

**JAMES MONTGOMERY ACADEMY TRUST**

..... SCHOOL

**SCHEME OF DELEGATION**

**EFFECTIVE DATE: [.....]**



**1. Introduction**

- 1.1 As a charity and company limited by guarantee, the James Montgomery Academy Trust (JMAT), (the “Company”) is governed by a Board of Directors (the “Directors”) who are responsible for, and oversee, the management and administration of the Company and the academies run by the Company; and ..... Primary School (the Academy) is one of the academies.
- 1.2 This Scheme of Delegation has been put in place by the Directors from the Effective Date in accordance with the provisions of the Company’s Articles of Association (the “Articles”) and should be read in conjunction with those Articles and any terms used in the Articles.
- 1.3 This Scheme of Delegation will apply to all academies for which the Academy Trust is responsible (the “Academies”) and details for each individual academy, e.g. name, location, whether primary, secondary, or “all through”, and any specific matters relating to that academy will be set out in an Appendix to this Scheme of Delegation. Any reference to “the Academy” in this Scheme of Delegation will be a reference to the academy so named in the relevant Appendix.
- 1.4 If the Academy is a Church of England school, designated as such, the Directors are also accountable both to the Sheffield Diocesan Board of Education (to ensure that the Academy is conducted as a Church of England school) and to any persons or body who holds the land used by the Academy on trust to ensure that the objects of such trust are upheld and the land is used for purposes which are consistent with the objects of the Trust.
- 1.5 The Directors are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education they provide, and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.
- 1.6 In order to discharge these responsibilities, the Directors appoint people who are more locally based to serve on a board (the “Local Governing Body”) established to ensure the good governance of the Academy.
- 1.7 The Local Governing Body shall be the “Advisory Body” for the Academy as required by the Master Funding Agreement entered into between the Company and the Secretary of State (the “Secretary of State”)
- 1.8 The Directors shall delegate various delegated functions to the Local Governing Body pursuant to clause 5 of this Scheme, but the function of the Local Governing Body shall be to:
  - 1.8.1 have a monitoring role in health and safety and premises of the Academy;
  - 1.8.2 consider budget monitoring information and make recommendations to the Headteacher in relation to any potential overspending;
  - 1.8.3 govern admissions and appoint a committee to apply admissions criteria in accordance with the Admissions Code and with due regard to any locally agreed fair access protocols;

- 1.8.4 govern exclusions in accordance with appropriate regulations;
  - 1.8.5 consider budget monitoring information and make recommendations to the Headteacher of the Academy (each a “Headteacher”) in relation to annual budget proposals;
  - 1.8.6 monitor and be accountable for standards and report annually to the Directors;
  - 1.8.7 act as a critical friend to the Headteacher, including via provision of advice in relation to annual budget proposals;
  - 1.8.8 represent the views of the community in discussions on budget issues that relate to community engagement and activity, and make recommendations to the Headteacher; and
  - 1.8.9 support the Headteacher in safeguarding, recruitment and selection, grievance and disciplinary processes where appropriate.
- 1.9 This Scheme of Delegation explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Directors and the members of the Local Governing Body and the commitments to each other to ensure the success of the Academy.

## **2. Excellence and equity for all children in the JMAT context**

- 2.1 Education is inevitably a process of change; it is self-evident that no child starting school will be the same when they leave. What is important is that the change is for the good and that the guiding principles of that change are based on sound educational, moral and for Church schools Christian precepts.
- 2.2 To achieve that state children must be highly literate and numerate so that they can access all that the world has to offer. They must be able to use technology confidently and competently to help them on that journey. Life’s fullness also requires each child to know about the world and its history, to be able to appreciate and create art and music in their many forms, and to have fit, active minds and bodies.
- 2.3 A person who can truly be described as educated does not just have a vast bank of knowledge; they have the ability to use that knowledge for their own good and for the good of humanity. The development of a strong spiritual and moral framework is an essential part of the education that will be on offer.
- 2.4 All schools will have a high-quality Religious Education through which children will learn about Christianity and other world religions; this in turn will help them better to understand other people’s points of view and learn to live in harmony with those about them.
- 2.5 In church schools the school’s distinctiveness is of great significance where creativity of approach is encouraged in order to seek the demonstration of the impact of their Christian character on the daily life of the school. This will be formally measured during the Section 48 inspection.
- 2.6 Every child is unique and precious and must be given the chance to flower in a healthy, safe and secure environment, and to have their individual skills, talents and spiritual, cultural and emotional development nourished so that they bloom and prosper. Enriched by life-long learning and service to others, each one will be offered the opportunity to experience life in all its fullness.

- 2.7 The Directors and the Local Governing Bodies recognise their responsibility towards the common good, not just of the Academies for whom the Company is responsible and the Diocesan family of schools, but of all the families and communities in the areas served by the Company. In light of the principle of common good, the Local Governing Body also acknowledges the desire and obligation of the Directors to put in place measures to ensure that any Academy for whom the Company is responsible is supported when the need arises. Where this may have a financial impact on the Academies, any policy decision shall first be the subject of consultation with the Local Governing Bodies, so that their views are taken into account in relation to the setting and implementation of any such policy.
- 2.8 The Local Governing Bodies also recognize the responsibility of the Directors and Company as sponsor, including any officer appointed with the express purpose of achieving and maintaining school improvement, to support those schools that are inadequate or requiring improvement to ensure their long-term sustainability. Any school improvement plan will be the object of discussions between the Directors, Company and the school concerned; Local Governing Bodies will be expected to acknowledge that the financial cost of any support package will be the responsibility of the Academy. Any school improvement plan will take account of the Secretary of State's concerns and will identify measurable objectives and milestones for improvement. The Local Governing Body will support and ensure implementation of any plan that has received formal approval.
- 2.9 The Directors also recognise the role that the Academies play in their communities: Local Governing Bodies are free to decide how such support and patronage is given. The Local Governing Body shall ensure, however, that any support is not inconsistent with the objects of the Company and the restrictions on use of its charitable resources, and with any advice or restriction placed on the Company by the Secretary of State. The Local Governing Body shall ensure that any formal collaboration or support is appropriately documented, and the details notified to the Directors.

### **3. Directors' powers and responsibilities**

- 3.1 The Directors have overall responsibility and ultimate decision-making authority for all the work of the Company, including the establishing and running of schools. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, appraisal, the setting of standards and the implementation of quality management processes. The Directors have the power to direct change where required.
- 3.2 The Directors have a duty to act in the fulfilment of the Company's objects. As Church of England Schools are part of the James Montgomery Trust the Directors also have a duty to the Diocese of Sheffield Board of Education and the Bishop of Sheffield to uphold the object of the Company.
- 3.3 Directors will have regard to the interests of the other academies for which the Company is responsible in deciding and implementing any policy or exercising any authority in respect of an individual Academy.
- 3.4 Article 100 provides for the appointment by the Directors of committees to whom the Directors may delegate certain of the functions of the Directors. In further recognition of the Directors' power to delegate under Articles 101 and 105, responsibility for the running of the Academy from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Governing Body of the Academy.
- 3.5 The constitution, membership and proceedings of the Local Governing Body are determined by the Directors, and this Scheme of Delegation expresses such matters as well as acknowledging the authority delegated to the Local Governing Body in order to enable the Local Governing Body to run the Academy and fulfil the Academy's mission.

