

## Local Advisory Board Terms of Reference

Adopted by resolution of the Trust Board on 01/07/20

### 1 INTRODUCTION

1.1 Bradgate Education Partnership (the “Trust”) is governed by a Board of Trustees (the “Trustees”) who are accountable to the Department for Education and have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and running of the academies operated by the Trust.

1.2 The following academies are currently operated by the Trust (as at 01/09/20):

Broomfield Primary School;  
Church Hill Infants School;  
Eastfield Primary School;  
Gaddesby Primary School;  
Great Dalby Primary School;  
Mercenfeld Primary School;  
The Merton Primary School;  
Newtown Linford Primary School;  
The Pochin School;  
Ratby Primary School;  
The Roundhill Academy;  
Seagrave Village Primary School;  
Stafford Leys Primary School;  
Swallowdale Primary School;  
Wreake Valley Academy.

1.3 In order to assist with the discharge of their responsibilities, the Trustees have established a Local Advisory Board (LAB) for each of the Academies. The LAB shall be a committee established pursuant to Articles 100 to 104 (inclusive) of the Articles of Association of the Trust (“**the Articles**”).

1.4 The Trustees may review these terms of reference at any time but shall review them at least annually.

1.5 These terms of reference may only be amended by the Board of Trustees.

## **2 CONSTITUTION OF THE LOCAL ADVISORY BOARD (LAB)**

- 2.1 Members of the LAB shall be known as “governors”.
- 2.2 The Trustees have the right to appoint such persons to the LAB as they shall determine from time to time (if required).
- 2.3 Subject to clause 2.2, and provided that the LAB shall not consist of more than 11 Governors, the composition of the Local Advisory Board for the Academies shall be as follows:
- 2.3.1 the Head Teacher of the Academy;
  - 2.3.2 up to 2 staff governors;
  - 2.3.3 up to 4 parent governors; and
  - 2.3.4 subject to clause 2.5, up to 4 co-opted governors. Provided each LAB will use its reasonable endeavours to appoint Governors with the necessary skills required.
- 2.4 The procedure for the appointment and the removal of governors shall be as set out in Annex 1.
- 2.5 The Trustees and the LAB in appointing governors pursuant clause 2.2 and 2.3.4 shall use their reasonable endeavours to appoint on the basis of skills and experience. The LAB shall ensure where Governors are elected pursuant to clauses 2.3.2 and 2.3.3 lack the requisite skills and experience, that such Governors receive appropriate training as soon as possible.

## **3 PROCEEDINGS OF THE LAB**

- 3.1 The proceedings for meetings of the LAB shall be as set out in Annex 2.

## **4 RELATIONSHIP BETWEEN THE BOARD AND LAB**

- 4.1 The LAB shall in carrying out its role:
- 4.1.1 promote high standards and aim to ensure that students and pupils are attending a successful school which provides them with a good education and supports their well-being;
  - 4.1.2 be responsible to the Trustees for its actions and follow the expectations of governors as laid down by the Trustees (Local Advisory Board Handbook);

- 4.1.3 aim to establish that it is competent, accountable, independent and diverse that promotes best practice in governance;
  - 4.1.4 aim to ensure that its governors promote and uphold high standards of conduct, probity and ethics;
- 4.2 The Trustees shall support the work of the LAB by:
- 4.2.1 sharing a clear Strategic Improvement Plan to allow the LAB to set and achieve its own aims and objectives within such vision;
  - 4.2.2 ensuring that systems are put in place to allow the governors to be presented with timely and good data to allow the LAB to analyse Academy performance in order to support and challenge the Head Teacher/Principal and the senior leadership team of the Academy; and
  - 4.2.3 ensuring that the governors have access to high quality training.
- 4.3 Without prejudice to the Trustees' other rights to remove any governor and the Trustee's rights to amend these terms of reference at any time, where the Trustees have concerns about the performance of a LAB they may amongst other actions:
- 4.3.1 require the relevant LAB to adopt and comply with a governance action plan in such form as determined by the Trustees;
  - 4.3.2 suspend or remove any or all of the matters delegated to the LAB;
  - 4.3.3 suspend or remove any or all of the governors of the relevant LAB;
- 4.4 The Trustees may require a governance action plan where:
- 4.4.1 the Academy has an in year deficit budget (both revenue and capital) in excess of 5% of GAG, limited to £100,000.
  - 4.4.2 there is a change to the Ofsted category of the Academy;
  - 4.4.3 the Trustees (acting reasonably) have concerns about the governance of the Academy or the senior management of the Academy
  - 4.4.4 the Academy has materially failed to hit the objectives set out in its Academy Improvement Plan;
  - 4.4.5 the LAB acts outside its delegated powers and limitations;
- 4.5 The Trustees may vary the matters delegated where:
- 4.5.1 the LAB acts outside its delegated powers and limitations;

