



Terms of Reference for Local Advisory Boards

The Constellation Trust

Terms of Reference for Local Advisory Boards

The Terms of Reference and associated Scheme of Delegation have been written for academies within the Trust that have been judged by Ofsted to be good or outstanding and recent academic data and intelligence suggest they continue to meet with this expectation.

1 Introduction

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

1.2 The following academies are currently operated by the Trust:

Appleton Primary School;

Bricknell Primary School;

Francis Askew Primary School;

Paisley Primary School;

Rise Academy;

Rokeby Park Primary School;

Sirius Academy North;

Sirius Academy West;

Stoneferry Primary School; and

Victoria Dock Primary School.

(each one the “**Academy**” or collectively the “**Academies**”).

- 1.3 In order to assist with the discharge of their responsibilities, the Trustees will establish a local advisory board (“**LAB**”) for each academy. The LAB shall be a committee established pursuant to Articles 100 to 104 of the Articles of Association of the Trust (the “**Articles**”).
- 1.4 The terms of reference shall be reviewed at least annually and otherwise as determined by the Trustees.

2 Constitution of the LABs

- 2.1 Members of the LAB shall be known as “LAB representatives”.
- 2.2 The Trustees have the right to appoint such persons to the LAB as they shall determine from time to time. For schools/academies that require improvement or are subject to the Ofsted category of special measures the Trustees may require to appoint or replace members of the LAB.
- 2.3 Subject to clause 2.2, the composition of the LABs shall be as follows:
 - 2.3.1 the Head of School;
 - 2.3.2 no fewer than 2 elected parent LAB representatives; and
 - 2.3.3 no fewer than 2 community LAB representatives.
- 2.4 The procedure for the appointment and the removal of LAB representatives shall be as set out in Appendix 1.

3 Proceedings of the LAB

The proceedings for meetings of the LAB shall be as set out in Appendix 2.

4 Relationship between the Board and LAB

- 4.1 Each LAB shall, in carrying out its role:
 - 4.1.1 promote high standards and expectations from all stakeholders and aim to ensure that all pupils attend a successful, high- achieving school/academy which provides them with a good education that supports their health and well-being;
 - 4.1.2 be responsible to the Trustees for its actions;
 - 4.1.3 establish a highly competent, accountable, independent body that promotes best practice in governance; and
 - 4.1.4 ensure that its LAB representatives 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 setting a clear strategic vision for the Trust to allow the LAB to set and achieve its own aims and objectives within such vision;

- 4.2.2 ensuring that systems and controls are put in place to allow the LAB representatives to be presented with robust, timely and appropriate data to allow the LAB to monitor and analyse academy performance in order to support and challenge the Head of School and other members of the Senior Leadership Team of the Academy;
 - 4.2.3 ensuring that LAB representatives have access to high quality training, support and advice; and
 - 4.2.4 subject to the provisions of 4.3-4.6, upholding the principle of 'earned autonomy' as defined in 'The Constellation Trust Statement of Principles' document.
- 4.3 Without prejudice to the Trustees' other rights to remove any LAB representative and the Trustees rights to amend these terms of reference at any time, where the Trustees have concerns about the performance of an 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 in consultation with the LAB;
 - 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 LAB representatives of the relevant LAB as per 4.6.
- 4.4 The Trustees may require a governance action where:
 - 4.4.1 an academy has (or is projected to have) a cumulative unauthorised deficit budget (both revenue and capital) of 5% of more of total income;
 - 4.4.2 an academy has failed to meet the expected educational outcomes and the progress of pupils is below expectation;
 - 4.4.3 an academy has been, or the Trustees have reasonable grounds to believe are likely to be, assessed by Ofsted as less than 'Good'.
- 4.5 The Trustees may vary the matters delegated where:
 - 4.5.1 an LAB acts outside its delegated powers and limitations;
 - 4.5.2 an LAB is in breach of these terms of reference;
 - 4.5.3 an LAB has not provided a governance action plan, or has failed to make adequate progress against an agreed action plan.
- 4.6 The Trustees may remove any or all LAB representatives where:
 - 4.6.1 an Academy is in breach of its funding arrangements;
 - 4.6.2 an LAB is in material breach of these terms of reference or has persistently breached these terms of reference.
- 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

- 5.1 In the exercise of its delegated powers and functions, the LAB representatives of the LAB shall:
- 5.1.1 ensure that the Academy is conducted at all times 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, the principles of the Trust as laid out in the Members' Agreement, and these terms of reference;
 - 5.1.2 promptly implement and comply with any reasonable policies or procedures communicated in writing 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 respect the confidentiality of 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 LAB representative shall be required to take part in an annual self-review and is accountable for meeting his/her own training and development needs. It is a LAB representative's responsibility to consider if, and raise any concerns where, s/he feels that appropriate training and development is not being provided.
- 5.3 The LAB shall be expected to report to the Trust against KPIs which have been set for the Academy in the annual Development Plan and provide such data (Key Performance Indicators, KPIs) and information regarding the business of the Academy and the pupils attending the Academy as the Trustees may require within a given calendared time frame.
- 5.4 The Constellation Trust Scheme of Delegation for the Trust sets out the powers retained by the Trust, and the powers delegated to the Academies' LABs.
- 5.5 For the avoidance of doubt, where a power is not expressly delegated to the Trust's Senior Team, any LAB, Executive Head/CEO or Head of School, it will be deemed to have been retained by the Trust regardless of whether it is specified in the Constellation Trust Scheme of Delegation.
- 5.6 The Constellation Trust Scheme of Delegation 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.

