

**It all adds up to**

---

**Livability**

# **Instrument and Articles of Government**

**For**

## **Livability's Education Establishments**

Approved by Livability's Board of Trustees on 7<sup>th</sup> December 2016

Date of document 8<sup>th</sup> December 2016

# Livability

## Instrument and Articles of Government for local governing bodies

Index	Page
1. Introduction	1
2. Responsibilities of the local governing body <sup>1</sup>	1
3. Authority of the local governing body	3
4. Reporting and accountability for the local governing body	3
5. Composition of the local governing body	3
6. Categories of local governors	4
7. Appointment of local governors	5
8. Appointment of chair and vice-chair	5
9. Appointment of the clerk to the local governing body	5
10. Persons ineligible to be members of the local governing body	6
11. Term of office	6
12. Termination of membership of the local governing body	7
13. Meetings of the local governing body	7
14. Resolutions and voting by the local governing body	7
15. Equality duties	7
16. Minutes of meetings	8
17. Committees and working groups	8
18. Conflicts of interests	8
19. Code of conduct and support for local governors	9
Appendix I. Summary of the composition of local governing bodies	10
Appendix II. Instrument of Government	11 <sup>1</sup>

<sup>1</sup> 'LGB' is also used throughout this document as the shortened version of local governing body.

## 1. Introduction

Livability, a charitable company limited by guarantee (company registration number 5967087, registered charity number 1116530), is the proprietor of Victoria Education Centre in Poole, a non-maintained special school, and Nash College in Bromley, an independent specialist college (the “establishments”).

The legal responsibilities relating to running the establishments<sup>2</sup> rest with Livability’s board of trustees (also referred to as the “board”) which has delegated specific authority to local governing bodies in accordance with these “Instrument and Articles of Government” approved by the board of trustees on 7<sup>th</sup> December 2016.

The Instrument and Articles of Government take account of relevant statutory requirements and guidance, including: The Non-Maintained Special Schools Regulations<sup>3</sup>, and are set within the governance framework and arrangements agreed by the board of trustees.

The board ensures that all activities, including activities relating to the establishments, are within Livability’s charitable objectives, decides strategic direction and agrees an annual budget and five-year rolling business plan. As a result certain decisions related to the establishments are reserved for the board of trustees while others may be made using the relevant delegated authority.

Livability will ensure that there is clear, effective and productive line management of the headteacher/head of college. This will be provided by the executive director of operations with professional, education support and challenge from a qualified and experienced education adviser appointed by Livability. Livability will also ensure that appropriate support and advice is provided to assess the local governing body for its Christian distinctiveness. In particular, how effectively the local governing body, through its Christian character, has a positive impact on the governance of the establishment and on the lives of all learners.

The Instrument and Articles of Government will be reviewed by the board on an annual basis and periodically to take account of any revised regulations or change in context.

Although committed to delegating specific functions to LGBs, the Livability board of trustees has a duty to intervene as and when necessary in the governance of any individual education centre; and if there are serious concerns about performance, may remove any or all of the delegated functions from an LGB if this is in the best interests of the students and staff.

## 2. Responsibilities of the local governing body

As indicated above, Livability’s local governing bodies have delegated authority from the board to carry out the specific functions outlined in this document. The key areas of responsibility, and prime focus of the local governing body, are to challenge and support the establishment to promote high standards of teaching, learning and welfare for each learner; to ensure that any weaknesses in the quality of education provision are identified and addressed, and to ensure that the service provides value for money.

For the avoidance of doubt this delegated authority relates explicitly to the education provision directly regulated and inspected by Ofsted.<sup>4</sup>

The local governing body does this through rigorous monitoring and through the scrutiny of management information and self-assessment reports; and by ensuring that appropriate management information, as required for the board, is provided through Livability’s corporate quality management systems; in particular, information related to:

1. Planning in relation to the local delivery of Livability’s strategic plan;
2. Educational performance and achievement;
3. Financial performance and making sure money is well spent.

