

## Terms of Reference

### **Somerset Road Education Trust – Local Governing Committee**

*Approved at 2018/19 SRET#2, 28 November 2018 and to be reviewed annually.*

This Terms of Reference for Local Governing Committees (LGCs) has been formulated by the Trustees of Somerset Road Education Trust (SRET) and should be read alongside the Articles of Association & Scheme of Delegation for the (SRET).

The Nolan Principles, which public office holders must adhere to are reflected in the spirit of the LGCs' work and are listed below:

**Selflessness** – Holders of public office should act solely in terms of the public interest.

**Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial other material benefits for themselves, their family or their friends. They must declare and resolve an interests and relationships.

**Objectivity** – Holders of public should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

**Honesty** – Holders of public office should be truthful.

**Leadership** – Holders of public office should exhibit these principles in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior where it occurs.

**Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

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## Remit

The role of an LGC is an important one. Reporting to the Somerset Road Education Trust (SRET) Board, they work together in providing focused governance for Academies at a local level, ensuring the delivery of the SRET Board's wish to ensure that the responsibility to govern the Academies is vested in those closest to the impact of decision-making. The LGC monitors the Academies' key performance indicators and acts as a critical friend to the Headteacher and the Academies' Senior Leadership Teams, providing challenge where appropriate. The LGCs carry out their functions in relation to their respective Academy on behalf of the SRET Board and in accordance with policies determined by the SRET Board. The act of delegation from the SRET Board to the LGCs, is a delegation of powers and duties and not a delegation or shedding of responsibilities.

## Intervention

The LGC will work closely with the SRET Board and the CEO\Executive Principal and shall promptly implement any recommendations made by the SRET Board or consider recommendation of the CEO\Executive Principal in respect of standards and performance, particularly where areas of weakness have been identified (either internally within SRET or externally by the Regional Schools Commissioner or Ofsted). The SRET Board reserves the right to review or remove any power or responsibility conferred on the LGC 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
- the safety of pupils or staff is threatened, including a breakdown of discipline.

Where necessary, the SRET Board will put in place for an appropriate period of time, an intervention strategy led by the CEO\Executive Principal whose responsibility will be to address the areas of weakness.

## Composition of Local Governing Committees

Each LGC comprises a maximum of 8 members which are referred to as Local Governors and include:

- the Headteacher of the Academy ('ex officio' – which means by dint of the position they hold)
- Two members (the Chair and the Vice Chair) who are appointed by the SRET Board (known as SRET Appointed Governors). The Chair shall also be a Trustee of the SRET Board and shall act as a representative of their Academy at SRET Board level.
- up to two elected parents or guardians of a pupil at the Academy (Parent Local Governors);
- up to two employees of the Academy, usually comprising one member of Teaching Staff and one member of Support Staff, elected by employees of the Academy (Staff Local Governors)
- two Co-opted Governors co-opted by the Local Governors\*

<b>Exeter House</b>	<b>St Mark's*</b>	<b>Wyndham Park</b>
Chair Vice Chair Parent Local Governor 1 Parent Local Governor 2 Support Staff Governor 1 Teaching Staff Governor 2 Co-opted Governor 1 Co-opted Governor 2  Headteacher – ex Officio	Chair Vice Chair Parent Local Governor 1 Parent Local Governor 2 Support Staff Governor 1 Teaching Staff Governor 2 Co-opted Governor 1 Co-opted Governor 2  Headteacher – ex Officio	Chair Vice Chair Parent Local Governor 1 Parent Local Governor 2 Support Staff Governor 1 Teaching Staff Governor 2 Co-opted Governor 1 Co-opted Governor 2  Headteacher – ex Officio
See definitions in Appendix A		
<i>*In the case of St Mark's, as per the Supplemental Funding Agreement, July 2014, a minimum of 2 but no more than one quarter of the members of the LGC shall be appointed for the purpose of securing that the Academy is conducted in accordance with the principles, practices and tenets of the Church of England.</i>		

Each LGC shall have a Chair and a Vice-Chair. With the exception of the Chair and Vice Chair, the length of service of all Local Governors shall be four years in one Academy (although in the spirit of collaborative SRET wide governance, Local Governors may be invited to or may wish to transfer to vacant positions in LGCs of other Academies within SRET if they have skills that are required on other Committees.) Subject to remaining eligible to be a Local Governor and the operational needs/skill set required at the time, any Local Governor may apply to be reappointed or re-elected for a further four years at the end of their term but not more than 8 years in total.