## **4. CONSTITUTION OF THE LOCAL GOVERNING BODY**

### **4.1 Members of the Local Governing Body**

- 4.1.1 The number of people who shall sit on the Local Governing Body shall be not less than three but unless otherwise determined by the Directors shall not be subject to any maximum.
- 4.1.2 The Local Governing Body shall have the following members:
  - 4.1.2.1 up to 4 members, appointed under clause 4.2.1;
  - 4.1.2.2 no fewer than 1 staff member, appointed under clause 4.2.2;
  - 4.1.2.3 no fewer than 2 parent members elected or appointed under clause 4.2.5;
  - 4.1.2.4 the Head teacher/ Executive Head of the Academy;
  - 4.1.2.5 In a C of E school a Parish Priest appointed by the COMPANY; where there is more than one Parish, two Parish Priests may be appointed; and
  - 4.1.2.6 any additional members, if appointed by the Directors at the request of the Secretary of State of Education (the "Secretary of State") pursuant to clause 102c) of the Master Funding Agreement entered into between the Company and the Secretary of State governing the affairs of the Company;
- 4.1.3 The Local Governing Body may also have co-opted members appointed under clause 4.3.
- 4.1.4 The Directors (all or any of them) shall also be entitled to serve on the Local Governing Body and attend any meetings of the Local Governing Body. Any Director attending a meeting of the Local Governing Body shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the Local Governing Body.
- 4.1.5 All persons appointed or elected to the Local Governing Body shall give a written undertaking to the Directors and the COMPANY to uphold the object of the Company.

### **4.2 Appointment of members of the Local Governing Body**

- 4.2.1 The Company may appoint up to 4 persons to serve on the Local Governing Body on the following basis:
  - 4.2.1.1 it shall have regard to any recommendations and views of the Directors in relation to ensuring that the people serving on the Local Governing Body between them have an appropriate range of skills and experience, and that due attention is given to succession planning;
  - 4.2.1.2 due representation is given to any persons or body who holds the land used by the Academy on trust;
  - 4.2.1.3 that it shall seek nominations for 1 of the persons to be appointed from the Parish Priest.

- 4.2.2 The Local Governing Body shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the Academy (excluding the Headteacher/ Executive Head) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Body.
- 4.2.3 The Headteacher and the (In a church school, Parish Priest) shall be treated for all purposes as being ex officio members of the Local Governing Body.
- 4.2.4 Subject to clause 4.2.8, the parent members of the Local Governing Body shall be elected by parents of registered pupils at the Academy, and he or she must be a parent of a pupil at the Academy at the time when he or she is elected.
- 4.2.5 The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot.
- 4.2.6 The arrangements made for the election of the parent members of the Local Governing Body shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if she or he prefers, by having their ballot paper returned to the Academy by a registered pupil at the Academy.
- 4.2.7 Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he or she is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 4.2.8 The number of parent members of the Local Governing Body required shall be made up by persons appointed by the Local Governing Body if the number of parents standing for election is less than the number of vacancies.
- 4.2.9 In appointing a person to be a parent member of the Local Governing Body pursuant to clause 4.2.9, the Local Governing Body shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.
- 4.2.10 The first parent and staff members of the Local Governing Body shall be those people who filled those positions on the Governing Body of the predecessor ..... Primary School at its closure (provided they remain eligible under this Scheme of Delegation), who shall serve on the Local Governing Body for the remainder of the terms of office for which they were elected to the predecessor Governing Body.

### **4.3 Co-opted members of the Local Governing Body**

- 4.3.1 The Local Governing Body may appoint, in consultation with the Directors, up to 3 persons to be “co-opted” to the Local Governing Body. A person who shall be “co - opted” to the Local Governing Body means a person who is to serve on the Local Governing Body without having been appointed or elected to serve on the Local Governing Body. The Local Governing Body may not co-opt a person who is employed at the Academy.

## **Term of office**

The term of office for any person serving on the Local Governing Body shall be 4 years, save that this time limit shall not apply to the Headteacher/ Executive Head or the Parish Priest (Church School) who are ex-officio. Persons who are “co-opted” to the Local Governing Body shall serve for 1 year. Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected (including being “co - opted” again) to the Local Governing Body.

### **4.4 Resignation and removal**

- 4.4.1 A person serving on the Local Governing Body shall cease to hold office if she or he resigns their office by notice to the Local Governing Body (but only if at least three persons will remain in office upon the notice of resignation taking effect).
- 4.4.2 A person serving on the Local Governing Body shall cease to hold office if s/he is removed by the person or persons who appointed her/him. Whilst no reasons need to be given for the removal of a person who serves on the Local Governing Body by a person or persons who appointed her/him, any failure to uphold the values of the COMPANY and/or the Academy, or to act in a way which is appropriate in light of this Scheme of Delegation, will be taken into account. A person may also be removed by the Directors, but only after the Directors have given due regard to any representations by the Local Governing Body. This clause does not apply in respect of a person who is serving as a parent member on the Local Governing Body.
- 4.4.3 If any person who serves on the Local Governing Body in her/his capacity as an employee at the Academy ceases to work at the Academy, then s/he shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of their work at the Academy.
- 4.4.4 Where a person who serves on the Local Governing Body resigns her/his office or is removed from office, that person or, where s/he is removed from office, those removing her/him, shall give written notice thereof to the Local Governing Body who shall inform the Directors and the COMPANY.

### **4.5 Disqualification of members of the Local Governing Body**

- 4.5.1 No person shall be qualified to serve on the Local Governing Body unless s/he is aged 18 or over at the date of her/his election or appointment. No current pupil of the Academy shall be entitled to serve on the Local Governing Body.
- 4.5.2 A person serving on the Local Governing Body shall cease to hold office if s/he becomes incapable by reason of mental disorder, illness or injury of managing or administering their own affairs.
- 4.5.3 A person serving on the Local Governing Body shall cease to hold office if s/he is absent without the permission of the Chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months, and the Local Governing Body resolves that her/his office be vacated.
- 4.5.4 A person shall be disqualified from serving on the Local Governing Body if:
  - 4.5.4.1 her/his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

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- 4.5.4.2 s/he is the subject of a bankruptcy restrictions order or an interim order.
- 4.5.5 A person shall be disqualified from serving on the Local Governing Body at any time when s/he is subject to a disqualification order or a disqualification undertaking under the Company 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).
- 4.5.6 A person serving on the Local Governing Body shall cease to hold office if s/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 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).
- 4.5.7 A person shall be disqualified from serving on the Local Governing Body if s/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 s/he was responsible or to which s/he was privy, or which s/he by her/his conduct contributed to or facilitated.
- 4.5.8 A person shall be disqualified from serving on the Local Governing Body at any time when s/he is:
- 4.5.8.1 included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or
  - 4.5.8.2 disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or
  - 4.5.8.3 barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).
- 4.5.9 A person shall be disqualified from serving on the Local Governing Body if s/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 contained in such a direction.
- 4.5.10 A person shall be disqualified from serving on the Local Governing Body where s/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 72 of the Charities Act 1993.
- 4.5.11 After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body in accordance with this clause 4.5. 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.
- 4.5.12 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body; and s/he was, or was proposed, to so serve, s/he shall upon becoming so disqualified give written notice of that fact to the Local Governing Body who shall inform the Directors and COMPANY.
- 4.5.13 This clause 4.5 and paragraph 2 of the Schedule shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body.