---

<sup>2</sup> ‘Establishment’ and ‘centre’ are used interchangeably to describe the education provision

<sup>3</sup> [http://www.legislation.gov.uk/uksi/2015/728/pdfs/uksi\\_20150728\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/728/pdfs/uksi_20150728_en.pdf)

<sup>4</sup> Details of specific areas of responsibility are set out in the handbook for Livability’s local governing bodies.

The LGB discharges its responsibilities in line with Livability's policies and procedures, as outlined:

## 2.1 Planning and performance

- a) Ensuring that the vision, ethos and strategic direction set by Livability for the establishment is fully implemented;
- b) Monitoring and reviewing education performance data (specifically the agreed education key performance indicators); and ensuring, together with the headteacher/head of college, that the information required for Livability quality systems is submitted in the required timescales for reporting to the executive and to the board of trustees;
- c) Monitoring of the development of the quality improvement plan (or its equivalent) and regular, robust monitoring of the establishment's performance against it in accordance with Livability's corporate policy;
- d) Reviewing the annual budget<sup>5</sup> and monitoring implementation by senior leadership of the performance against it in accordance with Livability's corporate policy and those financial regulations and procedures and instructions provided on behalf of Livability's board.

## 2.2 Compliance

- a) Monitoring and evaluating compliance with Livability standards, and compliance with the statutory and regulatory framework, including those relating to inspections;
- b) Monitoring the development and implementation of action plans in relation to the compliance regime; to both assure compliance with standards and promote continuous quality improvement;
- c) Monitoring the implementation and operation of Livability's policies and procedures.

## 2.3 Welfare of students (aged 0-25) at the establishments

- a) Monitoring the admission and progress of all students to ensure that the provision of education and learners' individual plans are, in each case, appropriate for age, ability and aptitude, and special educational needs;
- b) Being alerted to any matters of a behaviour support nature or serious complaints escalated in accordance with the Livability complaints policy;
- c) Ensuring that any complaints received by the local governing body are referred to the appropriate person in accordance with the Livability complaints policy;
- d) Monitoring the welfare and development of staff and volunteers;
- e) Monitoring the development of the centre's prospectus, website and use of electronic media;
- f) Monitoring and evaluating children, young people, parent, and commissioner/purchaser satisfaction with the service;
- g) Ensuring there is a clear and effective mechanism for learners to bring any opinions or concerns to the attention of the LGB, and in addition their representation through the Livability service user network to the Livability partnership board;
- h) Monitoring adherence to Livability's safeguarding policy and compliance with its reporting procedures; this includes arrangements to protect learners, promote their welfare, and prevent radicalisation and extremism;
- i) Monitoring the development and publication by the establishment of the local offer, setting out the education, health and care provision that parents can expect.

---

<sup>5</sup> Livability sets the budget framework through its corporate targets. The head and senior leadership team generate a detailed plan linked to the education improvement plan within this budget framework. The LGB monitors the implementation of this plan with the head reporting any key variances. The board will be alerted to any major variances via the charity's management and governance arrangements.

## **2.4 Relationship with the local community**

- a) Acting as an ambassador for the establishment and Livability in the local community;
- b) Meeting with local stakeholders to promote the success of the establishment;
- c) Meeting external regulators where this is required.

## **3. Authority of local governing body**

Livability's board of trustees has delegated authority to local governing bodies as set out in this "Instrument and Articles of Government". To meet its responsibilities the local governing body will have authority to:

- a) Undertake rigorous monitoring and scrutiny of the management information that the establishment is required to provide through Livability's quality management system; including that information required for external regulators;
- b) Provide appropriate support and challenge for the head of the education centre;
- c) Contribute to the selection process for the headteacher/head of college, primarily through the chair of governors. The recruitment process will be managed by the executive director of operations. The selection process will also involve the chief executive officer;
- d) Contribute to the appraisal of the headteacher/head of college, through the chair of governors. The appraisal will be managed by the hub manager.
- e) Contribute to the recruitment of local governors as prescribed in the Instrument and Articles of Government and as agreed by the board;
- f) Communicate directly with officers of Livability and/or the board about any matters of concern. For the avoidance of doubt the primary line of communication shall be via the executive director of operations.

