

Terms of Reference: LSEAT Provision Boards and Academy Councils

Summary Statement on Local Governance Arrangements

Whilst the Trustees have overall responsibility and ultimate decision-making authority for all the work of the Trust, and the standards achieved by the pupils and students of the Academies, Provision Boards have been set up as Committees of the Trust, to ensure the vision and duties of the Trust are fulfilled and translated locally within each Academy.

Each Academy is accountable to and must serve its community. All children deserve and should expect to receive a high standard of education.

Academy Councils are focused on the day-to-day life of the Academies for which it has responsibility and is there to ensure the staff working in the Academies are supported and challenged, when necessary, and the needs of the pupils are met with a particular focus on the context of each academy.

Provision Boards are focused on a group of Academies of similar designation, Specialist, Alternative and Primary Mainstream and responsible for ensuring that Head Teachers are held to account in terms of the quality of education, school improvement, outcomes and safeguarding.

As a Trust with a focus on Primary, Specialist and Alternative provision, the Provision Boards have been formed to represent these provision types of education settings.

1. Terms of Reference

- 1.1 These terms of reference are drafted and maintained by the Trust. The Trustees may make amendments to these terms of reference from time to time, as described in the Trust's Articles of Association.
- 1.2 In the event that amendments are made, the Chairs of the Provision Boards (who are also Trustees) are expected to communicate such changes to Local Community Governors who are members of the Provision Boards.

2. London South East Academies Trust

- 2.1 The Trust is a charitable company limited by guarantee. It has entered into a Master Funding Agreement with the Department for Education and so it is the Trust that is ultimately responsible to the Department for Education pursuant to the Funding Agreements.
- 2.2 The Trustees are Charity Trustees (within the terms of section 97(1) of the Charities Act 1993) and responsible for the general control and management of the administration of the Trust in accordance with the provisions set out in the Articles of Association of the Trust.
- 2.3 The LSEAT Boards and Academy Councils are Committees of the Trust.
- 2.4 A role description for Provision Board Chair has been developed to outline the key accountabilities and responsibilities of this role, in addition to being a Trustee.

- 2.5 A role description for Local Community Governors has been developed to outline the key accountabilities and responsibilities.
- 2.6 Local Community Governors will serve on Academy Councils and may also be invited to serve on a Provision Board, subject to skills, experience and conduct.

3. **Accountabilities and Responsibilities of Trustees**

- 3.1 The role of the Trustees mainly involves strategic oversight across the Trust, its educational character, vision and values, governance, regulatory matters, academic performance and standards, efficient use of resources and demonstrating value for money.
- 3.2 The Trustees are accountable and responsible for:
- Compliance with all statutory regulations and Acts of Parliament governing the operation of the Trust, including health and safety, safeguarding, equality and diversity and data protection.
 - Compliance with the provisions of the Funding Agreements.
 - Compliance with the Academies Handbook and DfE Governance Code.
 - Setting the risk management strategy, reviewing the strategic risk profile, considering strategic risks in the context of future
 - Trust planning and decision making and reviewing the effectiveness of the risk management arrangements.
- 3.3 The Trustees delegate responsibility to the Chief Executive Officer for:
- Appointment of the Academic Leader/Headteacher with support from Trustees who are Provision Board Chairs, as required.
 - The determination of the extent of the services provided to the Academies by the Trust and how the costs should be allocated.
 - Determination of the educational targets of the Academies in consultation with the Provision Board Chairs and Deputy CEO Academies.
 - Determining any additional financial and reporting targets for the Academies.
 - Determination of any statutory policies and procedures for the Academies and other policies and procedures as the Trustees deem necessary to fulfil their responsibilities.
 - Identifying resources to implement the risk management strategy effectively and efficiently.
 - Reporting regularly to the Trust Board on the performance of the Academies and ensure the appraisal of the Academic Leaders/Headteachers are supported by the relevant Provision Board Chair and Deputy CEO Academies.

