

STATUS AND RESPONSIBILITIES OF THE GOVERNING BODY (June 2016)

INTRODUCTION

1. The King's School is an academy governed by a governing body constituted under a Memorandum of Association and Articles of Association. The governing body is responsible for ensuring that high standards of corporate governance are maintained. It should exercise its powers and functions with a view to fulfilling a largely strategic leadership role in the running of the academy, addressing such matters as:

- policy development and strategic planning, including target-setting to keep up momentum on school improvement;
- ensuring sound management and administration of the academy, and ensuring that managers are equipped with relevant skills and guidance;
- ensuring compliance with legal requirements;
- establishing and maintaining a transparent system of prudent and effective internal controls.;
- management of the academy's financial, human and other resources (in particular control over the spending identified in the academy's development plan);
- monitoring performance and the achievement of objectives, and ensuring that plans for improvement are acted upon;
- helping the academy to be responsive to the needs of parents and the community and making it more accountable through consultation and reporting;
- setting the academy's standards of conduct and values;
- assessing and managing risk (including preparation of a statement on the academy's risk management for its annual report and accounts).

2. The governing body also has a duty to take appropriate action when there are weaknesses in the academy. Where individual governors have concerns which cannot be resolved about the running of the academy or a proposed action, they should ensure that their concerns are recorded in minutes

3. The governing body must appoint a Head Master to the school who will also acts as an ex-officio governor. The Head Master is responsible for the internal organisation, management and control of the academy, the implementation of all policies approved by the governing body and for the direction of teaching and the curriculum.

OBLIGATIONS OF GOVERNORS

4. As academies are companies limited by guarantee with charitable status, the governors who sit on the governing body are the legal trustees of the charity. This confers certain obligations upon the trustees to protect the assets, property and good name of the charity. The legal requirements of trustees are set out below.

5. Trustees (governors) have full responsibility for the charity and must:

- act together and in person and not delegate control of the charity to others;
- act strictly in accordance with the academy's governing documents;
- act in the academy's interests only and without regard to their own private interests and maintain confidentiality;
- manage the academy's affairs prudently throughout the life of the academy;
- not derive any personal benefit or gain from the academy of which they are trustees; and
- take proper professional advice on matters on which they are not themselves competent.

6. In managing the academy's finances governors must:

- make sure that bank accounts, financial systems and financial records are operated by more than one person;
- make sure that all the academy's property is under the control of the trustees;
- keep full and accurate accounting records; and
- prepare accruals accounts giving a true and fair view of the academy's incoming resources and application of resources during the year and of its state of affairs at the year end.

7. In applying the academy's income governors must spend it solely for the purposes set out in the academy's governing documents and spend it with absolute fairness between persons qualified to benefit from the charity.

CONDUCT OF GOVERNORS

8. Governors and staff are public servants and as such must not use public monies or official business for personal benefit. The governing body should avoid obtaining goods and services that include elements of private use or accepting excessive hospitality from prospective suppliers. The Treasury rules about the receiving of hospitality and gifts should be followed, as these rules are there to protect staff and governors. A register should be maintained to record hospitality and gifts received. This should record, as a minimum, the name of the organisation that gave the hospitality/gift, the date it was received, its nature and approximate value.

9. Governors should be aware that the Prevention of Corruption Act places the burden of proof on the recipient of favours.

10. The Treasury publication "Guidance on Codes of Practice for Board Members of Public Bodies" should be circulated to members of the governing body as best practice.

DECLARATIONS OF BUSINESS INTERESTS

11. It is vital that governors and staff act, and are seen to act, impartially. All members of the governing body are therefore required to complete a declaration of their business interests. It is also strongly recommended, as a matter of good practice, that the Head Master and other senior staff complete declarations. Individual declarations should be maintained together in a register of interests. Declarations should include all business and pecuniary (monetary) interests such as directorships, shareholdings and other appointments of influence within a business or other organisation. They should also include interests of related persons such as parent, spouse, child, cohabitee and business partner where influence could be exerted by that person over a governor or a member of staff.

12. Where a governor or member of staff or related person has any interest, either pecuniary or non-pecuniary, in a matter to be discussed at a governors' meeting the governor or member of staff must declare their interest and withdraw from that part of the meeting.

13. Where a governor or related person has a pecuniary interest in a business, and that interest exceeds limits that may be specified in the academy's memorandum or articles of association, the academy must not enter into any contract or arrangement (such as the purchase of goods and service) with that business. For example, an academy would not generally be permitted to trade with a company in whom a governor holds more than 1/100th of the share capital.

14. It is the responsibility of governors and staff to ensure their declarations of business interests are kept up to date at all times, and to amend or update them as necessary. As good practice, it is recommended that monthly/termly meetings of governors and senior managers include a standing agenda item for attendees to declare any changes to their declarations of interests.

PAYMENTS TO GOVERNORS

15. It is illegal for governors to receive any remuneration for their work as trustees, other than payment of all reasonable out of pocket travel, accommodation or other expenses legitimately incurred by them in connection with their attendance at meetings acting in the capacity of governor of the academy.

16. In addition, no governor may hold any interest in property belonging to the academy. Nor may a governor receive remuneration in respect of any contract to which the academy is a party.

17. However, nothing prevents the payment of governors for the usual professional charges for business undertaken by any governor who is a solicitor, accountant or other person engaged in a profession, or by any partner or connected person of his or hers, when instructed by the governing body to act in a professional capacity on behalf of the academy. This exception is only allowable if:

- at no time a majority of the governors are engaged in such a professional capacity: and
- governors withdraw from any meeting at which his or her remuneration, or that of his or her partner / relative, is under discussion.

18. No governor, except for duly appointed staff governors and the Head Master who is an ex officio governor, may receive a salary from the academy. This means that members of staff who are also parents of registered pupils of the academy may ONLY stand for appointment as staff governors; they are not eligible to stand as parent governors.

GOVERNORS' MEETINGS

19. It is a requirement of all academy governing bodies that they meet at least once a term. Normally the King's School Governing Body meets 8-10 times a year and meetings are normally scheduled to commence at 1800hrs and end by 2100hrs. No business can be conducted at any meeting unless a quorum is present. A quorum is detailed in the academy's Articles of Association.

20. Governors must appoint a clerk to the governing body, who must be someone other than a governor or the Head Master of the academy.

21. Each meeting of the governing body should consider:

- a report of the financial position of the academy, including its income and expenditure and financial commitments;
- whether adequate financial monitoring of the academy's budget and activities is being undertaken;
- progress on any action identified to improve financial arrangements at the academy;
- significant contracts proposed to be entered into by the academy;
- details of any significant matters affecting the academy's staff;
- details of any significant matters affecting the pupils' welfare or education;
- details of any significant matters affecting the academy's assets e.g. computers, cars, whiteboards etc;

ELECTION OF PARENT GOVERNORS

22. Where there are more nominations than positions available a secret ballot of all eligible parents/guardian will be conducted.

23. As Governor terms of office expire when pupils leave the school, it is reasonable to expect those seeking election to have a minimum of two years' service available i.e. parents' youngest pupils should be in Year 11 or about to commence Year 12 as a minimum to give this return of service as a governor.