## **4. Reporting and accountability**

- a) The LGB is accountable to the board through the services committee. It will report verbally to the board through the link trustee and annually as required to the board; either directly or through the services sub-committee. In this report, it will specifically present a review of its own performance and effectiveness and evidence how it has fulfilled its responsibilities. The format of this review is currently being reviewed.
- b) As indicated, the local governing body is accountable to the board for monitoring and scrutiny of management information that the establishment is required to provide and deliver through Livability's quality management system;
- c) There will be termly meetings with the chairs of LGBs, chaired by the education (leadership and governance) adviser. The executive director of operations and other senior executives may also attend.

## **5. Composition of the local governing body**

- a) The number of members of the local governing body and the number of members of each category shall be that determined by the board (in line with any statutory requirements), provided that the total number of members is no less than nine. A summary of the composition is provided in Appendix I;
- b) The board may consider re-constitution or removal of the local governing body if performance is presenting concerns; e.g. following an Ofsted inspection or in the light of an external review. The board may also consider re-constitution as a positive and proactive move to ensure the local governing body is fit for purpose for the future.

## **6. Categories of local governor**

As set out in Appendix I the local governing body shall include the following categories:

### **a) Local authority governor (voting)**

In the case of a non-maintained special school, the local governing body must include at least one governor appointed by a local education authority.

### **b) Parent governors (voting)**

Up to two parents elected by, or appointed to represent, parents of students at the establishment and not just of their own child. Parents must be the parent of a child registered at the establishment, a parent of a child with special educational needs and not a person paid to work at the school/college. Parent governors may hold office for 4 years, even if their child leaves the school/college during this time.

If the number of parents standing for election is less than the number of vacancies then the local governing body will seek to appoint a parent of a registered student at the establishment; or where it is not able to do so, to appoint a person who is the parent or guardian of a child with special educational needs. The appointment should be approved by the board.

### **c) Staff governors (voting)**

Two current members of the establishment staff: one member of teaching staff and one member of non-teaching staff, elected from among their respective numbers.<sup>6</sup>

### **d) Headteacher/Head of college (voting)**

The headteacher/head of college is an ex-officio governor.

### **e) Foundation governors (voting)**

The distinctive role of the foundation governors' is to ensure on behalf of the board of trustees that Livability's Christian ethos is tangibly reflected in the values, character and culture of the centre.

To confirm their commitment to this distinctive element of their role, they are required to sign Livability's "Statement of Faith" and to demonstrate a practical Christian commitment in other ways.

Foundation governors comprise of those who meet the required criteria and can be from any of the categories. The total number of foundation governors MUST exceed the number of other categories of governors eligible to vote by one.

### **f) Link trustee (foundation governor) (voting)**

The board will designate at least one link trustee for each establishment. The link trustee's role will include representing the board of trustees and ensuring that there is effective and efficient two way communication between the local governing body and the board. The link trustee will not be eligible to serve as chair or vice-chair of the local governing body.

### **g) Community governors (voting)**

Community governors are people who live or work in the local community or do not work in or live in the local community but are committed to the good governance and success of the school or college. Up to two community governors may be appointed by or with the approval of the board.

### **h) Additional (co-opted) local governors (voting)**

The board may appoint as many additional (co-opted) local governors as it considers necessary (deemed appropriate by virtue of their knowledge, expertise or experience).

---

<sup>6</sup> Staff governors will no longer hold office if they leave the establishment.

**i) Student (associate) governor (non-voting)**

The student (associate) governor represents the views of the student body and must be a current student of the establishment. There should be, where possible, one post-16 student, elected by the student body, on the local governing body.

