

2023/24 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.

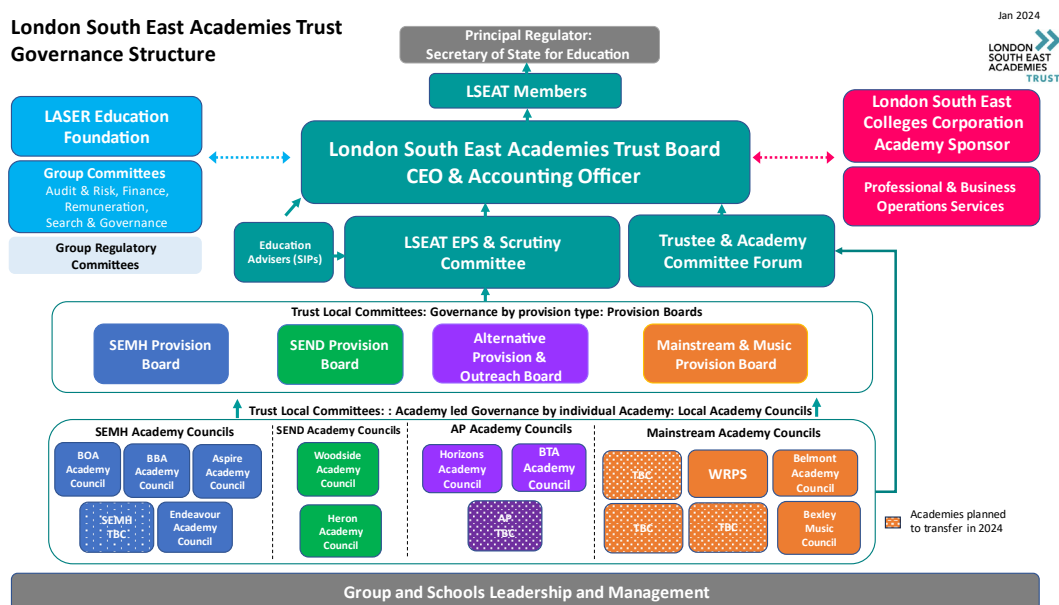
Each Academy is accountable to and must serve its community. All children deserve and should expect to receive a high standard of education.

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 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, Specialist, Alternative and Mainstream provision, the Provision Boards have been formed to represent these provision types of education settings. The Music Service as a standalone delivery unit within the Trust, is required by the funding agreement with Arts Council England to have local governance. The Music Service governance is incorporated into the Mainstream provision board.

The Trust Governance Structure is outlined below.



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 above 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.

From April 2023 the Board approved the reformation of the Primary Provision Board to the Mainstream and Music Board and to split the Specialist Board into two, representing SEND and SEMH. **Appendices 1 and 2** to these Terms of Reference outline the contextualised responsibilities and oversight of the SEND, SEMH and AP Provision Boards.

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.

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 progress and outcomes against national rates where applicable.
- 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.
- Annually Review School Development Plans and SEFs.
- Agree and approve policies by provision type.

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 (if applicable) (Trustee or Local Community Governor).
- Up to 8 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 and if required)

Executive Attending

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

4.2 Academy Councils in 2023/24 will move to being chaired by Local Community Governors, Head Teachers/Heads of School will present a Head Teacher/Head of School Report for scrutiny, review and comment, using a standard reporting template covering the following areas.

- Pupil Characteristics
- Quality of Education
 - Teaching
 - Curriculum
 - Attainment and Progress
 - Reading
- Behaviour & Attitudes
 - Attendance
 - Behaviour
 - EDI
- Leadership & Management
 - Safeguarding
 - Stakeholder
 - Workforce Support and Development
 - Leadership Capacity
- Parent Feedback
- School Policies

Academy Councils are comprised as follows.

Academy Council Members

- Head Teacher/Head of School
- Deputy or Assistant Head Teacher/Head of School or DSL
- Up to 5 Local Community Governors (who may also serve on a Provision Board including the Academy Council Chair)
- 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 Appointment, Resignation & Removal Local Community Governors

- 5.1 Local Community Governors who are not parents or staff will be elected on a four year term and can serve two terms of office to a maximum of eight years.
- 5.2 Local Parent and Staff Community Governors will be elected on a two-year term and can serve two terms of office to a maximum of four years. Eligibility to be a Parent Governor is conditional upon their child remaining on roll within the education setting. Eligibility to be a Staff Governor is conditional to being employed as an established member of Trust Staff working at the school for the designated Academy Council.
- 5.3 Local Community Governors may at any time resign by giving notice in writing to the Clerk to the Trust Board

- 5.4 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.
- 5.5 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 (SDP) and School Evaluation Forms (SEF).
- 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 1 May 2023 and should be read in conjunction with the Trust Scheme of Delegation, Role Descriptions for Local Community Governors and Provision Board Chairs.

Appendix 1:

Specialist Provision Boards (SEMH and SEND):

Addendum to Terms of Reference 2023/24

Contextualized Responsibilities and Oversight

Context

The legal responsibilities of the Trust Board in relation to pupils with SEND are set out in the Children and Families Act 2014 and the statutory guidance, the SEND code of practice: 0 to 25 years.

