Policies are enacted and reviewed when necessary
- To ensure the completion of the single central record noting the guidance in the [Education Inspection Framework](#) and to follow any directions from the ELT
- Ensure the Trust-wide Safeguarding Audit is completed in line with deadlines and actions to improve practice are implemented by academy safeguarding staff

SEND

- To appoint an Academy Councillor responsible for SEN and inclusion
- To review and maintain the Academy's SEN policy
- To provide oversight of the implementation of the policy within the Academy and compliance with the Disability Discrimination Act requirements
- To ensure the DSL is supported in their work and regular communication occurs between DSL and Academy Council Safeguarding link councillor

Finance

- To appoint an Academy Councillor responsible for Finance
- To approve the annual budget for the Academy for submission to the Shaw Education Finance, Audit, Risk and Resources Committee/Regional Board
- To monitor the Academy's delegated budget and ensure that any variances are reported to the Shaw Education Trust's Finance, Audit, Risk and Resources Committee/Regional Board for approval
- To monitor income, expenditure and cash flow of the Academy
- To ensure proper financial controls are in place at the Academy
- To maintain a register of Academy Council members' business interests
- To ensure provision of free school meals to those pupils meeting the criteria
- To enter into contracts up to the limits of delegation and within an agreed budget
- To support the Shaw Education Trust Board in its monitoring and evaluation of the delivery of any central services/functions provided/procured by the Academy Trust

Staffing and HR

- To participate in the process to appoint the Principal as requested by the Shaw Education Trust Executive Leadership Team (acting with the delegated authority of the Trust Board)
- To take part in the performance management/appraisal process of the Principal
- To support the Principal in the development and review (from time to time) of an appropriate staffing structure for the Academy and for the

appointment of Academy staff to ensure that the Academy is fully staffed in accordance with that structure

- To ensure that there is effective communication between the Principal and the Executive Leadership Team
- To ensure that the Trust's policies on all HR matters are implemented in the Academy
- To monitor the implementation of the Trust's policies at the Academy for HR matters including the appointment, induction and performance management/appraisal process of staff, pay review process and procedures for dealing with disciplinary matters, grievances and dismissal
- To monitor and evaluate the impact of continuing professional development on improving staff performance
- To oversee arrangements for educational visits, including the appointment of a named co-ordinator

Health, safety, risk and estates (premises)

- To appoint an Academy Councillor responsible for health and safety
- To review the risk register of the Academy and prepare the Risk report for the Shaw Education Trust Board/Regional Board*
- To adopt a health and safety policy for the Academy (in line with the Trust-wide policy)
- To review the implementation of the above policy and ensure that appropriate risk assessments are being carried out in the Academy
- To conduct site inspections to review any health and safety issues and the security of premises and equipment
- To understand that in relation to Health and Safety the Academy Council's role is of a strategic nature
- To participate in any project committee where necessary to oversee any major developments if requested by Director of Estates
- To keep under review an Accessibility Plan and a Building Development Plan
- To ensure the effective implementation of the data protection policies and procedures in the Academy

Information management and communication

- To ensure systems are in place in line with the Trust's strategy at the Academy for effective communication with pupil, parents, staff and the wider community including the support of a local parent teacher association (if established)

- To ensure all statutory requirements for reporting and publishing information are met and the school website content is fully compliant and presented in an accessible way

13.4 Policy Ratification

Some of the responsibilities above may require the Academy Council to ratify policies. Those policies which need ratifying will be communicated to academies and AC Chairs via the SET Starting Point Tracker found on SET website. There will be a suite of policies which are written by SET and ratified by SET Trustee Board that academies must adopt.

(contact Director of Compliance if more information is required)

14.0 Convening meetings of the Academy Council

- 14.1 Meetings of the Academy Council will be held in each term. The Clerk to the Academy Council 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.
- 14.2 Any two Academy Councillors 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.
- 14.3 The Academy Councillors may invite persons who are not Academy Councillors (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.
- 14.4 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.

15.0 Voting at meetings of the Academy Council

- 15.1 The quorum for meetings of the Academy Council and for any vote on a matter at such meetings is one half of the total number of Academy

Councillors in office at that time e.g. excluding any vacancies (rounded up to the nearest whole number).

15.2 A meeting shall be terminated if the number of Academy Councillors 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.

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

- He/she has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and
- the Academy Council has access to the appropriate equipment and there is adequate bandwidth and a strong, e.g. not intermittent, internet signal; and
- provided that, if after all reasonable efforts it does not prove possible for that Academy Councillor to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.
- Providing that the Academy Councillor is in a location where they cannot be overheard.

15.4 Every matter to be decided upon at a meeting of the Academy Councils shall be determined by a majority of the votes of Academy Councillors present and voting on the question. Votes tendered by proxy shall not be counted. Where there is an equal division of votes, the Chair has a casting vote.