**j) Executive director of operations (non-voting)**

Livability's executive director of operations (or nominated representative) may attend meetings.

**k) Education adviser (non-voting)**

An education adviser appointed by Livability, representing and accountable to the executive director of operations, may attend meetings of the LGB. The adviser will also chair meetings of the chair of governors' forum and provide advice, challenge and support, for the successful delivery of educational outcomes, compliance and the service strategy. The adviser will also provide advice regarding the performance management of the headteacher/head of college which will be managed locally by the hub manager.

**7. Appointment of local governors**

- a) Members of the LGB will be appointed as set out in the Instrument and Articles of Government;
- b) The LGB should undertake an annual audit to identify any gaps in the skills, knowledge and experience of existing governors. The details should be presented in the annual report to the board who may then wish to advise on any action required to fill particular gaps;
- c) The board of trustees will approve the appointment of all local governors (other than those who are elected in accordance with statutory regulations).

**8. Appointment of chair and vice-chair**

- a) The chair and the vice-chair of the local governing body will be selected by the board of trustees from eligible governors (this may involve external recruitment);
- b) The board of trustees will confirm the continued appointment of the chair of local governors and the vice-chair annually for a period of up to three years;
- c) The chair and vice-chair may seek re-selection for a further term providing he/she remains a member of the LGB and serves as chair/vice-chair for no more than six years;
- d) The local governing body will provide details, in its annual report to the board, of governors willing and eligible to be selected for each role for the next academic year;
- e) The chair and vice-chair must be foundation governors;
- f) Trustees are not normally eligible to serve as the chair or the vice-chair;
- g) No staff member shall be eligible to be appointed chair or vice-chair;
- h) The chair or vice-chair may resign her/his office at any time by giving notice in writing to the clerk to the LGB. This should be communicated immediately to the executive director of operations and the company secretary (Livability's corporate governance adviser). The board will then agree the instigation of the recruitment process;
- i) The board may by resolution remove the chair and/or vice-chair in exceptional circumstances.

**9. Appointment of the clerk to the local governing body**

- a) Livability shall appoint a person to serve as clerk to the local governing body on the recommendation of Livability's company secretary;
- b) The clerk will work in close liaison with the company secretary to ensure an effective communication flow and adherence to good governance arrangements.

## **10. Persons ineligible to be members of the local governing body**

A person is disqualified from holding or continuing to hold office if that person:

- a) is under the age of 18 years other than a post-16 student who serves as non-voting associate governor member;
- b) is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
- c) is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- d) has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement;
- e) is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
- f) is barred from any regulated activity relating to children;
- g) is subject to a direction of the Secretary of State under section 128 of the Education and Skills Act 2008;
- h) is disqualified from working with children or from registering for child-minding or providing day care;
- i) is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State;
- j) has been sentenced to three months or more in prison (without the option of a fine) in the five years before becoming a governor or since becoming a governor;
- k) has received a prison sentence of two years or more in the 20 years before becoming a governor;
- l) has at any time received a prison sentence of five years or more;
- m) has been fined for causing a nuisance or disturbance on school premises during the five years prior to or since appointment or election as a governor;
- n) refuses a request by the clerk to make an application to the Disclosure and Barring Service (DBS) for a DBS certificate;
- o) has been a senior paid member of staff of the establishment during the two years immediately preceding the date of proposed appointment.

If a member of the local governing body becomes disqualified to hold office, he/she shall forthwith give notice of the fact to the clerk to the local governing body.

Local governors will be asked to sign an annual declaration to confirm they fit the eligibility criteria and agree to act in accordance with the code of conduct. The clerk to the local governing body will ensure that any new local governor is asked whether any of the conditions in the Instrument and Articles of Government apply.

## **11. Term of office**

- a) A member of the LGB shall hold and vacate office in accordance with the terms of her/his appointment, but the length of her/his term of office shall not exceed four years;
- b) Local governors retiring at the end of their term of office shall be eligible for reappointment for a further term of four years. After that, and only in exceptional circumstances, a further term of one year must be approved by the board.

