

Section 1.04 Constitution of the Local Board

1.04.01 Members of the Local Board

All appointments will be made in line with any national governance regulation that will be in existence at the time

1.04.01.01 The composition of the members of the Local Boards (each a “Local Board Member”) shall be subject to the provisions of this section of the Scheme. The number of people who shall sit on a Local Board shall be subject to the limits (both in respect of the total number of Local Board Members and the number of Local Board Members belonging to discrete categories of member) set out in Appendix 2.

1.04.01.02 The Board of LAAT may also appoint one or more of their number to serve on a Local Board and attend any meetings of such Local Board. Any Director or their appointed representative attending a meeting of a Local Board shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by such Local Board.

1.04.01.03 All persons appointed or elected to the Local Board shall give a written undertaking to the Directors to uphold the Object, Purpose and Ethos of LAAT.

1.04.02 Appointment of members of the Local Board

This section of the Scheme sets out the criteria by which the LAAT Board (and any other relevant appointer) may appoint a person to serve as a Local Board Member.

2.04.01.01 and clause 2.04.02.03 and Appendix 2) comprise Local Board Members of the following categories and such Local Board Members shall be appointed as follows:

1.04.02.01.01 LAAT Members – appointed directly by the Main Board. Parents and Staff are eligible for appointment as LAAT Members, subject to the total number of Parent members, or Staff members, on the Council not exceeding one third of the total number of Local Council Members.

1.04.02.01.02 Parent Members – parents of registered pupils at the relevant Academy may apply to the Local Board for selection as a Parent Member of the Local Board.

1.04.02.01.03 Headteacher – the Headteacher, or Executive Headteacher and Head of School of each Academy shall be a Local Board Member.

1.04.02.01.04 LAAT Foundation Members – For academies of religious character, LAAT will liaise with the DBE and PCC to appoint Foundation Members. Parents and Staff are eligible for appointment as LAAT Foundation Members, subject to the total number of Parent members, or Staff members, on the board not exceeding one third of the total number of Local Board Members.

1.04.02.01.05 Community Members – Each Local Board may nominate at least one member of the local community to serve on the Local Board. All nominations must be approved by LAAT

1.04.02.02 The LAAT Board shall appoint a member of each Local Board to serve as the Chair of the Board. The Chair of each Local Board shall have a term of office of one year. A person may be re-appointed to be the Chair of a Local Board for a total of four consecutive years, provided that they remain a Local Board Member and submit the appropriate application annually.

1.04.02.03 The Local Board of an Academy which has had its delegation removed shall exclusively comprise Local Board Members appointed by the LAAT Board. The LAAT Board shall appoint such persons as it considers will be able to direct and oversee an improvement in the Academy. LAAT may consult with the DfE as to the strategy to be employed in trying to improve the Academy and appointments that might be made to the Local Board.

1.04.03 Co-opted members of the Local Board.

1.04.03.01 Local Boards may nominate up to two persons to be 'Co-opted' to the Local Board to give additional assistance to the Local Board on specific projects or more generally but for a limited period of time. The co-optees may be appointed by LAAT following unanimous request from the Local Board. A person to be 'Co-opted' to a Local Board means a person who is to serve on the Local Board without having been appointed (pursuant to paragraph 2.04.02 of this Scheme) or elected to serve on the Local Board. The Local Board may not co-opt a person who is employed at the Academy if thereby the number of persons employed at the Academy serving on the Local Board would exceed one third of the total number of persons serving on the Local Board (including the Headteacher). Such persons are appointed on terms approved by LAAT and voting powers of co-optees shall be limited to those projects.

1.04.04 Term of office

1.04.04.01 The term of office for any person serving on a Local Board shall be four years, except that this time limit shall not apply:

- a. to the Headteacher;
- b. to persons who are 'Co-Opted' to the Local Board who shall serve for one year.
- c. to parents whose child or children leave the academy (who shall cease to be Local Board Members when they cease to have any children who are registered pupils at the Academy) unless LAAT consents to this continuation.

1.04.04.02 Subject to remaining eligible to be a particular type of Local Board Member, any person may be re-appointed or re-elected (including being 'Co-Opted' again) to the Local Board.

1.04.04.03 It is a requirement for all Local Board Members to have a full Disclosure and Barring Service check on appointment to the role as Local Board Member as it is expected that they will attend the Academy while children are on site.

1.04.05 Resignation and removal

1.04.05.01 A Local Board Member shall cease to hold office if they resign by notice to the Local Board or LAAT (but only if at least five persons will remain in office when the notice of resignation is to take effect).

1.04.05.02 A Local Board Member shall cease to hold office if they are removed by the person or persons who appointed them. While at the same time as acknowledging that no reasons need to be given for the removal of a Local Board Member by a person or persons who appointed them, any failure to uphold the values of LAAT and/or the Academy or to act in a way which is inappropriate in light of this Scheme will be taken into account. Any Local Board Member may also be removed by the Main Board if, in the reasonable opinion of the Main Board, that person is failing to adequately discharge their responsibilities or their continued membership of the Local Board is inappropriate for any other proper reason and this right to remove prevails over any provision of this Scheme or any other document issued by LAAT which is, or may appear to be, inconsistent therewith.

