

1. Introduction

1.1. Purpose

The purpose of this document is to set out the headline terms of reference for Employ My Ability's (EMA) Education Board.

These Terms of Reference provide guidance to Trustees, Non-Executive Directors (NED) and Senior Management Team (SMT) on expectations and responsibilities of the role of a Non-Executive Director.

1.2. Legal and/or regulatory framework

These Terms of Reference fulfil the requirements of:

- a) Keeping Children Safe in Education (as amended).
- b) OFSTED Further education and skills handbook (as amended).
- c) Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- d) Equality Act (2010).
- e) FE and sixth-form college corporations: governance guide (as amended). *

** Specialist colleges are not incorporated colleges and do not have the same legal status as College Corporations (FE and Sixth form colleges). However, this document that is aimed at college corporations has useful information much of which is still applicable to specialist colleges*

2. Scope

This policy applies to appointed Non-Executive Directors and EMA SMT.

3. Terms of Reference

3.1. Education Board purpose

To ensure that there is input from key stakeholders and that an independent assessment of the effectiveness of EMA's overall service provision is undertaken and new opportunities are identified. A chairperson for the committee will be agreed upon, usually at the first meeting of the academic year.

3.2. Non-Executive Director purpose

To support the EMA SMT in the continual development of quality provision for Education across all settings in which this is delivered.

They have a general responsibility for the conduct of the provision with a view to promoting high standards of educational achievement, and continuous sustainable improvement.

3.3. Non-Executive Director identification, invitation, and term

EMA SMT will identify skills and knowledge that is required to enable EMA to continue to deliver sustained quality service to its students, service users and staff, coupled with a view on a continued growth of the overall service.

Potential appointees will be sought from existing and past students, service users, staff, parents and other external individuals, who in the opinion of EMA SMT, are able to provide a meaningful contribution to the overall vision and delivery of the activities provided by EMA.

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The normal length of appointment for a NED is that of three academic years, and by mutual agreement two consecutive tenures may be served. NEDs wishing to terminate their appointment early should provide at least one full academic term's notice whenever possible to allow EMA sufficient time to identify a suitable replacement.

The appointment and retention of these roles is solely at the discretion of the Trustees.

3.4. Non-Executive Directors responsibilities

Specific responsibilities are listed below:

- a) Declare any conflicts of interest as and when they arise.
- b) Provide input the development of the Strategic Development Plan.
- c) Annually review and evaluate the success of the Quality Improvement Plan.
- d) Understand EMA's strengths and weaknesses.
- e) Assist EMA to meet its statutory responsibilities.
- f) Provide challenge and hold the SMT to account for improving the quality of education, as well as systems used to manage this performance. In doing so, consider the review of data analysis for on a termly basis.
- g) Contribute to setting annual targets for student achievement.
- h) NEDs have no defined voting rights, but a vote may be taken during a meeting to provide an indicative opinion to EMA SMT on any particular matter.

Individual NEDs will be assigned to lead on a specific area of responsibility, which they will be called upon during the year to provide input to; these areas are listed below. The assignment of these areas will be reviewed on an annual basis:

- a) Safeguarding & Inclusion
- b) Leadership and Governance
- c) Quality of education

3.5. Non-Executive Director expectations

NEDs are expected to:

- a) Be mindful of the spirit of cooperation and collegiality upon which EMA is built, the success of the college being paramount.
- b) Be expected to attend all meetings during an academic year whenever possible.
- c) Contribute to meetings in a manner that exemplifies clear communications within the Board and to share their specific expertise to benefit and improve the provision at EMA.
- d) Undertake of agreed responsibilities on an ad-hoc basis.
- e) Provide specialist knowledge and expertise (such as employment, regulatory, operational, safeguarding etc.).
- f) Contribute to the role of vocational and adult education and equipping EMA's young people to prepare for adulthood.
- g) Respect confidentiality and attend training to develop in the role.

3.6. Board quorum

The Trustees (Managing Director, Director of Education) have sole responsibility for governance across EMA.

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To be supported in this duty there shall be at least three independent Non-Executive Directors who will provide support, counsel and guidance as detailed above.

Other staff members of EMA may participate in meetings to present reports and information, these staff shall be recorded as 'in attendance' at meetings but will not have voting rights.

3.7. Education Board Meeting

The agenda and any paperwork for a meeting will be circulated to attendees at least five working days in advance of the meeting; by exception, urgent documents can be presented at the meeting.

An annual agenda cycle with proposed meeting dates will normally be agreed upon during the autumn meeting; this will be kept under review throughout the year and can be amended, as necessary. It is expected that there will be a meeting at least once per term.

Over the course of an academic year the meetings will cover all aspects of EMA's educational provision; with the exception of detailed financial analysis.

At each meeting attendees will receive an update, detailing salient matters such as OFSTED compliance; yearly safeguarding; health and safety; enrolment, curriculum planning, staffing, and updates on the Quality Improvement Plan and Self-Assessment Report.

Safeguarding and PREVENT are to be a standing item on every agenda.

EMA will provide a member of staff to take minutes of the meeting and circulate these within 10 working days of the meeting.

3.8. Non-Executive Director activities

At the first meeting of the year (usually September), the board will discuss and agree with the NEDs an action plan for them to work through during an academic year. It is expected that updates from NEDs is presented at each subsequent meeting, detailing progress made on issues identified.

3.9. Board reports

Various reports are to be received by the Board throughout the year, these should focus on roles and targets. The purpose of report analysis is to review how planning is completed, and audit how progress is measured and assessed. It is also a mechanism to reflect on lessons learned and shared best practice.

3.10. Expenses

The position of a NED is a paid role, therefore only reasonable travel expenses will be paid.

4. Roles & responsibilities

The Trustees (Managing Director and Director of Education) have sole judgment on both strategic and operational issues raised during the meetings.

NEDs or other EMA staff, invited to meetings do not have voting rights, but are encouraged to provide reasonable counsel to both strategic and operational issues raised during the meetings.

5. Implementation

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The Trustees of EMA have overall responsibility for the implementation of this policy; however, all attendees to any Education Board meeting are required to adhere to and support its implementation.

All members of EMA SMT are to be made aware of any changes to this policy.

6. Support, advice and communications

Requests for further advice, support or implementation guidance on this policy can be obtained from the Managing Director, Director of Education, or Group Compliance & Risk Manager.

7. Review

These Terms of Reference will be reviewed annually, following which the revision number and date will be updated to ensure that all concerned always know that they are referencing the document.

Should there be a need to change the content of the policy before its annual review date then please send a notification to compliance@employmyability.org.uk

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