## **12. Termination of membership of the local governing body**

- a) A member may resign her/his office at any time by giving notice in writing to the clerk to the local governing body;
- b) If at any time the local governing body is satisfied that any member has been absent for more than two consecutive meetings of the local governing body without the permission of the local governing body; or is deemed by the board of trustees or local governing body unable or unfit to discharge the functions of a member (see also 17 code of conduct); the chair then may, by notice in writing to that member, remove her/him from office.

## **13. Meetings of the local governing body**

- a) The local governing body shall meet at least three times each year in accordance with Livability's corporate governance calendar as agreed by the board; in addition there will be a 'review and planning' meeting of the LGB at the start of each academic year;
- b) The local governing body will be given written notice for meetings by the clerk at least seven clear days in advance, together with a copy of the agenda and any reports and papers to be considered at the meeting;
- c) Agenda setting responsibility primarily sits with the chair of the local governing body and the local governing body. A framework will be provided which sets out any external requirements together with a rolling work programme in line with the corporate cycle. In addition the headteacher/head of college and executive director of operations should have the opportunity for input to the agenda;
- d) An emergency meeting of the local governing body may be called adhering to the Livability Urgency Arrangements as they apply to local governing bodies;
- e) The chair will preside over meetings or in her/his absence the vice-chair. If neither the chair nor vice-chair is present then the members will elect one of their number who is eligible to preside;
- f) LGB meetings shall be quorate if the number of members present is at least one half of the membership number (rounded up to a whole number) not including any vacant positions;
- g) Such other persons that the local governing body or the board may reasonably determine shall be invited to attend meetings in a non-voting capacity.

## **14. Resolutions and voting by the local governing body**

- a) Only governors are allowed to vote when a vote is required at a meeting;
- b) A resolution of the local governing body will be determined by a simple majority of votes of members present at the meeting and qualified to vote;
- c) Where there is an equal division of votes, the chair of the meeting shall have a second or casting vote;
- d) A resolution of the LGB may be determined in writing or by email providing it is agreed by all members of the local governing body. The resolution will be ratified at the subsequent meeting of the local governing body and recorded in the minutes of that meeting.

## **15. Equality duties**

- a) The LGB has responsibility for making sure that the centre complies with the equality duties set out in the Equality Act 2010. The general duty is to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity and foster good relations in the area of race, disability, gender, religion or belief, sexual orientation and gender reassignment. Specific duties require information to be published demonstrating compliance with the general duty and to publish equality objectives.
- b) An equality impact assessment must be undertaken for every key decision taken by the LGB. This must be recorded in the minutes of any meeting or in any report presented to a meeting.

## **16. Minutes of meetings**

- a) The clerk to the local governing body will ensure that minutes of all meetings are prepared in Livability's agreed format and retained as official records of the business transacted by the local governing body;
- b) Attendance at each meeting will be formally recorded by the clerk;
- c) The clerk shall produce a separate action sheet from each local governing body meeting in the required format; this will help to ensure that all actions are recorded, reported and carried out as agreed;
- d) The local governing body will approve minutes as a true record of the meeting;
- e) The clerk to the local governing body will ensure that approved minutes from meetings are signed by the chair, once approved;
- f) The clerk will ensure that the executive director of operations, company secretary and education adviser, are sent copies of all minutes and action sheets and kept fully informed of governance activity;
- g) For the avoidance of doubt all documentation produced may be made available electronically and for access remotely and where such facilities are provided there shall be no obligation to circulate or supply such documentation in any other manner provided all governors are given the means to access such information.