1.04.05.03 If a Staff Member ceases to work at an Academy then they shall be deemed to have resigned and shall cease to serve on the relevant Local Board automatically on cessation of them working at the Academy.

1.04.05.04 Where a Local Board Member resigns their office or is removed from office, that person or the Local Board shall give written notice to either the Chair or the Clerk of the Local Board.

1.04.06 Disqualification of members of the Local Board .To be eligible to serve on a Local Board, prospective candidates must be 18 years or over at the date of their appointment. Current pupils/students of an Academy are not entitled to serve on a Local Board.

1.04.06.01 A Local Board Member shall cease to hold office if they become incapable by reason of mental disorder, illness, injury or inability to manage or administer their own affairs.

1.04.06.02 A Local Board Member shall cease to hold office if they are absent without the permission of the Chair of the Local Board from all the meetings of the Local Board held within a period of six months and the Local Board resolves that the office be vacated.

1.04.06.03 A person shall be disqualified from serving on the Local Board if: a. Their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or b. The person is the subject of a bankruptcy restrictions order or an interim order; or

1.04.06.04 The person is subject to disciplinary procedures of a serious nature and shall be suspended from the Local Board until these are resolved

1.04.06.05 A person shall be disqualified from serving on the Local Board at any time when they are:
a. subject to a disqualification order or a disqualification undertaking under the 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). b. A person serving on the Local Board shall cease to hold office if they 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 reenactment or modification of that provision).

1.04.06.06 A person shall be disqualified from serving on the Local Board 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 their conduct contributed to or facilitated.

1.04.06.07 A person shall be disqualified from serving on a Local Board at any time if such person:

a. is on the barred list; or

b. has previously been disqualified from being a governor of a Church of England or any other designated school.

c. in respect of whom a direction has been made under section 142 of the Education Act 2002 or subject to any prohibition or restriction which takes effect as if contained in such a direction.

1.04.06.08 A person shall be disqualified from serving on a Local Board where:

a. at any time, they have 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.

b. they have not provided to the Chair of the Local Board 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 Chair or the Headteacher following a risk assessment, 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.

1.04.06.09 Where, by virtue of this Scheme, a person becomes disqualified from serving on the Local Board and was, or was proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Board who shall inform the LAAT Board.

1.04.06.10 This clause 2.04.06 shall also apply to any member of any committee of the Local Board who is not a Local Board Member.

Section 1.05 Operation of the Local Board

Each Local Board shall operate in accordance with the provisions of Appendix 1.

Section 1.06 Delegated Powers (See Decisions Table, Appendix 3)

1.06.01 General Provisions

1.06.01.01 Subject to company law generally, provisions of the Companies Act 2006, the Articles and to any directions given by the Members of LAAT pursuant to a special resolution, the management of the business of each Academy shall be delegated by the Main Board to the Local Board in accordance with the terms of this Scheme and in particular the relevant decision-making and referral matrices set out in Appendix 3 ("Decision Tables"). If a Local Board is uncertain as to where, or if, the Decision Tables deal with a particular matter, the Local Board should refer to a nominee of LAAT for guidance (being, unless otherwise resolved by the LAAT Board).

1.06.01.02 No alteration of the Articles and no such direction shall invalidate any prior act of a Local Board which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme, the powers given by this Scheme shall not be limited by any special power given to the Directors by the Articles or to the Local Board and a meeting of the Local Board at which a quorum is present may exercise all the powers so delegated.

1.06.01.04 In the exercise of its powers and functions, a Local Board may consider any advice given by the Headteacher and any other executive officer as well as the LAAT Board.

1.06.01.05 Any and all delegation of power by the Main Board pursuant to this Scheme is revocable upon the decision of the LAAT Board (acting reasonably). This provision prevails over any other of this Scheme but for the avoidance of doubt, does not apply to powers held by a Headteacher in their capacity as such.

1.06.02 Ethos and Values

1.06.02.01 While each Local Board shall be responsible for ensuring that the business of the Academy is conducted in accordance with its Purpose and Ethos referred to in Clause 2, the determination of the Academy's Purpose and Ethos shall be the responsibility of the LAAT Board who shall not make any alteration to the religious or non-religious character of any Academy or the conduct of any Academy as a Church of England school without first consulting the LDBE.

1.06.02.02 At all times, the LAAT Board and the relevant Local Board shall ensure that each Academy is conducted in accordance with the Object of LAAT, and any agreement entered into with the Secretary of State for the funding of that Academy.

1.06.02.03 At all times, the Directors and the Local Board Members shall act in accordance with the HM Treasury 'Code of Conduct for Board members in Public Bodies'.