



**Aletheia**  
Academies Trust

# Constitution of the Local Governing Board (LGB)

December 2022

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# Constitution of the LGB

## 1.1 Members of the LGB

1.1.1 The number of people who shall sit on the LGB shall be not less than 9 in a Primary School and 11 in a Secondary School but, unless otherwise determined by the Directors, shall not be subject to any maximum

1.1.2 The LGB shall have the following members:

1.1.2.1 Up to 8 members in Primary Schools and up to 10 members in Secondary Schools<sup>1</sup>, appointed under clause 1.2.1 and;

1.1.2.2 1 staff member<sup>2</sup>, in Primary Schools, 2 staff members in Secondary Schools and 3 staff members in an all-through school with at least one from the Primary phase, appointed under clause 1.2.3;

1.1.2.3 2 parent members<sup>3</sup> elected or appointed in single schools and 3 parent members for all through schools, with at least one from the Primary phase under clause 1.2.6;

1.1.2.4 the Headteacher or Head of School and for all through schools the Heads of both Primary and Secondary Phases

1.1.3 The LGB may also have co-opted members appointed under clause 1.3

1.1.4 All persons appointed or elected to the LGB shall give a written undertaking to the Directors to uphold the object of the Company and to be faithful to the Governors' Code of Conduct.

1.1.5 The quorum will be two thirds of appointed/elected governors in post rounded up to the next whole number.

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<sup>1</sup> This number can be changed but these Director-appointed members (i.e., all those other than parent members) must comprise the majority of the LGB.

<sup>2</sup> There is no DfE requirement for an academy to have staff members on its LGB.

<sup>3</sup> It is a DfE requirement that the board must include at least two elected parent trustees – a MAT may, alternatively, include two elected parents on each LGB



## 1.2 Appointment of members of the LGB

### General members

1.2.1 The Directors may appoint up to 8 members to serve on the LGB in Primary Schools and up to 10 members in Secondary Schools. The LGB may find and interview persons to serve on the LGB and recommend them to the Directors for appointment. Directors will consider the recommendations of the LGB when making appointments.

### Staff members

1.2.2 The Directors may appoint up to 2 persons who are employed at the Academy to serve on the LGB in both Primary and Secondary schools and 3 in an all through school in accordance with the Trust's agreed process, provided that the total number of such persons (including the Headteacher/s or Head/s of School) does not exceed one third of the total number of persons on the LGB. The positions held by those employed at the Academy (e.g. teaching and non-teaching) may be taken into account when considering appointments.

1.2.3 In appointing persons to serve on the LGB who are employed at the Academy the LGB may invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the Academy (excluding the Principal) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the LGB. Those elected will then be recommended to the Directors for their consideration and approval for appointment.

### Ex officio members

1.2.4 The Headteacher or Head of School shall be treated for all purposes as being ex officio member of the LGB with full voting rights.

### Parent members

1.2.5 Subject to clause 1.2.10, the parent members of the LGB shall be elected by parents of registered pupils at the Academy, in accordance with the Trust's agreed process, and he or she must be a parent of a pupil at the Academy at the time when he or she is elected.

1.2.6 The LGB shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the LGB, including any question of whether a person [or carer] is a parent of a registered pupil at the



Academy. Any election of persons who are to be the parent members of the LGB which is contested shall be held by secret ballot.

1.2.7 The arrangements made for the election of the parent members of the LGB shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the Academy by a registered pupil at the Academy.

1.2.8 Where a vacancy for a parent member of the LGB is required to be filled by election, the LGB shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

1.2.9 The number of parent members of the LGB required shall be made up by persons appointed by the LGB if the number of parents standing for election is less than the number of vacancies.

1.2.10 In appointing a person to be a parent member of the LGB pursuant to clause 1.2.10, the LGB shall appoint a person who is the parent of a registered pupil [or carer] at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.

### **1.3 Co-opted members of the LGB**

1.3.1 The LGB may request the Trust Board appoint up to 4 persons to be “co-opted” to the LGB for a period of up to two years where the person has skills which are needed and would enhance the functioning of the LGB. A person who shall be “co-opted” to the LGB means a person who is to serve on the LGB having been appointed by Trustees or elected to serve on the LGB. The Directors may not co-opt a person who is employed at the Academy if thereby the number of persons employed at the Academy serving on the LGB would exceed one third of the total number of persons serving on the LGB (including the Headteacher or Head of School).



## 1.4 Term of office and attendance at meetings

1.4.1 The term of office for any person serving on the LGB shall be 4 years, save that this time limit shall not apply to:

(i) the Headteacher or Head of School who shall be treated for all purposes as being an ex officio member of the LGB;

(ii) persons who are “co-opted” to the LGB, who shall serve for up to 2 years.

Subject to remaining eligible to be a particular type of member on the LGB, any person may be re-appointed or re-elected (including being “co-opted” again) to the LGB.

1.4.2 Governors are expected to attend all meetings of the Full Governing Board and any Committees of which they are a part. When a Governor is unable to attend a meeting the Chair and Clerk should be advised in advance and a reason for non-attendance given.

## 1.5 Resignation and removal

1.5.1 A person serving on the LGB shall cease to hold office if he resigns his office by notice to the LGB.

1.5.2 A person serving on the LGB shall cease to hold office if he is removed by the Directors who appointed them.

1.5.3 If any person who serves on the LGB in his capacity as an employee at the Academy ceases to work at the Academy then he shall be deemed to have resigned and shall cease to serve on the LGB automatically on termination of his work at the Academy.

1.5.4 Where a person who serves on the LGB resigns his office or is removed from office, that person or, where they is removed from office, those removing them, shall give written notice thereof to the Directors.

## 1.6 Disqualification of members of the LGB

1.6.1 No person shall be qualified to serve on the LGB unless they is aged 18 or over at the date of his election or appointment.



1.6.2 A person serving on the LGB shall cease to hold office if they becomes incapable by reason of illness or injury of managing or administering his own affairs.

1.6.3 A person serving on the LGB shall cease to hold office if they is absent without the permission of the Chair of the LGB from all the meetings of the LGB and relevant sub-committees held within a period of six months and the LGB resolves that his office be vacated.

1.6.4 A person shall be disqualified from serving on the LGB if:

1.6.4.1 his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

1.6.4.2 they are the subject of a bankruptcy restrictions order or an interim order.

1.6.5 A person shall be disqualified from serving on the LGB at any time when they 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).

1.6.6 A person serving on the LGB shall cease to hold office if they would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

1.6.7 A person shall be disqualified from serving on the LGB if they have 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 they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.

1.6.8 A person shall be disqualified from serving on the LGB where they have, 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 (persons disqualified from being charity trustees or trustees of a charity) of the Charities Act 2011.

1.6.9 A person shall be disqualified from serving on the LGB if they have not provided to the Directors a DBS certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairman or the Principal confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether



a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

1.6.10 Where, by virtue of this Scheme, a person becomes disqualified from serving on the LGB; and they were, or was proposed, to serve, they shall upon becoming so disqualified give written notice of that fact to the Directors.

1.6.11 This clause 1.6 shall also apply to any member of any committee of the LGB who is not a member of the LGB.