Appendix 1

Appointment and Removal of LAB representatives

1 Parent LAB representatives

- 1.1 Parent LAB representatives of each LAB shall be elected by parents of registered pupils at the relevant academy. They must be a parent of, or have parental responsibility for, a pupil at the Academy at the time when elected.
- 1.2 The Trustees shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent LAB representatives. The Trustees may delegate the running of the election to the LAB.
- 1.3 Where a vacancy for a parent LAB representative is required to be filled by election, the Trustees 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 they are entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 1.4 Any election of persons who are to be the parent LAB representatives which is contested shall be held by secret ballot. The arrangements made for the election of the parent LAB representatives shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if s/he prefers, by having his ballot paper returned to the Academy by a registered pupil at the Academy.
- 1.5 Where the number of parents standing for election is less than the number of vacancies, the Trustees 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.

2 Community LAB representatives

- 3.1 Community LAB representatives of the LAB shall be appointed by the Trustees. The Chair of the LAB may recommend a suitably skilled volunteer as a potential LAB representative. He or she must be a person who, in the opinion of the Trustees, has the necessary skills set and is committed to the government and success of the Academy.
- 3.2 Employees of the Trust may not comprise more than one third of the membership of the LAB.

4 Term of Office

- 4.1 The term of office for any LAB representative shall be 4 years, except for the Head of School (as applicable) who shall remain a LAB representative until s/he ceases to work at the Academy.
- 4.2 Subject to remaining eligible to be a particular type of LAB representative, any person may be re-appointed or re-elected to the LAB.

5 Resignation and Removal

- 5.1 A person serving on the LAB shall cease to hold office if:
- a) S/He resigns his office by giving notice in writing to the Clerk of the LAB;
 - b) the Head of School ceases to work at the Academy;
 - c) the Trustees terminate the appointment of a LAB representative whose presence or conduct is deemed by the Trustees, at their sole discretion, acting reasonably, not to be in the best interests of the Trust or the Academy.
- 5.2 For the avoidance of doubt, a parent LAB representative shall not automatically cease to hold office solely by reason of their child ceasing to be a pupil at the Academy.

6 Disqualification

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

7 Appointment and Removal of Chair and Vice-Chair

- 7.1 The Chair and Vice Chair of the LAB shall be appointed by the Trustees on the recommendation of the LAB, and may be removed from office by the Trustees, acting reasonably, at any time. No person employed by the Trust may be appointed as Chair or Vice-Chair.
- 7.2 The term of office of the Chair and Vice-Chair shall be one year. Subject to remaining eligible, any LAB representative 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 and the Clerk to the LAB. The Chair or Vice Chair shall cease to hold office if:
- a) s/he ceases to serve on the LAB;
 - b) s/he is employed by the Trust whether or not at the Academy; or
 - c) in the case of the Vice Chair, s/he 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 LAB representatives of the LAB shall elect one of their numbers to act as Chair for the purposes of that meeting.

8 Committees

The LAB will operate as a single decision making body,.

Appendix 2

Proceedings of the LAB

1 Meetings

- 1.1 The LAB shall meet at least once in every term and shall hold such other meetings as may be necessary.
- 1.2 Meetings of the LAB shall be convened by the Clerk to the LAB, who shall send the LAB representatives written notice of the meeting and a copy of the agenda at least 7 clear days in advance of the meeting. Where there are matters demanding urgent consideration, the Chair or, in his/her absence, the Vice Chair, may waive the need for 7 days' notice of the meeting and substitute such notice as s/he thinks fit.
- 1.3 Any LAB representative may be able to participate in meetings of the LAB representatives by telephone or video conference provided that s/he has given reasonable notice to the Clerk of the LAB and that the LAB representatives have access to the appropriate equipment, subject to the agreement of the LAB.
- 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

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

3 Voting

- 2.1 Every matter to be decided at a meeting of the LAB shall be determined by a majority of the votes of the LAB representatives present and entitled to vote on the matter. Every LAB representative shall have one vote. Where there is an equal division of votes, the Chair of the meeting shall have the casting vote. A LAB representative may not vote by proxy.
- 2.2 Any LAB representative who is also an employee of the Trust shall withdraw from that part of any meeting of the LAB at which his/her remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 2.3 A resolution in writing, signed by all the LAB representatives shall be valid and effective as if it had been passed at a meeting of the LAB representatives duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the LAB representatives.

4 Conflicts of Interest

- 4.1 Any LAB representative 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 his/her duties as a LAB representative of the LAB shall disclose that fact to the LAB as soon as he/she becomes aware of it. A person must absent him/herself from any discussions and votes of the LAB in which it is possible that a conflict will arise between his/her 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 LAB representative of the LAB has a Personal Financial Interest if s/he, or any child, stepchild, parent, grandchild, grandparent, brother, sister or spouse of the LAB representative or any person living with the LAB representative as his or her 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.
- 4.3 Each LAB will retain a register of interests, which will be reviewed annually.

5 Minutes

- 5.1 Subject to paragraph 5.2, the LAB shall ensure that a copy of:
- 5.1.1 the agenda for every meeting of the LAB;
 - 5.1.2 the draft minutes of every such meeting, if they have been approved by the Chair of that meeting;
 - 5.1.3 the signed minutes of every such meeting; and
 - 5.1.4 any report, document or other paper considered at any such meeting
- are, as soon as is reasonably practicable, made available at to persons wishing to inspect them.
- 5.2. There may be excluded from any item required to be made available any material relating to:
- 5.2.1 a named teacher or other person employed, or proposed to be employed, at the School/Academy;
 - 5.2.2 a named pupil or named student at, or candidate for admission or referral to the School/Academy; and
 - 5.2.3 any matter which, by reason of its nature, the LAB is satisfied should remain confidential.