They require Trust Board to:

- Use 'best endeavours' (do everything they can) to ensure that pupils with SEND get the support they need.
- Ensure that relevant policies have been approved and monitor their effectiveness.
- Ensure the necessary SEND information is published on the school/Trust website.
- Ensure that adequate resources are allocated to provision for pupils with SEND.
- Ensure a suitably qualified or experienced special educational needs coordinator (SENCO) has been appointed and is working effectively – see below section working with the SENCO.

Ultimate responsibility rests with the Trust Board, however, section 6.3 of the SEND code of practice stipulates that a sub-committee can be set up with specific oversight of the schools' arrangements for special educational needs and disability. As a Trust with a majority of special schools, there is no individual Trustee with specific SEND oversight and all Provision Board Chairs and Trustees, will be required to consider the Trusts legal responsibilities to SEND pupils.

Trust Legal Responsibilities:

- To ensure that the role of the Specialist Trust Committee includes the monitoring of the school or Trust's arrangements for SEND and supports and challenges school leaders to ensure that priority is given to pupils with SEND.
- To ensure the appointment of special needs co-ordinators (SENCO) who is a qualified teacher responsible for implementing the school's policies in relation to SEND. The SENCO has a key role in identifying the needs of pupils and coordinating appropriate support. There is no legal requirement for a Special school to appoint a SENCO, although at LSEAT we have chosen to have one in post in most schools.
- Adopting a policy for SEND which is a description of the vision and values underpinning the approach to meeting the needs of SEND pupils in the school or trust.
- Transparency and reporting – Trust Board and Trust Committees are responsible for ensuring their local academies and Trust publish a SEN information report on their website detailing how their SEND policy is being implemented. The information report should be updated annually and any changes occurring during the year should be reflected in the report as soon as possible. The specific requirements of the report are covered in section 6.79 of the SEND code of practice.

Academy Council and Provision Board: SEND knowledge and capacity

SEND is a whole board responsibility, although through our Governance Structure and Scheme of Delegation oversight and scrutiny of SEND is conducted in the detail at the Local Trust Committees namely, Academy Council and Provision Board level, reporting up to the Trust Board. While it is reasonable to expect, particularly in our specialist settings, that some Trustees and Local Community Governor will have experience and knowledge of SEND, Trustees and Local Community Governors may need to undertake CPD that increases SEND knowledge and awareness

All Trustees and Local Community Governors should know the legal responsibilities and are required to

- Familiarise themselves with chapter six of the SEND code of practice.
- Receive an induction that provides an overview of the SEND provision within the Trust and how this is developing and how inclusion is realised.
- Have the knowledge and confidence to provide support and challenge over SEND and inclusion practice.
- This understandably will vary between Trustees, but it is important that any gaps are identified and addressed using Skills Audit and signposting relevant training, support and resources to those Trustees and Local Community Governors who identify.
- Engage in training which need not be the same for all Trustees and Local Community Governors.
- The Trust has organised some face-to-face training on funding, Ofsted and safeguarding together with access to the NGA online training modules have also been made available.
- Understand the SEND provision in the Trust.

In order to meet legal responsibilities and provide strategic leadership, Trustees and Local Community Governors serving on Academy Councils and Provision Boards, need to build their understanding of SEND and inclusion in the specific context of each academy.

This means having some oversight and knowledge of

- The proportion of pupils that require additional support and how many of these have EHC plans.
- The proportion of pupils that have specific needs relating to communication and interaction; cognition and learning, social, emotional and health difficulties; sensory and or physical needs.
- The level of funding the school/trust receives to meet the needs of pupils with SEND (the notional SEND budget and top up funding).
- How the funding and budget is used to deploy staff and resources to meet the needs of SEND pupils.
- How the curriculum is adapted to meet the needs of all pupils, including those with SEND.
- How staff at all levels are developed and supported to meet the needs of SEND pupils.
- What parents, carers, pupils and staff think about how the school or trust meets the needs of its SEND pupils (stakeholder feedback).
- Strengths and areas for development highlighted through inspection and self-evaluation.

It should also be noted that it is expected that Trustees and Local Community Governors should be able to question leaders on how the internal assessment system effectively supports the attainment and progress of all pupils, including those with a SEND. This will require at least a basic understanding of how the attainment and progress of pupils with SEND is assessed in the Trust and Academies.

Monitoring impact and outcomes

Evaluating impact requires careful consideration and discussion between Local Community Governors and school leaders over:

- The information and data available to measure progress and outcomes.
- Balancing the requirement for data, information and reports against other workload demands of staff. Start with first principles – the governing board needs assurance that:
- Legal responsibilities are being met. v The school or trust is sufficiently enabled to meet the needs of pupils with SEND.
- Strategic goals linked to SEND (such as building staff capacity) are being met, are sufficiently resourced and are having an impact (in terms of pupil outcomes).
- Resources (including the notional SEND budget) are being deployed effectively to meet strategic goals.
- Pupils with SEND achieve the best possible outcomes and are given the knowledge and cultural capital they need to succeed in life.
- There is an inclusive culture – for example, pupils are not entered for courses not in their educational interest, or removed from the school role without formal, permanent exclusion.