## **17. Committees and working groups**

- a) The board of trustees will approve a structure of essential committees for the LGB in accordance with Livability's governance arrangements and to meet any external requirements; this will be reviewed on an annual basis and periodically as required.
- b) The board of trustees will determine the constitution and terms of reference of any committee established;
- c) Committees can be chaired by any eligible local governor;
- d) Meetings of all committees shall be quorate if the number of members present is at least one half of the membership number (rounded up to a whole number) not including any vacant positions;
- e) Where the LGB indicates the need to establish a time limited governors' working group this would require clear terms of reference; these will need approval by the company secretary before the group can be established and operational;
- f) In all such circumstances any such group established should contribute to the work of the local governing body and add value to the aims of the establishment;
- g) The terms of reference for all committees will be reviewed by the board on an annual basis and periodically as required. Draft terms of reference will be reviewed initially by the committee chair, in collaboration with the company secretary, prior to consideration by the board.

## **18. Conflicts of interest**

- a) Except with the approval in writing from the board of trustees, no member shall take or hold any interest in any property held or used for the purpose of the establishment;
- b) Local governors will be required to formally declare any interests on an annual basis through the clerk to the local governors;
- c) A member who has any financial interest in the supply of work or goods to or for the purposes of the establishment, or in any contract or proposed contract concerning the establishment, or in any other matter relating to the establishment, or who has any other interest of a description specified by the local governing body in any matter relating to the establishment shall:
- d) disclose to the local governing body the nature and extent of his/her interest;

- e) if he/she is present at an LGB meeting (or any LGB committee) at which such supply, contract or other matter is to be considered, he/she shall not take part in the consideration or vote on any question with respect to it and shall not be counted in the quorum present at the meeting in relation to the resolution on which he/she is not entitled to vote.
- f) A member who has any interest in matters being discussed must declare it to the local governing body. The chair must ask the individual to leave while the matter is being discussed or not to take part in the consideration or decision-making in relation to that matter.

#### **19. Code of conduct and support for local governors**

- a) The board has approved Livability's code of conduct for local governors and local governing bodies which is based on good governance principles and guidance;
- b) The code of conduct is published annually in the education governance handbook.
- c) All local governors are required to sign a declaration to confirm they fit the eligibility criteria and agree to act in accordance with the code of conduct;
- d) Any member of the LGB (whether elected or selected) determined by the board of trustees to be in breach of the code of conduct may be removed from the local governing body by a majority of trustees in attendance at a meeting of the board and entitled to vote;
- e) Livability's executive director of operations, LGB chair and the headteacher/head of college, supported by other members of the Livability executive, are responsible for ensuring that the local governing body understands, and is equipped to deliver, its demanding role. This will be underpinned by Livability ensuring that local governors are recruited with the necessary skills to undertake their role and provided with appropriate induction, support and ongoing training;
- f) As indicated above, the board of trustees may by resolution remove the chair and/or vice-chair in exceptional circumstances.

## Appendix I

### The composition of Livability local governing bodies<sup>1</sup>

<b>Category<sup>2</sup></b>	<b>Allocation</b>	<b>Number</b>	<b>Eligible to Vote</b>
<b>Local authority</b>	One to be nominated by the local authority	1	Yes
<b>Parent/Advocate<sup>3</sup></b>	Up to two parents elected by parent body	2	Yes
<b>Staff: teaching</b>	One member elected from amongst their number	1	Yes
<b>Staff: non-teaching</b>	One member elected from amongst their number	1	Yes
<b>Head</b>	Headteacher/Head of College	1	Yes
<b>Foundation<sup>4</sup></b>	The distinctive role of foundation governor is to ensure on behalf of the board of trustees that Livability's Christian ethos is tangibly reflected in the values, character and culture of the centre. To confirm their commitment to this distinctive element of their role, they are required to sign Livability's Statement of Faith and to demonstrate a practical Christian commitment in other ways.  It is a Livability requirement that the total number of foundation governors (including link trustee) exceeds the number of other categories by one. This does not apply to quoracy of meetings but where the requirement is not met the LGB must be taking positive action to ensure compliance, i.e. to maintain and regularly review an action plan indicating steps taken to address this.	Up to 9 (including link trustees)	Yes
<b>Link trustee(s)</b>	A foundation governor and member of the board of trustees	At least 1	Yes
<b>Community<sup>5</sup></b>	Appointed by the services committee and generally people who live or work in the local community; or who live in the local community and are committed to the good governance and success of the school or college. <sup>6</sup>	Up to 2	Yes
<b>Student</b>	One elected by the student body	1	No
<b>Executive</b>	Executive director of operations or representative	1	No

