



BRADGATE
Education Partnership

Ambitious
Collaborative
Ethical

Local Advisory Board Terms of Reference

Approved (Trust Board):	June 2023
Review Date:	June 2024
Responsible Officer:	CEO

Stronger Together

Local Advisory Board Terms of Reference

Adopted by resolution of the Trust Board on 28/06/23

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 01/09/23):

Broomfield Primary School;
Church Hill Infants School;
Cobden Primary School (from Autumn 2023);
Eastfield Primary School;
Gaddesby Primary School;
Great Dalby Primary School;
Highgate Primary School;
Mercenfeld Primary School;
The Merton Primary School;
Newtown Linford Primary School;
The Pochin School;
Ratby Primary School;
The Roundhill School;
Seagrave Village Primary School;
Stafford Leys Primary School;
Swallowdale Primary School;
Wreake Valley School.

- 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 schools. 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 “advisors”.
- 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 advisors, the composition of the Local Advisory Board for the Schools shall be as follows:
<210 NOR School - Consider 5 (1 Head teacher plus 2 parent / 2 co-opted)
<420 NOR School - Consider 7 (1 Head teacher plus 3 parent / 3 co-opted) / 1 Head teacher)
>420 NOR School - Consider 9 (1 Head teacher plus 4 parent / 4 co-opted)
Secondary – Consider 11 (1 Head teacher plus 5 parent / 5 co-opted)

Provided each LAB will use its reasonable endeavours to appoint advisors with the necessary skills required.
- 2.4 The **minimum** requirement is for 2 parent advisors on each LAB.
- 2.5 The procedure for the appointment and the removal of advisors shall be as set out in Annex 1.

- 2.6 The Trustees and the LAB in appointing advisors pursuant clause 2.2 and 2.3 shall use their reasonable endeavours to appoint on the basis of skills and experience. The LAB shall ensure where parent LAB advisors (elected pursuant to clause 2.3) lack the requisite skills and experience, that such advisors 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 advisors 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 advisors 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 LAB members to be presented with timely information through the HT Report to the LAB to analyse school performance in order to support and challenge the Head Teacher and the senior leadership team of the School ; and
 - 4.2.3 ensuring that LAB members have access to high quality training.

- 4.3 Without prejudice to the Trustees' other rights to remove any advisor 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 advisors of the relevant LAB;
- 4.4 The Trustees may require a governance action plan where:
- 4.4.1 the School 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 School;
 - 4.4.3 the Trustees (acting reasonably) have concerns about the governance of the School or the senior management of the School
 - 4.4.4 the School has materially failed to hit the objectives set out in its School 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 advisors where:
- 4.6.1 any of the events set out in clauses 4.4.1 to 4.4.4 occur;
 - 4.6.2 the School 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 An advisor is in breach of the code of practice of the LAB (Trust Governance Code of Conduct)

- 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 advisors of the LAB shall:
- 5.1.1 ensure that the School 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 School, any agreement entered into with the Secretary of State for the funding of the School 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 School;
 - 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 School 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 School and are delegated to them.
- 5.2 Each advisor is accountable for meeting their own training and development needs. It is an advisor'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 advisors undertake at least two training sessions each academic year – either in person or online (ensuring advisors seek relevant development opportunities to support the school).

- 5.3 LAB Advisors will have oversight of such data and information as laid out in THE LAB Handbook in Appendix 1 and Schedule 1.
- 5.4 The Trust Scheme of Delegation (SoD) sets out the powers retained by the Trust and delegated from the Trustees to the MAT, LABs and the Head Teachers 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**, it will be deemed to have been retained by the Trust regardless of whether it is specified in the SoD.
- 5.7 The SoD 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 Local 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 School, any pupil or their parent or a person who works at the School, 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 Advisors

1 Parent advisors

- 1.1 Parent advisors of the LAB shall be elected by parents and carers of registered pupils at the School. They must be a parent of, or have parental responsibility for, a pupil at the School at the time when they are elected. Trust employees are disqualified from appointment as a parent advisor at the School where they work, but may be elected as a parent advisor at another trust School.
- 1.2 The LAB shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent advisors. The Trustees have delegated the running of the election to the LAB, subject to 4.4.
- 1.3 Where a vacancy for a parent advisor 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 School is informed of the vacancy and that it is required to be filled by election, informed that they are entitled to stand as a candidate, and vote at the election, and be given an opportunity to do so.
- 1.4 Any election of persons who are to be the parent advisors which is contested shall be held by secret ballot. The arrangements made for the election of the parent advisors shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post, email or, if they prefer, by having their ballot paper returned to the School by a registered pupil at the School.
- 1.5 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 School or, where it is not reasonably

practical to do so, a person who is the parent of a registered pupil of another School run by the Trust (linked to required skills).