16.0 Personal interests of Academy Councillors

16.1 All Academy Councillors shall complete a register of their business interests, which shall be reviewed annually. Any Academy Councillor who has any duty or personal interest that conflicts or may conflict with his or her duties as an Academy Councillor shall:

- disclose that fact to the Academy Council as soon as he or she becomes aware of it. An Academy Councillor must absent himself or herself from any discussions of the Academy Council 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.
- Academy Councillors with governance roles either within the Trust or any other school or Academy Trust must declare these roles.

17.0 Minutes

- 17.1 Attendance at each Academy Council meeting, issues discussed and recommendations for decisions shall be recorded and the minutes signed by the Chair at the next meeting of the Academy Council. The written record (once approved by the Chair of the relevant Academy Council meeting) shall be forwarded by the Clerk to the Academy Council to the Clerk to the Shaw Education Trust Board (Director of Compliance) as soon as is reasonably practicable.
- 17.2 There is no need to publish minutes on the Academy website but minutes must be made available for inspection as requested. This excludes confidential minutes unless the request is from SET. For further advice please contact the ELT.

18.0 Committees of the Academy Council (see section 13.2)

- 18.1 The Academy Council may establish committees to carry out certain functions of the Academy Council. The Terms of Reference of each committee can be listed from responsibilities/tasks listed in section 13.2. (It is a good idea for new councillors to attend a meeting of each committee so that they can get a good overall picture of how the Academy Council works.)
- 18.2 The establishment of any new committees other than temporary, ad hoc committees required to deal with specific issues, must be agreed in advance with the CEO.
- 18.3 In addition:
- The committee shall meet once every term.
 - Each committee should have at least 5 councillors and the AC should decide on membership number.
 - For committee meetings (and full AC), the quorum is one half of all membership of relevant committee (rounded up to nearest whole number), e.g. a committee containing 7 members must have 4 to be quorate.
 - Each committee must have a chair and a clerk – the AC will decide whether to appoint the chair or whether the committee should do this. The

headteacher cannot be the clerk to a committee but a councillor can if a professional clerk is not available.

- In the absence of the chair, the committee shall choose an acting chair for that meeting from among their number.
- In the absence of the clerk the committee shall choose a clerk for that meeting from among their number (someone who is not the headteacher/principal).
- The draft minutes of each meeting will be circulated with the agenda for the next meeting of the full AC and will be presented at that meeting by the chair (or in his/her absence another member of the committee).
- Any decisions taken must be determined by a majority of votes of committee members present and voting – but no vote can be taken unless a majority of those present are councillors.

As a reminder, Academy Councils should have at least two committees:

1. Standards (i.e. Educational Performance/Pupil Outcomes) – e.g. admissions, assessment, behaviour, curriculum, pupil-related matters, safeguarding, SEND, teaching & learning.
2. Resources – e.g. finance, health & safety, premises, risk, staffing.

The information within this section and 13.2 can form the Terms of Reference for each committee and there does not need to be a separate document although ACs may wish to list the exact responsibilities of each committee as delegated by the AC and add as an annex to this document if they so wish.

19.0 Academy Council Duties

19.1 The broad duties of the Academy Councils are to:

- Support the Shaw Education Trust Board in developing a clear educational vision, ethos and direction for the Academy within the context of the vision for the Trust as a whole, recognising the uniqueness of each Academy and the contribution it makes to the Trust and to the communities served by the Academies and assisting in the fulfilment and communication of that vision.
- Promote the Academies and the Trust within their communities, members of the Board acting as ambassadors for the Academies and the Trust, being ready to respond to challenges and acting with honesty and integrity in the best interests of the Trust, the Academies and their pupils.

- Act as liaison with the community, including any parent groups acting to support the Academies and any third party community organisations with whom the Academies work in partnership. This may include any foundation bodies, trustees, charitable or community trusts established to support an Academy, and the local authority. The Academy Council will lead on any community consultation, formal or otherwise, acknowledging any guidance issued by the Trust Board.
- Actively develop partnerships with organisations who will support the Academies and with whom the Academies can collaborate, to improve teaching and learning and enrich school life including other Academies within the Trust and other local schools.
- Consider the strategic impact that the Academies have on their communities, looking also at any strategic threats and opportunities in respect of the Academies and working with and supporting the Trust Board in taking any necessary action. No expansion or contraction of any Academy will be permitted without the Trust Board's consent.
- Promote pupil welfare and safety and ensure there are systems within the Academies to support pupils and their families, providing an extra resource to the Academies' leadership teams.
- Implement and review from time to time the strategic plan for the Academy, focusing on the Academy's performance and achieving sustained school improvement and having regard to any locally agreed priorities identified by the Trust Board.
- Act as a critical friend to the Academy's senior leadership team, being ready to challenge and hold senior leaders to account for all aspects of the Academy's performance.
- Support the Trust Board in ensuring that insurance or equivalent risk protection is put in place and maintained for all risk areas including damage to property, employer liability, public and third party liability and director liability in accordance with any policy issued by the Trust Board from time to time.
- Support the Academy Principal in the development and review of an appropriate staffing structure for the Academy, ensuring there is robust and accountable monitoring of the performance of staff and implementing all and any policies relating to staff adopted by the Trust Board.
- Promote within the organisation and externally the benefits of collaboration with the other Academies and to actively seek opportunities to work together either with the aim of improving economic efficiencies within the Academies or identifying and implementing best practice.