- 4.5.2 the LAB is in breach of these terms of reference;
- 4.6 The Trustees may remove governors where:
- 4.6.1 any of the events set out in clauses 4.4.1 to 4.4.4 occur;
  - 4.6.2 the Academy is in material breach of its funding arrangements;
  - 4.6.3 the LAB is in material breach of these terms of reference or has persistently breached these terms of reference.
  - 4.6.4 a governor is in breach of the code of practice of the LAB
- 4.7 The circumstances listed in paragraphs 4.4, 4.5 and 4.6 are illustrative only and shall not limit the rights of the Trustees to suspend or remove any or all of the matters delegated to the LAB.

## 5 DELEGATED POWERS

### General principles

- 5.1 In the exercise of its delegated powers and functions, the governors of the LAB shall:
- 5.1.1 ensure that the Academy is conducted in accordance with the objects of the Trust, the terms of any trust governing the use of the land which is used for the purposes of the Academy, any agreement entered into with the Secretary of State for the funding of the Academy and these terms of reference;
  - 5.1.2 promptly implement and comply with any policies or procedures communicated to the LAB by the Trustees from time to time;
  - 5.1.3 review its own policies and practices on a regular basis, in view of any advice or recommendations made by the Trustees;
  - 5.1.4 work closely with the Trustees and act with integrity, objectivity and honesty in the best interests of the Trust and the Academy;
  - 5.1.5 be open about decisions and be prepared to justify those decisions;
  - 5.1.6 keep confidential all information of a confidential nature obtained by them relating to the Academy and the Trust; and
  - 5.1.7 adopt financial prudence in managing the financial affairs of the Trust in so far as these relate to the Academy and are delegated to them.
- 5.2 Each governor shall be required to take part in regular self-review (every 2 years and for individual governors) and is accountable for meeting their own training and development needs. It is a governor's responsibility to consider if, and raise any concerns where, they feel

that appropriate training and development is not being provided. Best practice would see governors attend at least two training events each academic year (ensuring governors seek relevant development opportunities to support the academy).

- 5.3 Governors shall be expected to report to the Trust against the trackers which have been set for the Academy and provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Trustees may require from time to time (*Trackers: Website, Achievement, Building Compliance, Health & Safety, Finance Management Account*).
- 5.4 Annex 3 sets out the powers retained by the Trust and delegated from the Trustees to the MAT, LABs and the Principals or any other officer.
- 5.5 Trustees reserve the right to remove or alter any delegation at any time, whilst having due regard to, but not being bound by, the views of the LAB in accordance with clause 4.4.
- 5.6 For the avoidance of doubt, where a power is not expressly delegated to the **MAT**, any **LAB** or **Head Teacher/Principal**, it will be deemed to have been retained by the Trust regardless of whether it is specified in Annex 3 or Annex 4.
- 5.7 Annex 3 and 4 may be reviewed by the Trustees at any time but shall be reviewed at least annually. Trustees reserve the right to remove or alter any delegation at any time, whilst having due regard to, but not being bound by, the views of the LAB (In accordance with clause 4.4 if a governance action plan is required or working with Advisory Boards to improve the operation of the Trust).
- 5.8 Notwithstanding the application of any provision of these terms of reference, if the Chair of the LAB or the Vice Chair, is of the opinion that a matter of urgency exists and a delay in exercising the function would likely be seriously detrimental to the interests of the Academy, any pupil or their parent or a person who works at the Academy, then they may exercise any function of the LAB which can be delegated to an individual, or any function relating to the exclusion of pupils, after consultation with the CEO/DoS and the Chair of Trustees.