## 5. DELEGATED POWERS

### 5.1 General Provisions

- 5.1.1 Subject to provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Company following a special resolution or any directives issued by Company, the management of the business of the Academy shall be delegated by the Directors to the Local Governing Body who may exercise all the powers of the Company in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing Body 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 of Delegation, the powers given by this Scheme of Delegation shall not be limited by any special power given to the Directors by the Articles or to the Local Governing Body by this Scheme of Delegation and a meeting of the Local Governing Body at which a quorum is present may exercise all the powers so delegated.
- 5.1.2 In general terms, the responsibility of the Directors in so far as the business of the Academy is concerned is to determine the policy and procedures of the Academy and to consider and respond to strategic issues. Whilst the Directors are free to decide what constitutes a strategic issue, having regard to all the circumstances, unless a matter is identified as a strategic issue and/or is identified as being the responsibility of the Directors under this Scheme of Delegation, the responsibility for such matter will be that of the Local Governing Body. The following matters shall **not be** Delegated Functions:-
- 5.1.2.1 the powers set out in Articles 5 (a), (c), (e), (g), (l), (m), (n), (o), and (q) of the Articles of Association;
  - 5.1.2.2 ensuring compliance with the Company's duties under Company Law, Charity Law and agreements made with the Department for Education, (including the Master Funding Agreement and the Supplemental Funding Agreement);
  - 5.1.2.3 the determination of the educational character, ethos and mission of the Academy and the Company;
  - 5.1.2.4 ensuring the solvency of the Company, safeguarding its assets and delivering its charitable outcomes;
  - 5.1.2.5 ensuring the continued charitable status of the Company;
  - 5.1.2.6 The determination of the establishment, constitution, membership, proceedings and delegated powers and functions of any governing body and committee and their annual review and revision;
  - 5.1.2.7 the approval of the Company and the Academy's policies;
  - 5.1.2.8 to receive reports from the Local Governing Body and make recommendations to the Local Governing Body;

- 5.1.2.9 selling or otherwise disposing of any asset which is of a value in excess of 10% of the total net book value of all assets belonging to the Academy;
- 5.1.2.10 creating or allowing to come into being any third party interest (other than a line on assets arising in the ordinary course of trading or a charge operating as a result of a title retention clause);
- 5.1.2.11 giving any guarantee or indemnity other than in the ordinary course of business, the value of which exceeds £1,000;
- 5.1.2.12 entering into a contract or arrangement which is of a value of in excess of 10% of the General Annual Grant ("GAG") for the Academy per year or which the termination provisions require more than six months' notice;
- 5.1.2.13 acquiring assets having a market value in excess of 5% of the GAG for the Academy;
- 5.1.2.14 entering into, varying or terminating any lease, licence, tenancy or other similar arrangement;
- 5.1.2.15 any lending;
- 5.1.2.16 commencing or settling any litigation or arbitration proceedings;
- 5.1.2.17 entering into any other arrangement in the nature of borrowing (including debts factoring, invoice discounting, hire purchase, equipment leasing, conditional or credit sales or any off-balance sheet borrowings) if the value of the amount borrowed exceeds 5% of the GAG for that Academy;
- 5.1.2.18 terminating or varying the terms of any contract which has a value in excess of 10% of the GAG for that Academy;
- 5.1.2.19 engaging any employee or consultant whose annual emoluments per annum exceeds the total annual emoluments of the Headteacher of that Academy per annum;
- 5.1.2.20 varying the terms and conditions of that engagement so that the terms and conditions of that engagement are no longer comparable to the equivalent engagement in one or more of the academies within the Company;

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- 5.1.2.21 establishing or amending any pension scheme or granting any pension rights to any director, officer, employee, former director, officer or employee, or any member of any such person's family.
- 5.1.3 Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Governing Body and without detracting from the generality of the powers delegated, the Local Governing Body shall have the following powers, namely:
  - 5.1.3.1 managing the employment of all staff employed at the Academy;
  - 5.1.3.2 adopting the disciplinary policy which was in place at the former maintained school which the Academy replaced;
  - 5.1.3.2 managing all disciplinary matters in accordance with such policy;
  - 5.1.3.3 to expend certain funds of the Company as permitted by clause 6.3 in such manner as the Local Governing Body shall consider most beneficial for the achievement of the Object in so far as it relates to the Academy and to invest in the name of the Company such part of the funds of the Company for which it has responsibility pursuant to this Scheme of Delegation as it may see fit, and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the Object; and
  - 5.1.3.4 to enter into contracts on behalf of the Company in so far as they relate to the Academy.
- 5.1.4 In the exercise of its powers and functions, the Local Governing Body shall:
  - 5.1.4.1 consider any advice given by the Headteacher. but must consider the advice given by the Directors and Company.
  - 5.1.4.2 have due regard to any guidelines and policies issued by the Directors.
  - 5.1.4.3 Any bank account in which any money of the Company in so far as it relates to the Academy is deposited shall be operated by the Local Governing Body in the name of the Company.

## 5.2 Ethos and Values

- 5.2.1 Whilst the Local Governing Body shall be responsible for ensuring that the Academy is conducted in accordance with its ethos and values referred to in clause 2, the determination of the Academy's ethos and mission statement shall be the responsibility of the Directors who shall not make any alteration to the religious character of the Academy nor the conduct of the Academy which is a Church of England school without prior consent of the Company.

- 5.2.2 At all times, the Directors and the Local Governing Body shall ensure that the Academy is conducted in accordance with the object of the Company, the terms of the trust governing the use of the land which is used for the purposes of the Academy and any agreement entered into with the Secretary of State for the funding of the Academy.