Local Governor Vacancies are advertised and (with the exception of Staff Governors already employed and subject to Safer Recruitment Processes), all applicants will be required to follow a centralised recruitment process, led by the SRET Executive Clerk responsible for the compliance of governance across the Trust. Interviews for Local Governors will be arranged by the SRET Executive Clerk and held with the Chair and Vice Chair of the respective LGC, at least one of whom will have completed Safer Recruitment in Education training. Disclosures for the purposes of Criminal Records check by the Disclosure and Barring Service will be undertaken and references sought.

## **Appointment and Particular Responsibilities of Local Governors**

### ***Chair***

The Chair is appointed by the SRET Board. The term of office of the Chair is two years (or a term of office that is aligned with the end of their Trustee term of office, whichever is the soonest) but the Chair is eligible for reappointment at the end of that term. The SRET Board are entitled to remove the Chair from office at any time, although this would not necessarily affect the individual's position as a Trustee but would affect their role as a Local Governor. The Chairs and Vice-Chairs will ordinarily meet together with the Headteacher of the Academy, SRET Executive Clerk and local Clerks if applicable before the start of the academic year to plan the work of the LGC for the year, including standard agenda items as determined by external agencies, maximizing opportunities for commonalities and at the same time including items pertinent to their local setting. The responsibilities of the Chair include the following:

- to chair meetings of the LGC
- to set the agenda for meetings with other LGC Chair, Headteacher and Local Clerk

- to respond to Questions at the SRET Board meetings, on minutes of all LGCs (provided to SRET Board in their papers)
- to provide a direct link between the LGC and the SRET Board

In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the LGC, the Chair of the LGC (or the Vice-Chair of the LGC in his or her absence) in consultation with the Headteacher, shall take appropriate action on behalf of the LGC. The decisions taken and the reasons for urgency shall be explained fully at the next meeting of the SRET Board and the next LGC and included in the minutes of both.

Although there is no legal constraint on the length of time a Chair can serve, we adopt National Governors' Association guidance which is that an element of regular reappraisal and renewal is beneficial to all schools and that all Chairs should normally expect to step down after a maximum of two terms in post. The NGA also advises against individuals serving on more than two Committees at any one time unless there are exceptional circumstances.

### ***Vice-Chair***

The Vice-Chair's appointment is recommended by the LGCs but appointed by the SRET Board. The term of office of the Vice-Chair is two years but the Vice-Chair is eligible for reappointment at the end of that term. Although there is no legal constraint on the length of time a Vice Chair can serve, we adopt National Governors' Association guidance which is that an element of regular reappraisal and renewal is beneficial to all schools and that all Vice Chairs should normally expect to step down after a maximum of two terms in post. The SRET Board is entitled to remove the Vice-Chair from office at any time, although this would not necessarily affect the individual's position as a Local Governor. The responsibilities of the Vice-Chair include the following:

- to deputise for the Chair in his or her absence;

In the absence of both the Chair and the Vice-Chair at a meeting, the SRET Board will elect a temporary Chair from among their number by liaising with the SRET Executive Clerk.

### ***Staff Local Governors***

The Teacher member (from the teaching body) of the LGC shall be elected by the teaching staff at the relevant Academy via a nomination process co-ordinated by the SRET Executive Clerk. Nominees will be asked to follow the Governor Recruitment process, providing a circa 250 word statement about why they are interested in being a Staff Governor and their background and experience that makes them suitable for the role. The term of office of the Staff Local Governor – Teaching is four years and in the spirit of regular reappraisal and renewal which is beneficial to all schools, Staff Local Governors should normally expect to step down after a maximum of two terms in post.

The Support Staff member (from the support staff body) of the LGC shall be elected by Support Staff of the relevant Academy via a nomination process co-ordinated by the SRET Executive Clerk. Nominees will be asked to follow the Governor Recruitment process, providing a circa 250 word statement about why they are interested in being a Staff Governor and their background and experience that makes them suitable for the role. The term of office of the Staff Local Governor – Support Staff is four years and in the spirit of regular reappraisal and renewal which is beneficial to all schools, Staff Local Governors should normally expect to step down after a maximum of two terms in post.

The responsibilities of the Staff Local Governors are to help reflect the interests and opinions of Teaching and Support Staff at the Academy to the LGC and to act in concert with the other Local Governors in the best interests of the Academy.

### ***Elected Parent Local Governors***

Parent Local Governors for each LGC shall be elected in accordance with the process set out below:

When a vacancy arises, the SRET Executive Clerk will write to all parents of pupils at the relevant Academy seeking nominees for the vacancy. Nominees will be asked to follow the Governor Recruitment process, completing a Governor/Volunteer Form which includes 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.