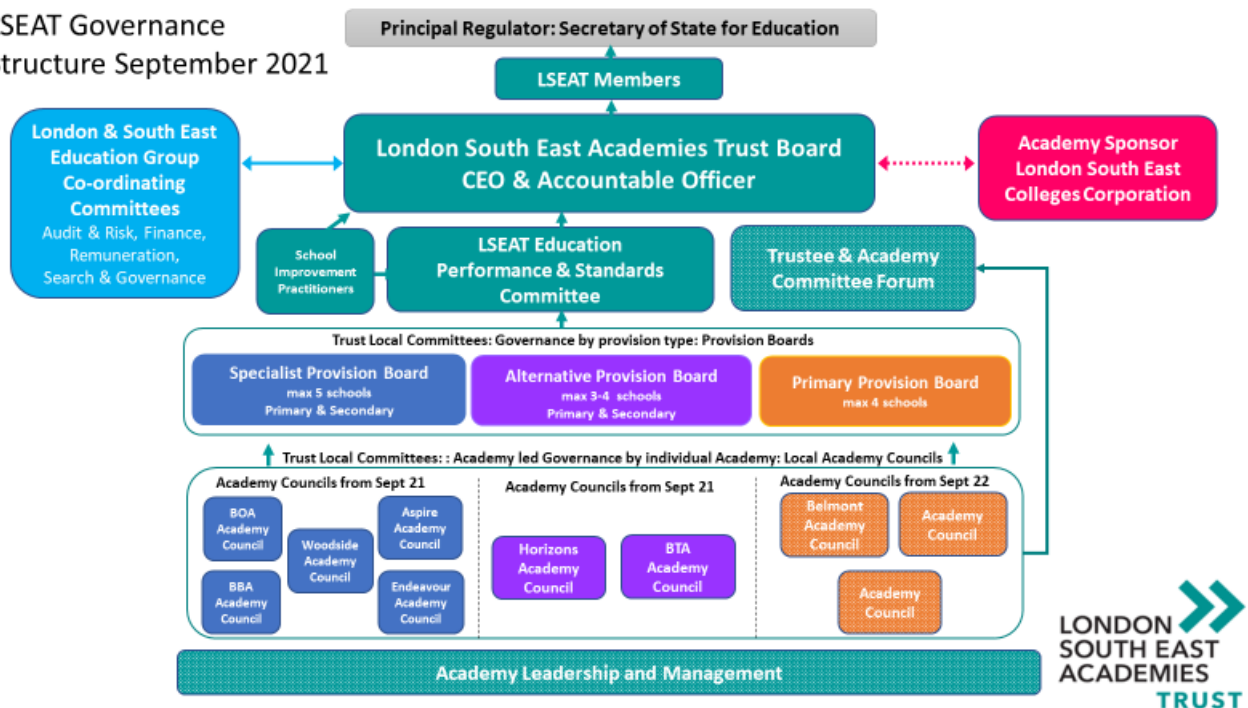
4 **Academy Councils & Provision Boards**

The Diagram below outlines the governance structure for the Trust and the in particular details the levels of local governance from individual Academies through to the Trust Board.

Trust local governance is arranged through **Academy Councils** (one for each Academy) and **Provision Boards** that bring together local governance under types of provision.

For 2021/22, three Provision Boards for **Specialist**, **Alternative** and **Primary Mainstream** have been established. **Appendices 1 and 2** to these Terms of Reference outline the contextualised responsibilities and oversight of the Specialist and AP Provision Boards.

LSEAT Governance
Structure September 2021



4.1 Provision Boards will usually be chaired by a Trustee who will provide Trust oversight and scrutiny reporting up to the EPS Committee and then to the Trust Board. In some instances, a Trustee could act as a Vice Chair.

The role of the Provision Board is to carry the Trust vision, policies and priorities forward, based on the specific qualities and community characteristics of each Academy.