### **5.3 Finance**

- 5.3.1 In acknowledgement of the receipt by the Directors of funds in relation to the Academy, provided by the Secretary of State, donated to the company and generated from the activities of the Company, the Directors delegate to the Local Governing Body the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy.
- 5.3.2 The Local Governing Body acknowledges the support provided by the Directors, and accepts that certain costs will be incurred by them in undertaking its functions and meeting their responsibilities. This amount is fixed but can be reviewed, and changed following a consultation with Local Governing bodies acting reasonably.
- 5.3.3 There may be other services provided by the Directors on either an optional or a non-discretionary basis; these will be agreed with the Local Governing Body. In light of this, the Local Governing Body will be expected to meet a proportion of the costs incurred by the Directors, which shall be determined by the Directors on an annual basis. The Directors will on request make available to the Local Governing Bodies full details of the expenditure incurred by the Directors and will at the start of each academic year circulate a draft budget for the Company for discussion with the Local Governing Bodies.
- 5.3.4 Whilst the Local Governing Body shall have the power to enter into contracts on behalf of the Company in so far as they relate to the Academy pursuant to clause 6.1.3, the Local Governing Body shall first obtain the written consent of the Directors to any contracts or expenditure for any single matter above £50,000 (or such other amount as shall be notified by the Strategic Board to the Academy from time to time). This provision does not relate to entering into staff contracts.
- 5.3.5 The bank account(s) in which any money of the Company in so far as it relates to the Academy is deposited shall be operated by the Local Governing Body in the name of the Academy. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Local Governing Body except where expenditure exceeds £50,000 in which case one of those signatories shall be either the Chief Executive Officer or, in his or her absence, the Chairman of the Directors.
- 5.3.6 For any BACS transfer payment of money from a bank account operated by the Local Governing Body in the name of the Company that exceeds £100,000 written approval must be sought from either the Chief Executive Officer or, in his or her absence, the Chairman of the Directors.
- 5.3.7 No monies of the Company (whether or not authority to expend has been devolved to the Local Governing Body) shall be paid into any bank account other than a bank account authorised by the Directors.
- 5.3.8 The accounts of the Company shall be the responsibility of the Directors but the Local Governing Body shall provide such information about the finances of the Academy as often and in such format as the Directors shall reasonably require. [Without prejudice to the above, the Local Governing Body shall provide monthly management accounts to the Directors.]

- 5.3.9 The Local Governing Body acknowledges the need of the Directors to co-ordinate the financial information of each of the Academies, and in order to achieve efficiencies and to minimize the cost and risk of auditing, the Local Governing Body commits to supporting the long-term aim of the Directors to harmonise the financial management information systems adopted by the Academies.
- 5.3.10 The Local Governing Body shall ensure that proper procedures are put in place for the safeguarding of funds, and that the requirements of the Academies Financial Handbook and the Master Funding Agreement are observed at all times, as well as any requirements and recommendations of the Directors (on behalf of the Company) and the Secretary of State. For the avoidance of doubt the Directors and the Local Governing Body acknowledge the restriction on borrowing contained in the Master Funding Agreement.
- 5.3.11 The Local Governing Body shall submit its annual budget, which must not be a **deficit** budget, to the Directors at the times notified to it by the Directors and will have regard to any views of the Directors as to the appropriateness of such budget. The Local Governing Body shall inform the Directors and the Company of any need for significant unplanned expenditure and will discuss with the Directors (and others as the Directors shall require) options for identifying available funding.
- 5.3.12 The Local Governing Body shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy. The Local Governing Body shall comply with any risk management policy adopted by the Directors and provide such information about any areas of risk notified to the Directors as the Directors shall require from time to time. The Local Governing Body shall nominate one member of the Local Governing Body to fulfil the functions of the Responsible Officer in so far as it affects the Academy, and such person will liaise with the Company's Responsible Officer in order to ensure that consistent financial risk management procedures are being adopted across all Academies.
- 5.3.13 The Directors acknowledge the Local Governing Body's right and intention to use any voluntary (i.e. non grant) funds (including any restricted funds) raised by the Local Governing Body for the purposes for which they have been raised and otherwise solely at the discretion of the Local Governing Body, provided this is within the objects of the Company. Proper accounts will be kept by the Local Governing Body showing the receipt and use of such funds and the extent to which such funds are restricted, in the light of the obligation on the Company to note these funds separately in the accounts of the Company.

#### 5.4 Premises

- 5.4.1 Subject to and without prejudice to clauses 6.3.2 and 6.4.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Directors (and/or any others) as owners of such buildings and facilities.
- 5.4.2 The Local Governing Body shall in conjunction with the Directors develop a 5-year estate management strategy that will identify the suitability of building and facilities in light of long-term curriculum needs and the need for and availability of capital investment to meet the Local Governing Body's responsibility to ensure the buildings and facilities are maintained to a good standard.

- 5.4.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Directors.
- 5.4.4 Insuring the land and buildings used by the Academy will be the responsibility of the Directors who shall recover the cost from the budget delegated to the Governing Body to the extent the same is not otherwise reclaimed directly from the Education Funding Agency (or any successor body).
- 5.4.5 The Local Governing Body will notify the Directors and Company as soon as reasonably practicable following the occurrence of an event in respect of which insurance has been obtained. The responsibility for notifying the insurers is the Local Governing Body. The Directors and the Governing Body will provide each other with all necessary information and assistance as may be helpful in the management of any insurance claims.

## **5.5 Resources**

### **5.5.1 Headteacher**

- 5.5.1.1 The Local Governing Body shall, in consultation with the Directors, appoint the Headteacher in the same process this already currently happens. The Directors and the Local Governing Body may delegate such powers and functions as they consider are required by the Headteacher for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Directors and the Local Governing Body for the direction of the teaching and curriculum at the Academy).
- 5.5.1.2 The Directors/ Local Governing Body shall ensure that the Headteacher for a Church School is a practising Christian (of a denomination belonging to the Churches Together in Britain and Ireland) or committed to giving active and practical leadership and support for the Christian ethos and traditions of worship. This is intended for Church of England schools only.
- 5.5.1.3 The Directors shall ensure, or delegate to the Local Governing Body the appraisal of all Headteachers, and shall put in place procedures for their proper professional and personal development.

### **5.5.2 Other Staff**

- 5.5.2.1 The Local Governing Body shall be responsible for the appointment and management of all other staff to be employed at the Academy, provided that this is notified to the Directors / Chief Executive Officer; in addition the Local Governing Body shall:
  - 5.5.2.1.1 comply with all policies dealing with staffing matters issued by the Directors from time to time;
  - 5.5.2.1.2 take account of any pay terms set by the Directors;
  - 5.5.2.1.3 adopt any standard contracts or terms and conditions for the employment of staff issued by the Directors;
  - 5.5.2.1.4 accept that they may be approached by the Trust regarding the deployment of their staff; it would, however, be the Local Governing Body's decision to comply or not with any such initiative proposed by the Trust.

5.5.2.1.5 manage any claims and disputes with staff members, having due regard nonetheless to any advice and recommendations given by the Directors.

5.5.2.2 The Local Governing Body shall carry out or delegate to either the Headteacher and / or an appropriate committee (as appropriate) the appraisal of all staff ( including Headteacher/ Executive Head) and shall put in place procedures for the proper professional and personal development of staff.