After the closing date, the LGC Chair and SRET Executive Clerk will review applications - in the event that the number of nominees equals or is less than the number of vacancies on the LGC, the LGC Chair can recommend to appoint all (or any) of those nominated.

If there are more nominees than places available, the SRET Executive Clerk and Local Clerk will write to all parents of pupils at the Academy asking them to vote for their preferred candidate.

A Parent Local Governor should be a parent or carer of a registered pupil at the relevant Academy at the time of application or where this is not reasonably practical, a person who is the parent of a child of compulsory school age at the time of application.

The term of office of the Parent Local Governor is four years and in the spirit of regular reappraisal and renewal which is beneficial to all schools, Parent Governors should normally expect to step down after a maximum of two terms in post.

The responsibilities of the Parent Local Governor are to help reflect the interests and opinions of the Parent Body of the Academy to the LGC and to act in concert with the other Local Governors in the best interests of the Academy.

### **Other responsibilities**

Each LGC shall appoint from among its members individuals with specific responsibilities (a Governor may hold more than one responsibility) which shall include:

- a Local Governor with responsibility for Special Educational Needs and Inclusion;
- a Local Governor with responsibility for Safeguarding;
- a Local Governor with responsibility for Statutory Grants (including pupil premium);
- a Local Governor with responsibility for Health and Safety and Buildings
- a Local Governor with responsibility for Finance

It is recommended that each LGC also has a Governor with responsibility for specific oversight of each of the four key areas:

1. Effectiveness of Leadership & Management

2. Teaching, learning & assessment
3. Personal development, behaviour and welfare
4. Pupil outcomes (to be represented at Standards Committee)

## **Convening meetings of the Local Governing Committee**

Meetings of the LGC will be held in each term and will be planned and a schedule published, each Summer Term, for the following academic year.

## **Voting at meetings of the Local Governing Committee**

The quorum for meetings of the LGC and for any vote on a matter at such meetings is one half of the total number of Local Governors in office at that time (rounded up to the nearest whole number). A meeting shall be terminated if the number of Local Governors present ceases to constitute a quorum. Where there is an equal division of votes, the Chair has a casting vote.

## **Commitment of Local Governors**

Local Governors are expected to:

- Advocate the Trust Vision and Ethos within the Academy Community and the wider community
- Familiarise themselves with the Academy's policies and those of the Trust
- Prepare for and make an active contribution at meetings of the LGC;
- Check their dedicated Governor email accounts and GovernorHub at a minimum of a weekly basis
- Visit the Academy both during school hours (with prior arrangement with the Headteacher) and for evening events to get to know the Academy and to be visible to the Academy community; and
- Complete statutory training and provide certificates of completion to the SRET Executive Clerk for inclusion on the Governor Training Matrix
- Attend training sessions for Local Governors, where possible

## **Interests of Local Governors**

Local Governors shall complete a register of their relevant personal and business interests and provide this to the SRET Executive Clerk at the LGC#1 of each academic year, which shall be reviewed annually and published in summary on the Academy's website. 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:

- disclose that fact to the SRET Executive Clerk as soon as he or she becomes aware of it. A Local Governor must absent himself or herself from any discussions of the LGC 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.

## **Ceasing to be a Local Governor**

A Local Governor's term of office will be terminated if:

- any event or circumstance occurs which would disqualify him or her from the office of Governor under the Articles were he or she to hold such office
- he or she has, without the consent of the LGC, failed to attend LGC meetings for a continuous period of three consecutive meetings, beginning with the date of the first such meeting he or she failed to attend and the Chair, Vice Chair and SRET Executive Clerk agree that the term of office should be terminated
- he or she resigns from office by notice to the SRET Executive Clerk
- he or she is removed from office by the SRET Board, usually in consultation with the Chair.

## **Minutes**

Attendance at each LGC meeting, issues discussed and recommendations for decisions shall be recorded and the minutes signed by the Chair at the next meeting of the LGC. The written DRAFT minutes (once agreed by the Chair of the relevant LGC meeting and checked for compliance by the SRET Executive Clerk) shall be uploaded to GovernorHub within a time period that ensures that they are available for inclusion in the next SRET Board Meeting papers for Trustees' perusal.

## **Delegation to the LGC**

The LGC shall have the roles set out in this section and any other role that the SRET Board agree shall be carried out by the LGC and that is communicated in writing to the Chair of the LGC.

