

RAB Terms of Reference

2018 -19



TBAP AP AND SPECIAL ACADEMIES

 WEST	 COURTYARD	 LATIMER	 BEACHCROFT	 BRIDGE	 16-19	 OCTAGON	 CAMBRIDGE	 UNITY	 OCTAVIA	 ASPIRE	 EAST
 NORTH WEST	 NEW HORIZONS	 CSS Commissioning & School Support		 TBAP Teaching School Alliance		 tbapfoundation EVERY CHILD A CHANCE		 SUPPORT			

DATED

2018

TBAP TRUST

Regional Advisory Board

TERMS OF REFERENCE

for

TBAP East

TBAP Trust

Terms of Reference for the Regional Advisory Body (“RAB”) of **TBAP East**

1 General

- 1.1 The TBAP Trust (MAT) is a charitable company limited by guarantee. It is governed by a board of Trustees 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 Trustees 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 RAB is a committee of the MAT and every power or duty given to the RAB has to be given directly by the MAT. This document defines the roles and responsibilities of the RAB and the extent of its decision-making powers. The degree to which powers are delegated to the RAB may be different for different Regional Boards depending on the capacity of the RAB in question. These terms of reference relate specifically to [name of Regional Board]
- 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 RAB.

2 THE REGIONAL ADVISORY BOARD

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

Composition

- 2.2 The Trustees will determine the membership of the RAB and terms of office from time to time.
- 2.3 The membership of the RAB shall include:
 - Chair of each Local Advisory Board (LAB) in the region [appointed by the Trustees]
 - A Trustee from the Board [appointed by the Trustees]
 - Regional Executive Headteacher

Disqualification of Members of the RAB

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

3 The RAB's Responsibilities

- 3.1 The RAB will review and report to Trustees on the regions performance in the following areas:
- Outcomes for Learners
 - Teaching, Learning and Assessment
 - Personal Development Behaviour and Welfare
- 3.2 The RAB will approve and monitor the regional development plan
- 3.3 The RAB will monitor the regional budget
- 3.4 The RAB will report to Trustees both generally and specifically as the Trustees may require.

4 CHAIR AND VICE CHAIR OF THE LAB

- 4.1 The Chair of the RAB shall be appointed by the Trustees.
- 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 RAB may be re-appointed as Chair for consecutive periods not exceeding [2] terms of office in total. Thereafter, a member of the RAB shall not usually be eligible for re-appointment as Chair until one year after his or her retirement, unless otherwise agreed by the Trustees.
- 4.4 The Vice-Chair of the RAB shall be appointed by the members of the RAB from amongst their number for a term of [1] year. Subject to remaining eligible to be a Vice-Chair, a member of the RAB 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 he ceases to serve on the RAB;
 - 4.5.2 he is removed from office in accordance with the Terms of Reference; or
 - 4.5.3 in the case of the Vice-Chair, he is 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 RAB 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 Trustees at any time.

5 CONDUCT OF MEETINGS OF THE RAB AND SUB-COMMITTEES

- 5.1 The RAB 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 RAB can offer its views to the Trustees on any matters affecting the Region. Meetings of the RAB shall be convened by the Clerk. In exercising his functions the Clerk shall comply with any direction -
- 5.1.1 given by the Trustees; or
- 5.1.2 given by the chairman of the RAB 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 RAB 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 RAB 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 Trustees in the Articles with regard to having a Personal Financial Interest shall also apply to the members of the RAB.
- 6.2 Any member of the RAB 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 RAB shall disclose that fact to the other members of the RAB as soon as he becomes aware of it. A member of the RAB must absent himself from any discussions of the RAB 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 RAB will comply with all policies of the Trustees communicated to the RAB from time to time.
- 7.2 The Trustees and all members of the RAB 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 RAB will review its policies and practices on a regular basis, having regard to recommendations made by the Trustees 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 RAB shall provide such data and information regarding the business of the Academies in the region and the pupils attending the Academies as the Trustees 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 Trustees.

SCHEDULE 1

Disqualification of members of the LAB

8.2 No person shall be qualified to serve on the RAB unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academies in the region shall be entitled to serve on the RAB.

8.3 A person serving on the RAB 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 RAB shall cease to hold office if he is absent without the permission of the Chair of the RAB from [all/ insert number of meetings] the meetings of the RAB held within a period of six months and the RAB resolves that his office be vacated.

8.5 A person shall be disqualified from serving on the RAB if:

8.5.1 his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

8.5.2 he is the subject of a bankruptcy restrictions order or an interim order.

8.6 A person shall be disqualified from serving on the RAB at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Trustees 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 RAB shall cease to hold office if he would 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 RAB if he has 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 he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.

- 8.9 A person shall be disqualified from serving on the RAB if he has 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 RAB if he is 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 RAB where he has, 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