<sup>1</sup> The numbers indicated in this table are the maximum numbers of governors who would be appointed in each category, subject to any specific exceptions agreed by the services committee on behalf of the board of trustees, e.g. in exceptional circumstances.

<sup>2</sup> Governors will be appointed for a four year term except in the case of a headteacher/head of college who may hold office as long as he/she is headteacher/head of college. The full local governing body meets at least 3 times a year and holds an additional planning meeting at the beginning of the autumn term.

<sup>3</sup> If the number of parents standing for election is less than the number of vacancies then the LGB will seek to appoint a parent (guardian, carer or personal assistant) of a registered student at the establishment; or where it is not able to do so, to appoint a person who is the parent or guardian of a child with special educational needs, subject to approval by the board of trustees.

<sup>4</sup> Foundation governors are appointed by the board. The chair, vice-chair and link trustee must be foundation governors.

<sup>5</sup> Subject to the requirements relating to the maximum number of foundation governors up to two community governors may normally be appointed by or with the approval of the services committee.

<sup>6</sup> Subject to the requirements relating to the maximum number of foundation governors the services committee may in addition appoint as many additional co-opted local governors as it considers necessary (deemed appropriate by virtue of their knowledge, expertise or experience) for such term as it decides not exceeding 4 years and with or without voting rights. The LGB may make specific recommendations to the services committee for its consideration in such circumstances.

## Appendix II

### Instrument of Government

This Instrument of Government comes into effect on 1<sup>st</sup> January 2017.

The Instrument will be reviewed during the academic year commencing September 2017.

Livability, a charitable company limited by guarantee (company registration number 5967087, registered charity number 1116530), is the proprietor of the above named Non-Maintained Special School<sup>13</sup>/Independent Specialist College.

The Instrument and Articles of Government will be reviewed annually and in addition it can be amended as required by Livability's board of trustees. Detailed information is provided in the full Instrument and Articles of Government that accompany this document.

Livability's board of trustees (the "board") has delegated authority to the local governing body as set out in detail in the full accompanying "Instrument and Articles of Government" document approved by the board of trustees on 7<sup>th</sup> December 2016.

The name of the school/college is.....

The school/college is a non-maintained special school/independent specialist college in.....

The name of the local governing body is .....Local Governing Body.

The local governing body<sup>14</sup> consists of the following local governors who are eligible to vote (as set out in Appendix I of the accompanying document):

1 local authority governor

Up to 2 parent governors<sup>15</sup>

Up to 2 staff governors

Headteacher/Head of college

Up to 9 foundation governors (including link trustee governor)

Up to 2 community governors

The total number of local governors is not more than 17 and not less than 9.

The board of trustees may in addition appoint as many additional (co-opted) local governors as it considers necessary (deemed appropriate by virtue of their knowledge, expertise or experience).

A full copy of the Instrument and Articles of Government document will be supplied to every member of the local governing body and to each member of the board of trustees.

---

<sup>13</sup> These minimum governance arrangements (as set out fully in the complete version of the Instrument and Articles of Government) are in accordance with the **Education (Non-Maintained Special Schools) (England) Regulations 2015**.

<sup>14</sup> Governors will be appointed for a four year term except in the case of a headteacher/head of college who may hold office as long as he/she is headteacher/head of college. The full local governing body meets at least 3 times a year and holds an additional planning meeting at the beginning of the autumn term.

<sup>15</sup> A parent governor must not be an elected member of the LA (Councillor) or a person paid to work at the school/college for more than 500 hours in any consecutive 12 month period.