



Headteacher boards: terms of reference

Purpose

The HTB members are non-executive; the members' role is to provide advice, scrutiny and challenge to the Regional Schools Commissioners' (RSCs) decision making. Decisions are ultimately for the RSCs to take, but they should be informed by the views of their HTB, the members of which should contribute their local and professional expertise. HTB members also hold RSCs to account for the decisions they make - where an RSC intends to take a decision which does not accord with the majority of HTB members' advice on that particular decision, then the RSC must report this to the National Schools Commissioner and Minister.

Remit

Each HTB provides advice and challenge to support the RSC on key decisions, bringing local and regional intelligence and experience to bear.

The 'RSC Framework for Decision Making' contains the parameters within which these decisions are taken. Each RSC works with their HTB to determine how they operate together to shape and address the particular priorities for their region.

HTB members understand the regional educational environment and contribute their outstanding leadership skills and experience to the work of the RSC. This may include, but is not limited to, attending meetings, events and visits.

Membership

Four members of each HTB are elected, as part of a three year election cycle, by other academy heads in the region. Two members may be appointed by the RSC on behalf of the Secretary of State. HTBs are also able to seek approval from the Secretary of State to co-opt further members to fill any skills or expertise gaps. HTBs have members with a variety of skills, including education, governance and business leadership. RSC's and their boards work to ensure a mix of skills through appointments and co-option.

Elected members:

Elected members are required to meet one of the following three criteria:

- be currently serving as a headteacher of an academy rated by Ofsted as outstanding overall with outstanding leadership and management at the time of the election; or
- be currently serving as a headteacher of an academy rated by Ofsted as good overall with outstanding leadership and management at the time of the election; or
- have recently (within two years of the closing date of the election) served as a headteacher of an academy which met either of the two criteria above at the time of their departure. This

criterion would be satisfied, for example, by retired headteachers or those who are now employed in a management position within an academy chain or trust.

To be eligible for election to the HTB, the head must work at (or have worked at in the past) an academy in the region served by that HTB. The elections use a first past-the-post system with some conditions to ensure that at least one primary head and one secondary head are represented and to ensure that no more than one head per single academy chain is elected onto any one board. Heads from the same chain can be elected to more than one board if the chain operates across more than one region.

The electorate is comprised of headteachers of all academies in the region, which are open on a date to be published by the Secretary of State prior to the date of the election. For the first HTB elections in 2014 this was all academies open as of 1st May 2014. It is expected that the election process will be run approximately every three years.

There will be no by-elections. If an elected member resigns, or is disqualified, the HTB may co-opt suitable replacement(s) to serve in place of the former member. In such cases, the term of membership can as a maximum be made for the period up to the date of the next election.

Frequency of meetings and availability

The frequency and schedule of meetings is decided by the board based on business need and availability.

As regional experts and champions of local academies, HTB members may also be asked to travel and attend events and visits throughout their region, as appropriate. Members may occasionally be asked to attend meetings or training outside of the region in which they serve.

Working practices

RSCs seek advice from their HTB in a variety of ways including by email and telephone. Formal meetings which the RSC chairs are frequent enough for HTB members to share their knowledge and experience, discuss complex cases and offer timely advice and challenge to the RSC as required. Records of HTB meetings are currently published on a monthly basis, with a two month delay. This allows parties involved to be notified of decisions before they are made public.

Where an RSC intends to take a decision which does not accord with the advice of the majority of HTB members advising on a particular matter this is escalated to the National Schools Commissioner and Minister.

The RSC and HTB agree flexible and pragmatic arrangements for giving advice. The RSC enables members of the board (except those who have registered a conflict of interest) to give their views. HTB members may need to give advice at short notice and if they are not able to do so the RSC may proceed to make decisions. The RSC sometimes consults particular members on specific matters rather than the whole Board. On other occasions the RSC may need to take quick decisions and will be unable to consult the HTB. Where a HTB member has a concern about the operation of the HTB and RSC and is unable to raise this matter with the RSC they can contact the National Schools Commissioner to discuss.