- Develop effective links within the Academy's community, communicating openly and frequently as appropriate and ensuring that the Academy meets its responsibilities to the community and serves the community's needs in relation to the safeguarding and education of its pupils.
- Engage fully and openly with any inspection of the Academy, whether by the Trust Board, Ofsted or any other appropriate public body to whom the Academy is accountable.
- Determine the Academies' admissions policies within the constraints of the Admissions Code, ensuring there are systems in place for the hearing of any appeal against an admission refusal and establishing a panel to determine any exclusions and appeals against exclusion.
- Set the budget and monitor its effectiveness. To advise the Academies' leadership teams in assessing the overall suitability of the budget proposed for the Academy, contributing to any strategic discussion regarding capital expenditure, central costs, reserves and contingencies, shared resources with other Academies within the Trust and threats to income, recognising that at all times any funds held by the Trust in respect of the Academies are safeguarded.
- Monitor Academy staffing and Human Resources in line with the Scheme of Delegation and Trust-wide policies and procedures.

19.2 The Academy Council will work closely with the Regional Board* and/or the Executive Leadership Team and shall promptly implement any advice or recommendations made by the Regional Board and/or the Executive Leadership Team in respect of standards and performance, particularly where areas of weakness have been identified (either internally within the Trust or by Ofsted).

20.0 Intervention

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

- there are concerns about financial matters;
- there is insufficient progress being made against educational targets (including where intervention by the Secretary of State is being considered or carried out);
- there has been a breakdown in the way the Academy is managed or governed; or
- safety of pupils/staff is threatened, including discipline breakdown.

20.2 Where necessary, the Shaw Education Trust Board will put in place, for an appropriate period of time, an intervention board (known as an Interim Executive or Management Board) whose responsibility it will be to address the areas of weakness. This may not include any of the existing Academy Councillors.

21.0 Active Listening – Stakeholder Engagement

21.1 Academy Councils have a key role in listening and responding to pupils' collective concerns. All schools should have active Pupil/Student Councils with representatives from each year group as appropriate. Academy Councillors should ensure there is a management response to matters raised.

21.2 Parent voice is formally built into the governance structure with the election by parents of two parent Governors to each Academy Council. However additional methods should be employed to gather a broader range of views about the performance of the school e.g. surveys, questionnaires, reference groups and the like.

21.3 Staff voice is similarly built into the governance structure with the election to each Academy Council of two employees of the Academy (usually one teacher and one non-teaching staff member) by employees of the Academy. The Academy Council should also ensure that all staff have the opportunity, on an annual basis, to have their thoughts and opinions heard, in a confidential manner. Academy Councils should ensure a management response to matters raised.

22.0 Alterations

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

23.0 Circulation list

23.1 This constitution and these terms of reference shall be circulated to the Shaw Education Trust Board, the Regional Boards*, all Academy Councillors, the Clerk to the Academy Council, and others at the discretion of the Chair of the Trust Board or the Chair of an Academy Council.

23.2 This constitution and these terms of reference were approved and adopted by a resolution of the Shaw Education Trust Board.

Academy Councillor declaration

To The Trustees

[• address]

[• 00 month year]

To whom it may concern,

Shaw Education Trust Academy Trust (Academy Trust) - appointment as an Academy Councillor

I confirm that I wish to be an Academy Councillor in respect of [• name of academy] in accordance with the Terms of Reference for Academy Councils prescribed by the Trustees of the Academy Trust.

I confirm that I am not disqualified from becoming an Academy Councillor by reason of any provision in the Terms of Reference for Local Academy Councils (and by extension the 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 Academy Councillors in accordance with paragraph 8 of the Constitution and Terms of Reference for Local Academy Councils (or as prescribed by the Trustees of the Academy Trust from time to time).

I confirm that I understand that by being a member of the Academy Council requires a level of commitment from me including attendance at meetings and participating in training when required. I understand that at times this may not all be possible but will communicate with the AC when I am unavailable.

Yours faithfully

Signed

Name

Academy

Date



We believe, you achieve

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