## Annex 1 – Appointment and Removal of Governors

### **1 Staff governors (delegated to LAB in Annex 3, subject to 4.4)**

- 1.1 The LAB shall 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 and, where there are any contested posts, shall hold an election by a secret ballot (delegated to LAB).
- 1.2 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 LAB, making reference to Appendix 1 Appointment of Trustees and Governors on the Trust Pen Portrait application document.

### **2 Parent governors (delegated to LAB in Annex 3, subject to 4.4)**

- 2.1 Parent governors of the LAB shall be elected by parents of registered pupils at the Academy. He or she must be a parent of, or have parental responsibility for, a pupil at the Academy at the time when he or she is elected.
- 2.2 The LAB shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent governors. The Trustees have delegated the running of the election to the LAB, subject to 4.4.
- 2.3 Where a vacancy for a parent governor is required to be filled by election, the LAB 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.
- 2.4 Any election of persons who are to be the parent governors which is contested shall be held by secret ballot. The arrangements made for the election of the parent governors shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if they prefer, by having their ballot paper returned to the Academy by a registered pupil at the Academy.

- 2.5 Where the number of parents standing for election is less than the number of vacancies, the LAB may appoint a person who is the parent of a registered pupil at the Academy or, where it is not reasonably practical to do so, a person who is the parent of a registered pupil of another Academy run by the Trust (linked to required skills).

### **3 Co-opted governors**

- 3.1 Co-opted governors of the LAB shall be appointed by the LAB. He or she must be:
- a person who lives or works in the community served by the Academy; or
  - a person who, in the opinion of the LAB, has the necessary skills set and is committed to the government and success of the Academy.
- 3.2 The LAB may not appoint an employee of the Trust as a co-opted governor.

### **4 Term of office**

- 4.1 The term of office for any governor shall be 4 years, save for the Head Teacher/Principal of the Academy (as applicable) who shall remain a governor until he or she ceases to work at the Academy.
- 4.2 Subject to remaining eligible to be a particular type of governor, any person may be re-appointed or re-elected to the LAB.
- 4.3 Upon joining the Trust, governors' terms of office will continue as agreed prior to joining, and will not be reset to a new four year term.

### **5 Resignation and removal**

- 5.1 A person serving on the LAB shall cease to hold office if:
- 5.1.1 they resign their office by giving notice in writing to the clerk of the LAB;
  - 5.1.2 the Head Teacher or a staff governor ceases to work at the Academy;
  - 5.1.3 they are a co-opted governor who takes up employment with the Trust (although they may subsequently be elected as a staff governor through a ballot where a staff governor vacancy occurs)

5.1.4 the Trustees terminate the appointment of a governor whose presence or conduct is deemed by the Trustees, at their sole discretion, not to be in the best interests of the Trust or the Academy.

5.2 For the avoidance of doubt, a parent governor shall not automatically cease to hold office solely by reason of their child ceasing to be a pupil at the Academy (LAB has discretion to make any decision as to whether a parent governor carries on in the role if a child leaves school).

## **6 Disqualification of governors of the LAB**

6.1 A person shall be disqualified from serving on the LAB if they would not be able to serve as a Trustee in accordance with Articles 68-80 of the Articles.

6.2 A person shall be disqualified from serving on the LAB if they are already a governor on the LAB of another academy.

## **7 Appointment and removal of Chair and Vice Chair**

7.1 The Chair and Vice Chair of the LAB shall be appointed by the LAB and approved by the Trust Board. They may be removed from office by the Trustees at any time considering the provisions of 4.3.

7.2 The term of office of the Chair and Vice Chair shall be 2 years. Subject to remaining eligible to be a governor, any governor may be re-appointed as Chair or Vice Chair of the LAB.

7.3 The Chair and Vice Chair may at any time resign their office by giving notice in writing to the Trustees. The Chair or Vice Chair shall cease to hold office if:

- He or she ceases to serve on the LAB;
- He or she is employed by the Trust whether or not at the Academy; or
- in the case of the Vice Chair, he or she is appointed to fill a vacancy in the office of the Chair.

