

# TBAP Trust LAB Terms of Reference

2016-17



## **TBAP Trust**

### **Terms of Reference for the Local Advisory Body (“LAB”) of [Academy]**

#### **1 General**

- 1.1 The TBAP (MAT) is a charitable company limited by guarantee. It is governed by a board of Directors which has overall responsibility for the management and administration of the MAT and the Academies run by the MAT.
- 1.2 The MAT has entered into agreements with the Secretary of State. There is a Master Funding Agreement (MFA) which applies to the MAT overall and an individual Supplemental Funding Agreement (SFA) for each of the Academies.
- 1.3 The Directors deal with strategic planning and the setting of policy. The MAT overall is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes.
- 1.4 Legally, the LAB is a committee of the MAT and every power or duty given to the LAB has to be given directly by the MAT Directors. This document defines the roles and responsibilities of the LAB and the extent of its decision-making powers. The degree to which powers are delegated to the LAB may be different for different Academies depending on the capacity of the LAB in question. These terms of reference relate specifically to **[name of individual academy]**.
- 1.5 These terms of reference are made under the powers conferred on the MAT in its Articles of Association to make regulations governing the conduct of the LAB.

#### **2 THE LOCAL GOVERNING BODY**

- 2.1 The LAB is a committee of the Directors and will act in accordance with these Terms of Reference unless otherwise directed by the Directors. The LAB will report and be accountable to the Directors for its decisions.

##### **Composition**

- 2.2 The Directors will determine the membership of the LAB and terms of office from time to time.
- 2.3 The membership of the LAB shall include:
  - two parent members elected by parents of pupils registered at the Academy
  - two community members [appointed by the Directors]
  - Head of School

##### **Disqualification of Members of the LAB**

- 2.4 Schedule 1 sets out the circumstances in which a member of the LAB is disqualified from continuing to serve on the LAB.

### **3 The LAB's Responsibilities**

3.1 The LAB will review and report to Directors on the Academy's performance in the following three areas:

- Achievement
- Teaching
- Behaviour and Safety

3.2 The LAB will report to Directors both generally and specifically as the Directors may require.

### **4 CHAIR AND VICE CHAIR OF THE LAB**

4.1 The Chair of the LAB shall be appointed by the Directors.

4.2 The term of office of the Chair shall be [1] year.

4.3 Subject to remaining eligible to be a Chair, any member of the LAB may be re-appointed as Chair for consecutive periods not exceeding [2] terms of office in total. Thereafter, a member of the LAB shall not usually be eligible for re-appointment as Chair until one year after his or her retirement, unless otherwise agreed by the Directors.

4.4 The Vice-Chair of the LAB shall be appointed by the members of the LAB from amongst their number for a term of [1] year. Subject to remaining eligible to be a Vice-Chair, a member of the LAB may be re-appointed for further terms of office as the Vice-Chair.

4.5 The Chair or Vice-Chair shall cease to hold office if:

4.5.1 they cease to serve on the LAB;

4.5.2 they are removed from office in accordance with the Terms of Reference; or

4.5.3 in the case of the Vice-Chair, they are elected in accordance with the Terms of Reference to fill a vacancy in the office of Chair.

4.6 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the chairman, the Vice-Chair shall act as the chair for the purposes of the meeting.

4.7 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 members of the LAB shall elect one of their number to act as a chairman for the purposes of that meeting, provided that the person elected shall not be a person who is employed by the MAT (whether or not at the Academy).

4.8 The Chair or Vice-Chair may be removed from office by the Directors at any time.

### **5 CONDUCT OF MEETINGS OF THE LAB AND SUB-COMMITTEES**

5.1 The LAB shall hold at least three meetings in every school year, with the primary focus to be one of the three areas listed in paragraph 3.1; however the LAB can offer

can offer its views to the Directors on any matters affecting the Academy. Meetings of the LAB shall be convened by the Clerk. In exercising his functions the Clerk shall comply with any direction -

5.1.1 given by the Directors; or

5.1.2 given by the chairman of the LAB or, in his absence or where there is a vacancy in the office of chairman, the Vice-chair, so far as such direction is not inconsistent with any direction given as mentioned in 5.1.1.

5.2 Each member of the LAB shall be given at least seven clear days before the date of a meeting notice of the meeting and the agenda sent to each member at the address provided by each member from time to time.

5.3 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.

5.4 The quorum for a meeting of the LAB shall be [three] members.

## **6 CONFLICTS OF INTEREST**

6.1 The income and property of the Academy must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions and procedures which apply to the Directors in the Articles with regard to having a Personal Financial Interest shall also apply to the members of the LAB.

6.2 Any member of the LAB who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a member of the LAB shall disclose that fact to the other members of the LAB as soon as he becomes aware of it. A member of the LAB must absent himself from any discussions of the LAB or any committee in which it is possible that a conflict will arise between his 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).

## **7 OTHER MATTERS**

7.1 The LAB will comply with all policies of the Directors communicated to the LAB from time to time.

7.2 The Directors and all members of the LAB have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Company and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.

7.3 The LAB will review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

7.4 The LAB shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors may require from time to time.

**8 EFFECTIVE DATE**

- 8.1 These Terms of Reference shall come into effect on such date as determined by the Directors.

## **SCHEDULE 1**

### **Disqualification of members of the LAB**

- 8.2 No person shall be qualified to serve on the LAB unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be entitled to serve on the LAB.
- 8.3 A person serving on the LAB shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.
- 8.4 A person serving on the LAB shall cease to hold office if he is absent without the permission of the Chair of the LAB from [all/ insert number of meetings] the meetings of the LAB held within a period of six months and the LAB resolves that his office be vacated.
- 8.5 A person shall be disqualified from serving on the LAB if:
- 8.5.1 there estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
  - 8.5.2 they are the subject of a bankruptcy restrictions order or an interim order.
- 8.6 A person shall be disqualified from serving on the LAB at any time when they are subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- 8.7 A person serving on the LAB shall cease to hold office if they cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- 8.8 A person shall be disqualified from serving on the LAB if they have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which their conduct contributed to or facilitated.
- 8.9 A person shall be disqualified from serving on the LAB if they have not provided to the Chairman a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairman or the Chief Executive Officer confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

- 8.10 A person shall be disqualified from serving on the LAB if they are a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if it contained in such a direction.

A person shall be disqualified from serving on the LAB where they have, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.