## **5.6 Curriculum and Standards**

5.6.1 The Local Governing Body shall be responsible for the setting and review of the curriculum, but shall have regard to any views expressed by the Directors in recognition of the Directors' obligation to the Secretary of State to provide a broad and balanced curriculum.

5.6.2 The Local Governing Body shall be responsible for the standards achieved by the Academy and the pupils attending the Academy, but shall follow such advice and recommendations of the Directors as they might issue from time to time.

5.6.3 The Local Governing Body shall be responsible for the setting and review from time to time of the Academy's admissions policy, provided only that no change will be made to the admissions criteria without the prior written consent of the Directors and Company.

5.6.4 Any decision to expand the Academy shall be that of the Directors, but they shall have regard to the views of the Local Governing Body.

## **5.7 Extended Schools and Business Activities**

5.7.1 Whilst the undertaking of any activities which would be described as part of the Academy's "extended schools agenda" or designed to generate business income would be the responsibility of the Local Governing Body, these shall only be undertaken in a manner consistent with any policy set by the Directors and having regard to the viability of such activities, the impact on the Academy's activities, and any financial implications such as the threat of taxation in light of the Company's charitable objects and any threat to funding provided by the Secretary of State.

## **5.8 Regulatory Matters**

5.8.1 The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Directors', but the Local Governing Body shall do all such things as the Directors may specify as being necessary to ensure that the Company is meeting its legal obligations.

## **6. OPERATIONAL MATTERS**

6.1 The Local Governing Body shall comply with the obligations set out in the Appendix which deal with the day-to-day operation of the Local Governing Body.

6.2 The Local Governing Body will adopt and will comply with all policies of the Directors and Company communicated to the Local Governing Body from time to time.

6.3 Both the Directors and all members of the Local Governing Body 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; they shall be open about decisions and be prepared to justify those decisions, except in so far as any matter may be considered confidential.

- 6.4 The Local Governing Body will review its policies and practices on a regular basis, having regard to requirements and recommendations made by the Directors 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.
- 6.5 The Local Governing Body shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors may require from time to time.
- 6.6 The Local Governing Body shall work closely with, and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State. In such circumstances the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation. The delegated powers will be returned to the Local Governing Body as soon as the intervention has been resolved.

## **7. ANNUAL REVIEW**

- 7.1 This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy. Where applicable, it will be based on the framework Scheme of Delegation that will have been put in place on the incorporation of the Company and will have been attached to the Company's first Articles of Association.
- 7.2 Notwithstanding this being the first Scheme of Delegation to apply in respect of the Academy, the Directors will have the discretion to review this Scheme of Delegation at least on an annual basis, and to alter any of its provisions.
- 7.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, The directors will consult with Local Governing Body and give due consideration to the expressed views of the Local Governing Body.

## **8. INTERVENTION AND REMOVAL OF DELEGATED RESPONSIBILITY**

- 8.1 The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either formally threatened or is carried out by the Secretary of State. In such circumstances, the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation.
- 8.2 Notwithstanding the above, the Directors and the Local Governing Body acknowledge the value of maintaining a good mutual working relationship, particularly in light of the levels of delegated responsibility within the Company and the impact this may have on the ability of the Directors to react where standards are falling and/or there is evidence of financial imprudence exposing the Local Governing Body and possibly more widely the Company itself to a threat of intervention. In the event of such circumstances arising, the Directors and the Local Governing Body make the following commitments to each other:
  - 8.2.1 to discuss openly any situation which may in the opinion of either potentially lead to a threat of intervention by the Secretary of State;
  - 8.2.2 to use all reasonable endeavours to agree the measures to be taken to improve standards and the performance of the Academy, and to support each other in the implementation of those measures.



## APPENDIX 1

### FUNCTIONING OF THE LOCAL GOVERNING BODY

#### 1. Chairman and Vice-Chairman of the Local Governing Body

- 1.1 The members of the Local Governing Body shall each school year, at their first meeting in that year, elect a chairman and a vice-chairman from among their number to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph 1.3.
- 1.2 Subject to paragraph 1.4, the chairman or vice-chairman shall hold office as such until her/his successor has been appointed in accordance with this clause 1.
- 1.3 The chairman or vice-chairman may at any time resign her/his office by giving notice in writing to the Local Governing Body and notified to the Directors. The chairman or vice-chairman shall cease to hold office if:
  - 1.3.1 s/he ceases to serve on the Local Governing Body;
  - 1.3.2 s/he is employed by the Company whether or not at the Academy;
  - 1.3.3 s/he is removed from office in accordance with this Scheme of Delegation; or
  - 1.3.4 in the case of the vice-chairman, s/he is appointed in accordance with this Scheme of Delegation to fill a vacancy in the office of chairman.
- 1.4 Where by reason of any of the matters referred to in paragraph 1.3, a vacancy arises in the office of vice-chairman, the members of the Local Governing Body shall at its next meeting elect one of their number to fill that vacancy.
- 1.5 Where the chairman is absent from any meeting or there is at the time a vacancy in the office of the chairman, the vice-chairman shall act as the chair for the purposes of the meeting.
- 1.6 Where in the circumstances referred to in paragraph 1.5 the vice-chairman is also absent from the meeting or there is at the time a vacancy in the office of vice-chairman, the members of the Local Governing Body shall elect one of their number to act as a chairman for the purposes of that meeting, provided that the person elected shall neither be a person who is employed by the Company whether or not at the Academy nor a Director.
- 1.7 Any election of the chairman or vice-chairman which is contested shall be held by secret ballot.
- 1.8 The chairman or vice-chairman may be removed from office by the Directors at any time or by the Local Governing Body in accordance with this Scheme of Delegation.
- 1.9 A resolution to remove the chairman or vice-chairman from office which is passed at a meeting of the Local Governing Body shall not have effect unless:
  - 1.9.1 it is confirmed by a resolution passed at a second meeting of the Local Governing Body held not less than fourteen days after the first meeting; and
  - 1.9.2 the matter of the chairman's or vice-chairman's removal from office is specified as an item of business on the agenda for each of those meetings.
- 1.10 Before a resolution is passed by the Directors at the relevant meeting to remove the chairman or vice-chairman from office, the person or persons proposing her/his removal shall at that meeting

state their reasons for doing so and the chairman or vice-chairman shall be given an opportunity to make a statement in response.

## **2. CONFLICTS OF INTEREST**

- 2.1 Any member of the Local Governing Body who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with her/his duties as a member of the Local Governing Body shall disclose that fact to the Local Governing Body as soon as s/he becomes aware of it. A person must absent her/himself from any discussions of the Local Governing Body in which it is possible that a conflict will arise between her/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).
- 2.2 For the purpose of paragraph 2.1, a person has a Personal Financial Interest if s/he is in the employment of the Company or is in receipt of remuneration or the provision of any other benefit directly from the Company or in some other way is linked to the Company or the Academy.
- 2.3 In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.
- 2.4 Any disagreement between the members of the Local Governing Body and the Headteacher/ Executive Head or any subcommittee of the Local Governing Body shall be referred to the Directors for their determination.