Conflicts of Interest

RSCs and their office staff discuss the management of conflicts of interest with each HTB member. HTB members must declare any actual or potential interests that might impact their HTB duties to the RSC's office, which must maintain an accurate and up to date log. HTB members must remove themselves from discussions and must not provide advice on cases where there is a conflict of interest, where there is a potential conflict of interest or where there is an appearance of such a conflict. This may include, for example, where the decision to be taken relates to an academy chain of which their academy is part, or if the decision to be taken by the RSC has an impact on the academy or chain that they work for, previously served at or relates to an academy with which they are/have been involved in an advisory capacity. Each member must consider possible conflicts of interests in each case that they are asked to provide input.

If a conflict of interest is discovered that has not been declared, this will be considered serious misconduct and the member may be required to relinquish their membership of the HTB.

Suitability of members and disqualification

An individual is disqualified from holding or continuing to hold the office of a HTB member if that person:

- a) is involved in any activities, illegal or otherwise, which could bring the HTB into disrepute;
- b) is directly involved in the running of businesses or activities that may be considered inappropriate for children and young people (e.g. tobacco, gambling, adult entertainment, alcohol);
- c) is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989, a disqualification order or a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- d) has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of anybody;
- e) is subject to a prohibition order or interim prohibition order under section 141B of, or Schedule 11A to, the Education Act 2002;
- f) is barred from participating in the management of an independent school;
- g) has been sentenced to six months or more in prison (without the option of a fine) in the two years before becoming a HTB member or since becoming a HTB member; has received a prison sentence of three years or more in the seven years before becoming a HTB member; or has at any time received a prison sentence of four years or more;
- h) becomes a Parliamentary Candidate or an MP (including the European Parliament);
- i) is unable to fulfil the requirement to devote a minimum of half a day per week to their role or if they fail to adequately attend meetings of the HTB or offer timely advice to the RSC for a period of more than 2 months;
- j) fails (or its employing company, any officers or representatives of it fails) to fulfil their obligations relating to the payment of Social Security contributions;
- k) fails (or its employing company, any officers or representatives of it fail) to fulfil their obligations relating to payment of taxes;

- l) does anything that constitutes serious misconduct as specified throughout this document, HTB member terms document or any supplementary guidance or instruction issued to the HTB members to assist them in carrying out their role.

HTB members, regardless of how they gained their place on the board, are required to relinquish their membership of the HTB if they are disqualified under these criteria or if the RSC and the National Schools Commissioner agree that their actions constitute serious misconduct or that their continued membership of the HTB is likely to bring the system into disrepute. In cases where the member does not relinquish their membership when required to do so, the DfE will withhold payment for their services and the RSC will not seek their advice or rely on any advice given by them.

The role of a HTB member is one of regional visible profile and HTB members, prospective members and those involved in any appointments to the board must use their own discretion and judgement in determining, on a case-by-case basis, any additional circumstances that might prevent the reputation of an individual being in keeping with the role of a HTB member. HTB members should advise the RSC as soon as possible, if anything occurs in their private or working life which if became generally known, might bring them, the HTB or the RSC into disrepute, or call into question their integrity, authority or standing as a HTB member.

Resignations process

A HTB member may resign at any time by informing the RSC in writing and copying their letter to the National Schools Commissioner.

If, as a result of an Ofsted inspection, an elected member's academy no longer satisfies the eligibility criteria, this does not automatically mean that the member cannot continue to serve on the HTB. However, the member must consider with their RSC whether it is appropriate for them to remain on the HTB.

Resources and payment

HTBs are not part of the DfE and will not be in charge of any DfE finances and cannot directly allocate financial resources.

An HTB member's employer (e.g. academy trust), will be remunerated for the time they spend on HTB related business. This is to assist the organisation in releasing employees to fulfil HTB business and recompense HTB members for their travel. Where a HTB member is self-employed (e.g. ex-heads) they will be paid directly via an appropriate method. The rate is inclusive of expenses and travel within the region.

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Reference: DFE-00118-2016