## **General**

The governance of the Academy is delegated to the LGC as set out within the SRET Scheme of Delegation and who may exercise the powers of the Trust in so far as they relate to the Academy in these areas, subject to:

- any restrictions in the Companies Act which requires a decision of the Members or the SRET Board;
- the Articles of Association
- Policies and Procedures set by the SRET Board;
- a specific decision of the SRET Board;

The SRET Board and the LGC acknowledge that they each play a crucial role in the governance of the Academy and commit to working together in the best interests of SRET and the Academies. They also acknowledge that the duties and responsibilities in relation to the operation of SRET sit with the SRET Board and as such the SRET Board is entitled:

- to overrule a decision of the LGC; and/ or
- to remove delegated powers from an LGC

if (in their reasonable opinion) they consider it to be in the best interests of the Academy or SRET in its wider sense.

## **Key functions of the LGC**

The LGC is asked to carry out the following functions:

### ***Governance***

- To champion the SRET vision and values in the academy and to ensure the wellbeing of the pupils
- To determine the educational character, mission and ethos of the academy reflecting the wider character, mission and ethos of SRET
- To ensure that the school has a medium to long-term vision for its future and a robust strategy for achieving it
- To work with the SRET Executive Clerk in appointing (and removing where necessary) from its number, Local Governors and in addition, assign specific responsibilities for Special Educational Needs and Inclusion, Safeguarding, Statutory Grants (including pupil premium), Health and Safety and Financial matters.
- To champion and signpost to SRET wide policies and where applicable (when there are policy appendices that relate specifically to the individual Academy setting), make recommendations to the SRET Board for ratification.
- To implement a means whereby the Academy can receive and react to pupil, parental and staff feedback that dovetails such data collected by all Academies within the Trust, in a common approach that reflects the Trust's vision and values.
- To establish and maintain a relationship with the members of the local community in a common approach that reflects the Trust's vision and values.

### ***Financial, Resources and Risk***

All Governors within the Trust are expected to have working knowledge of the Academies Financial Handbook which will be issued to them on an annual basis by the SRET Executive Clerk or when an update is released, whichever is the soonest.

The LGC shall assess the annual budget for the subsequent financial year prepared by the Academy's Headteacher and Senior Leadership Team and submit the budget to the Resources Committee for recommendation in accordance with the timeline specified by the SRET Board. Subject to the paragraph below, the LGC shall have the power to expend funds of the SRET Board which relate to their Academy as it considers in the best interests of the Academy and in accordance with the SRET Finance Manual and the Procurement Policy. The LGC 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 School Development and Improvement Plan;
- financial sustainability.
- Robustly challenge pupil numbers assumptions

In line with their duties and responsibilities as Trustees and Directors of the organisation, 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 (a breakdown of which will be provided to LGCs):

- to be allocated to the provision of central services received by the Academies

- in pursuance of SRET's Reserve Policy; and/ or
- as otherwise may be determined by the Trustees acting reasonably and in the best interests of SRET

### Monthly Financial Monitoring

The LGC are responsible for the monthly financial monitoring of their individual Academy and will appoint a Finance Lead from within LGC to undertake the following:

LGC/Academy Headteacher & School Business Manager (SBM) shall meet to monitor the following reports on a monthly basis reporting in arrears, half way through month following:

- 1 Monthly Management Accounts
- 2 Budget Variance Reports & Written summary
- 3 Cash Flow

Outcomes of the above meeting will be minuted at LGC the following month and the written summary sent to Chair of Resources Committee on any variance/trend.

The LGCs will also ensure that each Academy adheres to the following Related Policies to ensure that SRET's policies on all financial matters are implemented and monitored within the Academy:

- SRET Anti- Fraud & Corruption Policy
- SRET Payments & Re-imbursments Policy
- SRET Gifts & Hospitality Policy
- SRET Anti-Bribery Policy
- SRET Charging & Remissions Policy
- SRET Reserves & Investment Policy
- SRET Lettings Policy

### ***Curriculum and Standards***

- 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 Academies.
- To attend Standards Committee meetings
- To send a representative to monitor and challenge the KPI figures reported from the Headteacher relating to standards
- To develop, monitor and approve through involvement in SRET Standards Committee, the Academy School Development and Improvement Plan in tandem with the Self-Evaluation Form.

### ***SEN***

- To appoint a (non Staff) Local Governor responsible for SEN and Inclusion
- To review and maintain the Academy's SEN policy consistent with any SRET-wide policy
- To provide oversight of the implementation of the policy within the Academy and compliance with the Disability Discrimination Act requirements.