## **3. THE MINUTES**

- 3.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and entered into a book kept for the purpose by the person authorised to keep the minutes of the Local Governing Body; they shall be signed (subject to the approval of the members of the Local Governing Body) at the same or next subsequent meeting by the person acting as chairman thereof. The minutes shall include a record of:
  - 3.1.1 all appointments made by the Local Governing Body; and
  - 3.1.2 all proceedings at meetings of the Local Governing Body and of committees of the Local Governing Body including the names of all persons present at each such meeting.
- 3.2 The chairman shall ensure that copies of minutes of all meetings of the Local Governing Body (and such of the subcommittees as the Directors shall from time to time notify) shall be provided to the Directors as soon as reasonably practicable after those minutes are approved.

## **4. COMMITTEES**

- 4.1 Subject to this Scheme of Delegation, the Local Governing Body may establish any subcommittee. The constitution, membership and proceedings of any subcommittee shall be determined by the Local Governing Body, but have due regard to any views of the Directors. The establishment, terms of reference, constitution and membership of any subcommittee shall be reviewed at least once in every twelve months. The membership of any sub-committee may include persons who do not also serve on the Local Governing Body, provided that a majority of the members of any such subcommittee shall be members of the Local Governing Body or Directors. The Local Governing Body may determine that some or all of the members of a subcommittee who are not Directors or who do not serve on the Local Governing Body shall be entitled to vote in any proceedings of the subcommittee. No vote on any matter shall be taken at a meeting of a subcommittee unless the majority of members of the subcommittee present either are Directors or serve on the Local Governing Body.

## **5. DELEGATION**

- 5.1 Provided such power or function has been delegated to the Local Governing Body, the Local Governing Body may further delegate to any person serving on the Local Governing Body, committee, the Headteacher or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions either the Directors or the Local Governing Body may impose, and may be revoked or altered.
- 5.2 Where any power or function of the Directors or the Local Governing Body is exercised by any subcommittee, any Director or member of the Local Governing Body, the Headteacher or any other holder of an executive office, that person or subcommittee shall report to the Local Governing Body in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Governing Body immediately following the taking of the action or the making of the decision.

## **6. MEETINGS OF THE LOCAL GOVERNING BODY**

- 6.1 Subject to this Scheme of Delegation, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit.
- 6.2 The Local Governing Body shall meet at least three times during the school year. Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body. In exercising her/his functions under this Scheme of Delegation the clerk shall comply with any direction:
  - 6.2.1 given by the Directors or the Local Governing Body; or
  - 6.2.2 given by the chairman of the Local Governing Body or, in her/his absence or where there is a vacancy in the office of chairman, the vice-chairman of the Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.
- 6.3 Any three members of the Local Governing Body may, by notice in writing given to the clerk, requisition a meeting of the Local Governing Body; and it shall be the duty of the clerk to convene such a meeting as soon as is reasonably practicable.
- 6.4 The clerk shall ensure that each member of the Local Governing Body is given at least seven clear days' notice of the date of a meeting:
  - 6.4.1 notice in writing thereof, signed by the clerk, and sent to each member of the Local Governing Body at the address provided by each member;
  - 6.4.2 a copy of the agenda and all reports for the meeting;provided that where the chairman or, in her/his absence the vice-chairman, or where there is a vacancy in the office of chairman, the vice-chairman, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as s/he directs.
- 6.5 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.
- 6.6 A resolution to rescind or vary a resolution carried at a previous meeting of the Local Governing Body shall not be proposed at a meeting of the Local Governing Body unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

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- 6.7 A meeting of the Local Governing Body shall be terminated forthwith if:
- 6.7.1 the members of the Local Governing Body so resolve; or
  - 6.7.2 the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.10, subject to paragraph 6.12.
- 6.8 Where, in accordance with paragraph 6.7, a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.
- 6.9 Where the Local Governing Body resolves in accordance with paragraph 6.7 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the clerk to convene a meeting accordingly.
- 6.10 Subject to paragraph 6.12, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three of the members of the Local Governing Body, or, where greater, any one third (rounded up to a whole number) of the total number of persons holding office on the Local Governing Body at the date of the meeting, and it must include one foundation member. If the Directors have appointed any additional members of the Local Governing Body pursuant to clause 4.1.2.5 of this Scheme of Delegation then a majority of the quorum must be made up of such persons.
- 6.11 The Local Governing Body may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.
- 6.12 The quorum for the purposes of:
- 6.12.1 appointing a parent member;
  - 6.12.2 any vote on the removal of a person in accordance with this Scheme of Delegation;
  - 6.12.3 any vote on the removal of the chairman of the Local Governing Body;
- shall be two thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those matters.
- 6.13 Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.
- 6.14 Subject to paragraphs 6.10–6.12, where there is an equal division of votes, the chairman of the meeting shall have a casting vote in addition to any other vote s/he may have.
- 6.15 The proceedings of the Local Governing Body shall not be invalidated by:
- 6.15.1 any vacancy on the board; or
  - 6.15.2 any defect in the election, appointment or nomination of any person serving on the Local Governing Body.

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- 6.16 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Body or of a subcommittee of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body or (as the case may be) a subcommittee of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an electronic communication by or on behalf of the Local Governing Body indicating his or her agreement to the form of resolution, providing that the member has previously notified the Local Governing Body in writing of the email address or addresses which the member will use.
- 6.17 Subject to paragraph 6.18, the Local Governing Body shall ensure that a copy of:
- 6.17.1 the agenda for every meeting of the Local Governing Body;
  - 6.17.2 the draft minutes of every such meeting, if they have been approved by the person acting as chairman of that meeting;
  - 6.17.3 the signed minutes of every such meeting; and
  - 6.17.4 any report, document or other paper considered at any such meeting,
- are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.
- 6.18 There may be excluded from any item required to be made available in pursuance of paragraph 6.17, any material relating to:
- 6.18.1 a named teacher or other person employed, or proposed to be employed, at the Academy;
  - 6.18.2 a named pupil at, or candidate for admission to, the Academy; and
  - 6.18.3 any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential.
- 6.19 Any member of the Local Governing Body shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that:
- 6.19.1 s/he has given notice of her/his intention to do so detailing the telephone number on which s/he can be reached and/or appropriate details of the video conference suite from which s/he shall be taking part at the time of the meeting at least 48 hours before the meeting; and
  - 6.19.2 the Local Governing Body has access to the appropriate equipment. If after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.

## 7. CLERK

- 7.1 The Local governing body must appoint a clerk ( the “Clerk”) (who must not be a Headteacher/ Executive Head) and may remove the Clerk from office at any time.
- 7.2 In the event of absence of the Clerk from the Local Governing Body meeting, the Local Governing Body may appoint any one of the Governors to act as Clerk for the purpose of that meeting.
- 7.3 The Clerk must:
- 7.3.1 convene meetings of the Local Governing Body;

7.3.2 attend meetings of the Local Governing Body and ensure that minutes of the proceedings are drawn up; and

7.3.3 perform any other functions determined by the Local Governing Body.