Reporting to the Trust Board and Trust Committees

There are a range of sources that will provide the Trust Boards with assurance, and support questioning and further scrutiny.

This includes the report from the Head Teacher(s)/Head(s) of School, to the Provision Board, evidence of the implementation of Trust and Academy Policies, stakeholder feedback and progress and outcomes of pupils.

It is expected that reports to the Local Academy Councils and Provision Boards should provide the following information.

- Relevant context (areas of need, type of support, statutory assessments etc.).
- Evidence of how the needs of pupils with SEND are being identified and met.
- Progress and attainment headlines including the impact of interventions.
- Evidence of how funding and resource is allocated to meet the needs of pupils with SEND.
- Staff development issues including an assessment of the SENCO role and impact.
- Relevant information about engagement with families, external agencies and its impact
- Application and implementation of Trust and Local Academy Policies in relation to SEND.

Appendix 2

Alternative Provision Board: Addendum to Terms of Reference 2023/24

Contextualized Responsibilities and Oversight

Definition

The definition of Alternative Provision is as follows:

Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.

Legal duties and responsibilities

There is various legislation that covers the duties and powers relating to Alternative Provision including sections with the Education Acts for 1996 and 2002, Children, Schools and Families Act 2010; Academies Act 2010 and Pupil Referral Units Regulation.

The local authority must fulfil statutory duties and responsibilities in relation to pupils without a school place (section 19 Education Act 1996) ensuring that these are properly discharged, by commissioning appropriate and high-quality provision.

The Trust must fulfil statutory duties and responsibilities in relation to providing an education for pupils without a school place and deliver provision to the standards required by Ofsted Education Inspection Frameworks and Professional Standards for school staff.

The Trust must fulfil the duties specified in the Master Funding agreement and the supplemental funding agreements signed with DfE.

Both the Trust and the local authority are bound by the ESFA High Needs Funding notification of change process which transfers an agreed annual amount of funds from the local authorities DSG High Needs Block to ESFA to pay directly for the provision.

The Trust has entered into a Memorandum(s) of Understanding (MoU) with the local authorities for the provision of Alternative Provision and Outreach Services to ensure both parties are fulfilling their statutory duties.

Agreement with the Local Authority

Within the MoU the Trust has agreed to take collective responsibility for designing and delivering an effective AP system that:

- Has collective responsibility for all pupils in the local authority area.
- Enables access to provision to be timely, appropriate and equitable.
- Focusses on improving the ability of other schools within the local authority area to manage behaviour better within the school setting.
- Designs support against pupil need.
- Focuses provision on earlier intervention.
- Focuses on short term interventions, with longer term placements agreed by exception.
- Focuses on supporting reintegration to mainstream.

Contract Performance

Performance against the MoU will be assessed regularly by the local authority, who will review the effectiveness and quality of the commissioning activity covered by the partnership and its impact on achieving the desired AP system change. These reviews will usually involve the DCEO and Head Teacher.

Performance of the provision is likely to be assessed against the following criteria which the AP Provision Board should be aware.

- The achievement of the shared system Design Principles and AP System 5-year plan.
- The delivery of provision within budget.
- The achievement of key national outcomes and targets.
- Good performance against benchmarking and under inspections from Ofsted.
- Educational, vocational and emotional achievement of pupils supported by the AP system.
- Achievement of individual provision/ service performance targets.
- Positive responses to complaints and any safeguarding alerts.
- Ensuring key stakeholder feedback is solicited and acted upon.
- A reduction in the number of permanent exclusions in Bromley schools.
- An increase in the attainment of learners supported by the AP system.
- Successfully implementing system design change, including reduction in longer term placements.

KPI's

Specific KPI's will be agreed between the Trust and our Local Authorities and reviewed annually. The AP Provision Board should consider during the course of its scrutiny and challenge the types of KPIs that are being set by our key stakeholders.

Reporting requirements

The Trust will be required to provide data and information to evidence the volume and range of provision outlined under the MoU and the AP Provision Board should have sight and understanding of the information and measurements being applied, which are likely to be as follows and should be included in the Head Teacher reports.

- Numbers of learners being supported (specified by type of provision/ service)
- Length of involvement (specified by type of provision/ service)
- Outcomes achieved (specified by type of provision/ service)
- Onward provision (specified by type of provision/ service)
- Schools supported with training sessions (by type/ numbers of staff/ topic of training)
- Proportion of learners supported with SEN needs (SEN Support/ EHC Plan) both at point of referral and at leaving provision
- Attendance data (at least Termly)

Further analysis of this data may be provided by gender; age; school and deprivation indices.

Case studies may also be requested by the local authority to provide qualitative narrative to their performance reporting.

Details of the outcome of termly and annual review meetings with the local authority should be provided to the AP Provision Board, though the Head Teachers Report.