2 Co-opted advisors

- 2.1 Co-opted advisors of the LAB shall be appointed by the LAB. They must be:
- a person who lives or works in the community served by the School; 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 School.
- 2.2 The LAB may not appoint an employee of the Trust as a co-opted advisor at the School at which they are employed. (May be appointed to the LAB of another School in the Trust)
- 2.3 The LAB may not appoint the spouse/partner of an employee at the School as a co-opted advisor. (May be appointed to the LAB of another School in the Trust)
- 2.4 The Local Advisory Board may appoint an advisor of another Trust School as a co-opted advisor provided that person can give assurance that they can commit the necessary time to both roles, and with the approval of the Trust Board (delegated to Trust CEO).

3 Term of office

- 3.1 The term of office for any advisor shall be 4 years, save for the Head Teacher of the School (as applicable) who shall remain an advisor until they cease to work at the School.
- 3.2 Subject to remaining eligible to be a particular type of advisor, any person may be re-appointed or re-elected to the LAB. Parent advisors cannot be re-appointed without first standing for re-election in a ballot process that must be opened out to all parents/carers.
- 3.3 Upon a new school joining the Trust, advisors' terms of office will continue as agreed prior to joining, and will not be reset to a new four year term.

4 Resignation and removal

- 4.1 A person serving on the LAB shall cease to hold office if:
- 4.1.1 they resign their office by giving notice in writing to the clerk of the LAB;
 - 4.1.2 the Head Teacher ceases to work at the School;
 - 4.1.3 they take up employment at the School (although they may subsequently be appointed as an advisor at another School in the Trust)
 - 4.1.4 the Trustees terminate the appointment of an advisor 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 School.
- 4.2 For the avoidance of doubt, a parent advisor shall not automatically cease to hold office solely by reason of their child ceasing to be a pupil at the School (LAB has discretion to make any decision as to whether a parent advisor carries on in the role if a child leaves school).

5 Disqualification of advisors of the LAB

- 5.1 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.
- 5.2 A person shall be disqualified from serving on the LAB if they are already an advisor on the LAB of another School in the trust - unless their appointment receives Trust Board approval (delegated to CEO) – item 2.4.

6 Appointment and removal of Chair and Vice Chair

- 6.1 The 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.
- 6.2 The term of office of the Chair and Vice Chair shall be 2 years. Subject to remaining eligible to be an advisor, any advisor may be re-appointed as Chair or Vice Chair of the LAB.

- 6.3 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 School; or
 - in the case of the Vice Chair, he or she is appointed to fill a vacancy in the office of the Chair.
- 6.4 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 advisors of the LAB shall elect one of their number to act as chair for the purposes of that meeting.

7 Code of Conduct

- 7.1 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. Advisors who are appointed during the academic year will be asked to sign the code of conduct upon appointment.
- 7.2 **LAB advisors (Chair and designated roles included) are NOT authorised to access sensitive information on school or trust systems, including but not limited to: Single Central Records (SCR), Arbor and CPOMS. LAB advisors MUST NOT ask school staff to grant access to such systems or to share passwords.**
- 7.3 All advisors will complete an annual declaration of business and pecuniary interests at the start of each academic year. The register will be retained in the School and a summary published on the School's website. Advisors 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 advisors 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 advisor shall be able to participate in meetings of the LAB by telephone or video conference provided that they have given reasonable notice to the clerk of the LAB and that the advisors 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 advisors of the LAB, or, where greater, any one third (rounded up to a whole number) of the total number of advisors 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 advisors present and entitled to vote on the matter. Every advisor shall have one vote. Where

there is an equal division of votes, the Chair of the meeting shall have the casting vote. An advisor may not vote by proxy.

- 3.2 Any advisor 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 advisors shall be valid and effective as if it had been passed at a meeting of the advisors duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the advisors.

4 Conflicts of Interest

- 4.1 Any advisor 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 an advisor 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 School and any duty or personal interest (including but not limited to any Personal Financial Interest).
- 4.2 An advisor of the LAB has a Personal Financial Interest if they, or any child, stepchild, parent, grandchild, grandparent, brother, sister or spouse of the advisor or any person living with the advisor 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 School.

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, 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 Workforce & Organizational Development Committee will approve the Schools' Pay Recommendations. Head Teachers will send anonymised pay recommendation grids to the Director of HR by a date to be specified at the commencement of the Autumn term.
- 5.5 Termly LAB Chairs' 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: 28/06/23 – BEP Board Meeting