## 8. NOTICES

- 8.1 Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Governing Body) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In these Articles, "Address" in relation to electronic communications, includes a number or address used for the purposes of such communications.
- 8.2 A notice may be given by the Local Governing Body to its members either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Local Governing Body by the member. A member whose registered address is not within the United Kingdom and who gives to the Local Governing Body an address within the United Kingdom at which notices may be given to him, or an address to which notices may be sent using electronic communications, shall be entitled to have notices given to him at that address, but otherwise no such member shall be entitled to receive any notice from the Local Governing Body.
- 8.3 A member of the Local Governing Body present, either in person or by proxy, at any meeting of the Local Governing Body shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.
- 8.4 Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

## 9. INDEMNITY

- 9.1 Subject to the provisions of the Companies Act 2006 every member of the Local Governing Body or other officer or auditor of the Company acting in relation to the Academy shall be indemnified out of the assets of the Company against any liability incurred by him or her in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he or she is acquitted or in connection with any application in which relief is granted to him or her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Company.

**Signed .....**Headteacher/ Executive Head

**Dated.....**

**Signed .....**Chair of Governors

**Dated.....**

**APPENDIX 2**

THE GOVERNING BODY OF ..... PRIMARY SCHOOL

Address:

Composition of the Governing Body:

- Headteacher (ex officio) (Insert Name)
- (4) Foundation Members (Insert Names)
- (2) Parent Members (Insert Names)
- (1) Staff Member (Insert Name)
- (1) Co-opted Members (Insert Name)

Derogations from the Scheme of Delegation

XXXXXXXXXXXX

## LEVELS OF DELEGATION ..... PRIMARY SCHOOL TRUST DELEGATION CHECKLIST

KEY	
•	Decision Level 1: The Company/Directors
•	Decision Level 2: Local Governing Body
•	Decision Level 3: A named individual endorsed by the Company
•	Decision Level 4: Headteacher/ Executive Head
<p>It should be remembered that although decisions may be delegated, the Trust together with the Company as a whole remain responsible for any decision made under delegation. Although the Directors will have the final responsibility, they will work in partnership with the school in all aspects of the processes outlined.</p> <p><b>Green</b> : Good/Outstanding - Supporting Academies  <b>Blue</b> : Requires Improvement – Supported Academies  <b>Red</b> : Sponsored / Special Measures – Sponsored Academies</p>	

		Decision Level					
Function	No	Tasks	1	2	3	4	Notes
<b>Central services</b>	1.	To determine the scope of the mandatory core services to be delivered by the company on behalf of its academies	✓ ✓ ✓				
	2.	To identify those additional services to be procured on behalf of individual academies	✓	✓ ✓			
	3.	To ensure centrally procured services provide value for money			✓ ✓ ✓		Finance Officers / Business Managers
<b>Budgets</b>	4.	To determine the proportion of the overall Academy budget to be delegated to individual Academies	✓ ✓ ✓				Based on the funding agreement . Academies to be consulted on any changes
		Decision Level					
Function	No	Tasks	1	2	3	4	Notes
	4a	Schools, upon finding they may go into deficit, must inform JMAT immediately	✓ ✓ ✓				
	5.	To develop and propose the individual Academy budget	✓	✓ ✓			
	6.	To approve the first formal; budget plan for each financial year	✓ ✓	✓			Good / Outstanding schools must send in their budget to the Trust by 30 <sup>th</sup> September
	7.	To monitor monthly expenditure		✓ ✓ ✓			This will be the responsibility of the LGB – with MAT Responsible

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							Officer also monitoring on behalf of COMPANY
	8.	To approve any 'between budget' headings and /or likely budget overspends		✓ ✓ ✓			LGB to do this within the limits set by the Company – as referred to in X.X.X of the Scheme of Delegation
	9.	To recommend financial decision levels and limits	✓ ✓ ✓				In line with Academies Handbook and set in consultation with the Academies
	10.	To establish a Charging and Remission Policy		✓ ✓ ✓			
	11.	To appoint JMAT Central Trust Finance Officers	✓ ✓ ✓				
	12.	Miscellaneous financial expenditure outside of agreed budget			✓ ✓ ✓		SBM or equivalent within Academy
	13.	To enter into additional contracts which exceed the agreed annual budget allocation.		✓ ✓ ✓			Initially limited to £10,000 without written agreement of the Company
	14.	To make payments within agreed financial limits			✓ ✓ ✓		Business Manager or equivalent within the Academy - as agreed by LGB
<b>Staffing</b>	15.	Headteacher/ Executive Head appointments (selection panel)	✓	✓ ✓			CEO of the Trust or a representative of the trust as well as the Chair or Vice Chair of the LGB of the Academy must be included as a member of the appointments / selection panel
			<b>Decision Level</b>				
<b>Function</b>	<b>No</b>	<b>Tasks</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
	16.	Deputy appointments (selection panel)	✓	✓ ✓			CEO of the Trust or a representative of the trust as well as the Chair or Vice Chair of the LGB of the Academy must be included as a member of the appointments / selection panel
	17.	Appoint other teachers		✓ ✓ ✓			Headteacher/ Executive Head must be a member of the appointments / selection panel
	18.	Appoint non-teaching staff		✓ ✓ ✓			
	19.	Agree a pay policy	✓ ✓				The JMAT generic pay policy will be adapted to suit the Academy. Copies

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			✓				must be sent in to the Trust	
	20.	Pay discretions	✓	✓			Must be within the pay policy	
	21.	Establishing disciplinary / capability procedures	✓					
	22.	Dismissal of Headteacher/ Executive Head / Deputy	✓	✓			Chairman (or CEO) of Academy must be included as a member of decision-making panel in conjunction with the Trust	
	23.	Dismissal of other staff	✓	✓			Chairman (or CEO) of Academy must be included as a member of decision-making panel	
	24.	Suspending Headteacher/ Executive Head	✓	✓			Chairman (or CEO) of Academy must be included as a member of decision-making panel	
	25.	Suspending other staff				✓	With governing body involvement	
	26.	Ending suspension of Headteacher/ Executive Head	✓					
	27.	Ending suspension of other staff	✓	✓			With governing body approval or could be delegated to the Headteacher	
			<b>Decision Level</b>					
<b>Function</b>	<b>No</b>	<b>Tasks</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>	
	28.	Determining staff complement within agreed budget	✓	✓				
	29.	Determining dismissal payment/ early retirement	✓	✓			Any costs incurred will be paid from the individual Academy's budget	
<b>Curriculum</b>	30	To develop a curriculum policy	✓	✓				
	31	Implement a curriculum policy				✓		
	32	Responsibility for standards of teaching	✓			✓		
	33	Accountability for standards of teaching	✓	✓			To be monitored by Trust	