7.4 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice Chair shall act as the chair for the purposes of the meeting. Where the Vice Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice Chair, the governors of the LAB shall elect one of their number to act as chair for the purposes of that meeting.



## **8 Code of Conduct**

- 8.1 A code of conduct for each LAB shall be provided, based on the information from the National Governors Association. The Trust Board will review the Code of Conduct annually and provide to all LABs for signing at the start of each academic year. Governors who are appointed during the academic year will be asked to sign the code of conduct upon appointment.
- 8.2 All governors will complete an annual declaration of business and pecuniary interests at the start of each academic year. The register will be retained in the Academy and a summary published on the Academy's website. Governors who are appointed during the academic year will be asked to complete a declaration upon appointment.

## Annex 2 – Proceedings of the LAB

### 1 Meetings

- 1.1 The LAB shall meet four times over the course of the year; a setup meeting at the start of the Autumn term, plus 1 meeting per term thereafter.
- 1.2 Meetings of the LAB shall be convened by the clerk to the LAB, who shall send the governors written notice of the meeting at least fourteen clear days in advance of the meeting. Where there are matters demanding urgent consideration, the Chair or, in their absence, the Vice-Chair, may waive the need for fourteen days' notice of the meeting and substitute such notice as they think fit.
- 1.3 Any governor shall be able to participate in meetings of the governors by telephone or video conference provided that they have given reasonable notice to the clerk of the LAB and that the governors have access to the appropriate equipment.
- 1.4 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof or any defect in the election, appointment or nomination of any person serving on the LAB.

### 2 Quorum

- 2.1 The quorum for a meeting of the LAB, and any vote on any matter at such a meeting, shall be any three of the governors of the LAB, or, where greater, any one third (rounded up to a whole number) of the total number of governors of the LAB at the date of the meeting.

### 3 Voting

- 3.1 Every matter to be decided at a meeting of the LAB shall be determined by a majority of the votes of the governors present and entitled to vote on the matter. Every governor shall have one vote. Where there is an equal division of votes, the Chair of the meeting shall have the casting vote. A governor may not vote by proxy.

- 3.2 Any governor who is also an employee of the Trust shall withdraw from that part of any meeting of the LAB at which their remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 3.3 A resolution in writing, signed by all the governors shall be valid and effective as if it had been passed at a meeting of the governors duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the governors.

#### 4 Conflicts of Interest

- 4.1 Any governor who has or may have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest (as defined below)) which conflicts or may conflict with their duties as a governor of the LAB shall disclose that fact to the LAB as soon as they become aware of it. A person must absent themselves from any discussions of the LAB in which it is possible that a conflict will arise between their duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).
- 4.2 A governor of the LAB has a Personal Financial Interest if they, or any child, stepchild, parent, grandchild, grandparent, brother, sister or spouse of the governor or any person living with the governor as their partner, is in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the Academy.

#### 5 Minutes of meetings

- 5.1 At every meeting of the LAB the minutes of the last meeting shall be taken as the first agenda item after any apologies and, if agreed to be accurate, shall be signed as a true record.
- 5.2 The clerk to the LAB shall ensure that a copy of the agenda for every meeting of the governors, the draft minutes of every such meeting (if they have been approved by the Chair of that meeting), the signed minutes of every such meeting and any report, document or other paper considered at any such meeting (Full LAB minutes, and any other necessary papers), are made available to the Clerk to the Trustees upon request, and should be available on any online storage resource as specified by the Board.
- 5.3 The LAB shall **not** request the Clerk to keep any item of the minutes confidential from the Trust Board or Clerk to the Trustees.

- 5.4 The Trust Pay, Performance & Personnel Committee will approve the Academies' Pay Recommendations. Anonymised pay recommendation grids should be sent to the Clerk to the Trustees by a date to be specified by the MAT at the commencement of the Autumn term.
- 5.5 Termly Chairs of Governors (CoGs) meetings will be a forum for discussion and reporting back to the Trust Board, and LAB Chairs should bring a summary of major LAB actions to these meetings.

**Approved by Trust Board**

**Approved on: 01/07/20 – BEP Board Meeting**

Annex 3 – BEP Scheme of Delegation

Annex 4 – BEP Scheme of Delegation for Sponsored Schools