## ***Safeguarding***

- To appoint a (non Staff ) Local Governor responsible for Safeguarding
- To ensure that all Governors read and understand Keeping Children Safe in Education (Sep 2018) statutory guidance which will be issued to them on an annual basis by the SRET Executive Clerk or when an update is released, whichever is the soonest.
- To adopt the SRET Safeguarding and Child Protection Policy for the Academy and monitor/ensure its implementation
- To ensure the completion of the single central record

## ***Behaviour***

- To review and maintain a Behaviour Policy for the Academy (as appendices to the agreed SRET Policy).
- To convene a committee to review the exclusion of a pupil by the Headteacher (including CEO\EP in the case of permanent exclusion)

## ***Admissions***

- To undertake consultation, publish admissions and determine arrangements consistent with the Academy's admissions policy, 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 that reflects the visions and values of SRET

## ***Information Management and Communication***

- To ensure the effective implementation of the Privacy Policies and procedures adopted by SRET.
- To ensure systems are in place in line with the SRET's strategy at the Academy for effective communication with pupil, parents or carers, staff and the wider community including the support of a local Parent Teacher Association (if established).
- To ensure that IT provision is secure and provides no risk to SRET
- To ensure that local procedures are adopted and adhered to in line with the SRET Whistleblowing Policy

## ***Staffing***

- To participate in the process to appoint the Headteacher as requested by the CEO\Executive Principal (acting with the delegated authority of the SRET Board).
- To take part in the performance management of the Headteacher (LGC Chair + one non-staff Local Governor)
- To support the SRET Executive Team and Headteacher in the development and review (from time to time) of an appropriate sustainable staffing model for the Academy.

### ***Health & Safety and Estates***

- To appoint a Local Governor responsible for Health and Safety
- To review the risks surrounding the Academy and to highlight these areas in a Risk report for the Resources Committee
- To ensure that local procedures are adopted and adhere to in line with the SRET Health & Safety Policy.
- To review the implementation of the above processes and ensure that appropriate risk assessments are being carried out in the Academy
- To be part of site inspections to review any health and safety issues and the security of premises and equipment

### **Alterations**

This constitution and these terms of reference may be altered by a majority resolution of the SRET Board.

This constitution and these terms of reference were approved and adopted by a resolution of the SRET Board and will be reviewed on an annual basis.

## Appendix A - Definitions

**Parent Governors** are elected by other parents at the school. Any parent, or carer, of a registered pupil at the school (or with a child of school age at any other school) at the time of election is eligible to stand for election as a Parent Governor. Parent Governors may continue to hold office until the end of their term of office even if their child leaves the school. Elected Parent Governors cannot be removed from office – even if it becomes apparent that they are unable to develop the skills to contribute to effective governance or behave in a manner befitting the role. Every effort should therefore be made upfront to avoid potential difficulties later by informing prospective candidates of the nature of the role and securing their agreement to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. The 2012 Roles, Procedures and Allowances regulations set out the basis on which governing bodies may suspend governors, including Parent Governors.

**Staff Governors** are elected by the school staff. They cease to hold office when they cease to work at the school.

It is important that prospective Staff Governors understand the nature of the role of a Governor – and specifically that their role will not be to represent staff, nor to stand alongside the Headteacher in being held to account by the LGC, but to operate as part of the LGC to provide strategic leadership and to hold the Headteacher to account.

As with elected Parent Governors, Staff governors cannot be removed from office. Clear expectations of role and conduct should therefore be communicated and agreed upfront (see Parent Governors).

**The Headteacher** is an Ex Officio member of the LGC by virtue of their office and has voting rights. The Headteacher may at any time resign as a Governor, and withdraw their resignation, in both cases by notifying the SRET Executive Clerk in writing.

**Foundation Governors** are either appointed or take the role by virtue of an office that they hold. Where appointed, the appointment is made by the person identified in the instrument of government (usually the school's founding body, church or other organisation). A Foundation Governor is someone who, in the opinion of the person entitled to appoint them, has the skills to contribute to the effective governance and success of the school, and who is appointed for the purpose of securing:

- in all cases, that the school's character (including religious character where it has one) is preserved and developed; and
- that the school is conducted in accordance with the foundation's governing documents.

In appointing a Foundation Governor, the person entitled to make the appointment should seek to understand and take into account the skills and experience the LGC identifies that they need.

**Co-opted Governors** are people who in the opinion of the LGC have the skills required to contribute to the effective governance and success of the school.