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	34	Responsibility for individual child's education				✓ ✓ ✓		
	35	Accountability for individual child's education	✓			✓ ✓	Accountability to LGB & Trust	
	36	Provision of sex education – to establish and keep written policy up-to-date		✓ ✓ ✓				
	37	To prohibit political indoctrination and ensure balanced treatment of political issues				✓ ✓ ✓		
	38.	To establish a Charging and Remission policy for activities		✓ ✓ ✓			There will be a central policy operated by LGB	
<b>Performance Management</b>	39.	To ensure that an approved Appraisal policy is in place	✓ ✓ ✓					
	40.	To secure the statutory appraisal of <ul style="list-style-type: none"> <li>• Headteacher/ Executive Head</li> <li>• Other staff</li> </ul>	✓	✓ ✓		✓ ✓ ✓	Will be based on individual Academy for Headteacher appraisal	
	41.	To review annually the Performance Management policy	✓ ✓ ✓					
			<b>Decision Level</b>					
<b>Function</b>	<b>No</b>	<b>Tasks</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>	
<b>Target setting</b>	42.	To propose targets for pupil achievement				✓ ✓ ✓		
	43.	To agree targets for pupil achievement	✓	✓ ✓				
	44.	Responsibility for pupil outcomes				✓ ✓ ✓	The Trust is responsible to the Secretary of State for outcomes and will hold the LGB & Headteacher accountable	
	45.	Accountability for pupil outcomes	✓ ✓ ✓				The Trust is responsible to the Secretary of State for standards and pupil outcomes. They will hold the LGB and Headteacher/ Executive Head accountable to them	
	46.	To establish a Discipline policy	✓	✓				

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				✓			
	47.	To review the use of exclusion, and to decide whether or not to confirm all permanent exclusions and fixed-term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination (can be delegated to chair or vice chair in cases of urgency)		✓ ✓ ✓			
	48.	To direct reinstatement of excluded pupils (can be delegated to chair or vice chair in cases of urgency)		✓ ✓ ✓			
<b>Admissions</b>	49.	To consult before setting an Admissions policy		✓ ✓ ✓			The LGB will be responsible for consultation of changes to the Admissions policy. The Company must give its written approval for any changes to the Admissions policy
	50.	Admissions – application decisions		✓ ✓ ✓			
			<b>Decision Level</b>				
<b>Function</b>	<b>No</b>	<b>Tasks</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
	51.	To appeal against LA directions to admit pupil(s)	✓ ✓	✓			Although in practice the Headteacher/ Executive Head and LGB would do this with the support of the Company
<b>Religious Education</b>	52.	Responsibility for ensuring provision of RE in line with School's basic curriculum				✓ ✓ ✓	
<b>Collective Worship</b>	53.	To ensure that all pupils take part in a daily act of collective worship				✓ ✓ ✓	Parents do have the right to withdraw their children from collective worship if notified in writing to the Academy. The Headteacher/ Executive Head must make appropriate provision if a parent exercises this right
<b>Premises and Insurance</b>	54.	Building Insurance and Personal Liability	✓ ✓ ✓				
	55.	Developing School Buildings Strategy or Master plan	✓ ✓ ✓				The Company will procure a full survey of the buildings every five years. The LGB will then take responsibility for producing and

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							implementing a Premises Development Plan
	56.	Procuring and maintaining buildings, including development of a properly funded Maintenance Plan	✓	✓ ✓			
	57.	To institute a Health and Safety policy	✓ ✓ ✓				The generic policy will be issued by the Trust and adapted by the LGB to suit the individual Academy
	58.	To ensure Health and Safety regulations are followed		✓ ✓ ✓			There will be a central policy operated by LGB
<b>Other</b>	59.	To publish proposals to change category of school	✓ ✓ ✓				
	60.	To set the times of the school sessions and the dates of school terms and holidays		✓ ✓ ✓			Any changes must be agreed in writing with the Trust
	61.	To ensure the school meets for 380 sessions in a school year		✓ ✓ ✓			
			<b>Decision Level</b>				
<b>Function</b>	<b>No</b>	<b>Tasks</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
	62.	To prepare and publish the school Prospectus		✓ ✓ ✓			
	63.	To ensure provision of free school meals to those pupils who meet the criteria				✓ ✓ ✓	
	64.	Adoption and review of home school agreement	✓	✓ ✓			
	65.	To draw up governing body documents and any amendments thereafter	✓ ✓ ✓				
	66.	To appoint (and remove) the chair of the LGB	✓	✓ ✓			
	67.	To appoint (and dismiss) the clerk to the governing body	✓	✓ ✓			
	68.	To hold a full LGB meeting at least three times in a school year or a meeting of a temporary governing body as often as required		✓ ✓ ✓			
	69.	To appoint (and remove) members of the LGB	✓	✓ ✓			

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	70.	To set up a register of members' business interests			✓ ✓ ✓		Clerk
	71.	To approve and set up a members' Expenses scheme	✓ ✓ ✓				
	72.	To discharge duties in respect of pupils with special needs by appointing a "responsible" person	✓			✓ ✓	Trust is responsible for ensuring the task is undertaken; the responsibility is delegated to LGB who can delegate to the Headteacher
	73.	To consider whether or not to exercise delegation of functions to individuals		✓ ✓ ✓			The LGB may delegate to individuals functions already delegated to it by the Company, so long as it does not breach the delegations set out in this document
	74.	To regulate the LGB procedures ( where not set out in law)	✓ ✓ ✓				
			<b>Decision Level</b>				
<b>Function</b>	<b>No</b>	<b>Tasks</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Notes</b>
	75.	To determine the development needs of governors and put in place an appropriate programme	✓ ✓	✓			
	76.	To consider requests from other schools to join the Trust	✓ ✓ ✓				
	77.	To decide to offer additional activities and to determine what form these should take		✓ ✓ ✓			
	78.	To put into place the additional services provided		✓ ✓ ✓			
	79.	To ensure delivery of services provided			✓ ✓ ✓		LGB to delegate delivery of services to a named person (may be Headteacher/ Executive Head). Written arrangements must be put in place
	80.	To cease to provide extended school provision		✓ ✓ ✓			
	81.	To develop a Safeguarding policy in line with statutory requirements and best practice		✓ ✓ ✓			There will be a central policy operated by LGB
	82.	Implement the governors' Safeguarding policy			✓ ✓		

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					✓		
	83.	Maintain accurate, effective and secure pupil records				✓	✓
	84.	Maintain accurate, effective and secure employee records				✓	✓
	85.	Comply with all Data Protection legislation and good practice				✓	✓
	86.	To determine on an annual basis those policies which will be developed by the Trust and mandatory for all Trust Academies	✓				
	87.	To provide to the Company, on an annual basis, copies of all policies and procedures, and a schedule for their review		✓			

Signed..... Headteacher/ Executive Head

Dated.....

Signed .....Chair of Governors

Dated .....