The Provision Boards are expected to question and challenge Academy Leaders and to hold them to account.

The Provision Boards will

- Consider and compare the reports from Academies delivering like for like provision using a standard template report.
- Consider and review Safeguarding practice and procedure, school improvements, quality of education and provision-based policies.
- Review the Provision Based Risk Register and recommend actions and controls required to reduce risks.
- Retain oversight for Teacher Development and CPD from a provision type perspective and where it supports improvements in teaching and learning.
- Consider and highlight areas of concern and/or celebration.
- Scrutinise Parent feedback included within the Head Teacher Reports.

Local Community Governors who serve on the Provision Boards will be expected to

- Act in the best interests of the Trust and the Academies at all times.
- Keep confidential all information provided or reviewed by them relating to the Academies and the Trust.
- On appointment, be required to signify and agree to comply with the Trust's
 - Articles of Association
 - Funding Agreements
 - Terms of Reference
 - Scheme of Delegation.
- Be required to carry out annual training to ensure their skills and knowledge are up to date in particular in relation to Safeguarding and regulatory training for example, Health & Safety, Equality & Diversity and Data Protection, but also participate in training relating to school improvement and Ofsted.
- Be required to take part in regular self-review and be accountable for meeting training and development needs.

The Trust Board reserves the right to withdraw delegated powers from the Provision Boards and disband them at any time.

Provision Board Membership

Membership of the Provision Boards shall be determined in accordance with the following

Membership shall be not less than 5 and not more than 12.

Provision Boards are comprised as follows:

- PB Chair (Trustee)
- PB Vice Chair (Trustee or Local Community Governor).
- Up to 7 Local Community Governors (**whose appointment shall be subject to approval by the Trust Board**) and will be selected from Academy Councils ensuring each school has representation.
- Up to 2 Parent/Staff Governors (as appropriate)

Executive Attending

- Deputy CEO
- Director School Improvement
- Head Teacher(s) /Head(s) of School
- Group Head Safeguarding

4.2 Academy Councils will be chaired by Head Teachers/Heads of School, who will present a Head Teacher/Head of School Report for scrutiny, review and comment, using a standard reporting template covering the following areas

- Attendance
- Behaviour
- Safeguarding
- Attainment and Progress
- Quality of Education
- Leadership & Management
- Risk Management
- School Development Plans
- School Policies
- Parent Feedback

Academy Councils are comprised as follows.

Academy Council Members

- Head Teacher/Head of School (Chair)
- Deputy or Assistant Head Teacher/Head of School or DSL
- Up to 3 Local Community Governors (who may also serve on a Provision Board)
- Up to 2 Parent Community Governors (who may, if required, also serve on a Provision Board)
- Up to 2 Staff Governors (who may, if required, also serve on a Provision Board)

5 Resignation & Removal Local Community Governors

- 5.1 Local Community Governors may at any time resign by giving notice in writing to the Clerk to the Trust Board
- 5.2 The Trustees may terminate the appointment of any Local Community Governor, Parent Governor or Staff Governor whose presence or conduct is deemed by the Trustees not to be in the best interests of the Trust or the Academies.
- 5.3 Any Staff Member shall automatically cease to hold office on leaving the employment of the Trust.

6. Meetings of the Provision Boards

- 6. The Provision Boards shall meet once in every term, with an additional meeting in the September to review previous year outcomes and School Development Plans.
- 6.2 All meetings shall be convened by the Clerk to the Trust Board, who shall send to the Provision Board Members written notice of the meeting and a copy of the agenda at least seven clear days in advance of the meeting.
- 6.3 Meetings of the Provision Boards will usually take place prior to Trust Board meetings and two to three weeks after Academy Council Meetings.

7. Quorum for Provision Boards and Academy Councils

- 7.1 Meetings of the Provision Board and/or Academy Councils shall be quorate if three or one-third of members are present (whichever is greater), which must include the Chair and at least two Local Community Governors for Provision Boards and at least one Local Community Governor and One Parent or Staff Governor for Academy Councils.
- 7.2 If the number of Local Community Governors assembled for a meeting of a Provision Board or Academy Council does not constitute a quorum, the meeting shall not be held. If in the course of a meeting the number of Local Community Governors present ceases to constitute a quorum, the meeting shall be terminated forthwith.
- 7.3 If a quorum cannot be formed and a meeting cannot be held or, as the case may be, cannot continue, the Chair shall, if appropriate, determine the time and date at which a further meeting shall be held and shall direct the Clerk to convene the meeting accordingly.

8. Clerking Arrangements

- 8.1 The Clerk to the Trust Board is the Clerk to the Provision Boards.
- 8.2 Academy Councils will be clerked by a suitable Local Academy employee to be determined at the beginning of every academic year, who will be required to follow a standard format of minutes as determined by the Clerk to the Trust Board.
- 8.3 Minutes of Academy Councils should be available to the Clerk to the Trust Board within one week from the dates of the meeting.

9. Proceedings of Academy Councils and Provision Boards (LPB)

- 9.1 Any Local Community Governor who is also an employee of the Trust shall withdraw from that part of any meeting at which staff remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are considered.
- 9.2 Local Community Governors shall be able to participate in meetings of the Provision Board or Academy Council remotely, via zoom or Teams provided reasonable notice has been provided and that PBMs have access to the appropriate equipment.
- 9.3 Local Community Governors shall endeavour to attend all Academy Councils in person at the Academy they are serving. Attendance at Provision Board may be in person or online via zoom.
- 9.4 Provision Boards and Academy Councils may be recorded.

10 Minutes and Publication

- 10.1 Minutes of Provision Boards and Academy Councils will be taken as the first agenda item, after any apologies and if agreed to be accurate, shall be signed as a true record.
- 10.2 The Clerk to Trust Board shall ensure that a copy of the agenda for every meeting of the Provision Boards and Academy Councils, together with signed minutes and supporting documentation is retained and filed as appropriate.

11 Delegation

- 11.1 Subject to these terms of reference the LSEAT Provision Board are not permitted to set up sub committees without prior consent and approval by the Trust Board.
- 11.2 Subject to these terms of reference, the constitution, membership, clerking, and proceedings of any Trust Committee shall be determined by the Trust Board.
- 11.3 Except where it is otherwise constrained within its terms of reference, a Provision Board Chair may approve the attendance of persons who are not Local Community Governors for specific items.
- 11.4 Subject to these terms of reference the Provision Board Chair shall have delegated powers to act on behalf of the Provision Board in between meetings where urgent action may be required. The Provision Board Chair should report the requirement for such action to the CEO and Trust Board in the first instance.

12 Conflicts of Interest

- 12.1 The income and property of the Trust must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions which apply to the Trustees with regard to having a Personal Financial Interest shall also apply to the Provision Boards.
- 12.2 All Local Community Governors shall complete a declaration of interests and suitability form on joining Academy Councils and at the start of each academic year.
All Local Community Governors will complete an application form which will outline their skills and experience and commit to completing a skills audit.
- 12.3 Any Local Community Governor who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with their duties as a Local Community Governor shall disclose that fact to the Clerk as soon as they become aware and must declare such interest at the start of any meeting where that conflict relates to an agenda item. A Local Community Governor must absent themselves from any discussions in which it is possible that a conflict will arise.

13. Amendment of Terms of Reference

- 13.1 This document shall be subject to review at least once every twelve months.
- 13.2 This document can only be modified or replaced by the Trust Board.

14 Effective Date

- 14.1 These Terms of Reference shall come into effect from 1st September 2021 and should be read in conjunction with the Trust 2021/22 Scheme of Delegation, Role Descriptions for Local Community Governors and Provision Board Chairs.