

AGATE MOMENTUM TRUST

SCHEME OF DELEGATION

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1. INTRODUCTION

- 1.1 Agate Momentum Trust (referred to herein as “**Agate**” or the “**Trust**”) was established on 1 January 2018 as a multi academy trust and, in consequence of it entering into both a Master Funding Agreement and a number of Supplemental Funding Agreements (the “**Funding Agreements**”), operates and maintains a group of academies (the “**Academies**”).
- 1.2 The Trust is both a company limited by guarantee, registered at Companies House (Company Number 11077761) and, by virtue of its charitable object “to... advance, for the public benefit, education in the United Kingdom..... by establishing schools” i.e. the Academies, is a charity. The Trust is not a registered charity but an “exempt” charity, regulated by the Secretary of State for Education, who acts as the principal regulator.
- 1.3 The Trust’s constitution is set out in its **Articles of Association** and this Scheme of Delegation has been put in place in accordance with the provisions of the Articles and should be read in the light of them.
- 1.4 The purpose of this Scheme of Delegation is to provide clarity as to the role and responsibilities of those who contribute to the governance of the Academies and the Trust itself. All those with governance and management responsibilities must be familiar with this Scheme of Delegation so that appropriate steps can be taken to ensure there is sufficient and proper challenge of those with leadership responsibilities, to ensure that senior leaders are held to account for the performance of the Academies and that there is financial stability within the Trust.
- 1.5 This Scheme of Delegation will apply to each of the Academies.
- 1.6 The Effective Date of this Scheme of Delegation is 1 January 2018 and it will be reviewed at least every two years on the recommendation of and in consultation with the Heads & Chairs Forum and local governing bodies.

2. VISION AND VALUES

2.1 Vision and Values

We are: one MAT, one family, one community

- Excellence based on a commitment to empowering all the children and young people in our care.
- Excellence, whatever the challenges, in developing leaders of the future regardless of age, ethnicity, gender, sexual orientation, background.
- Excellence derived from the riches brought by diverse families and communities living in a vibrant, global city.
- Excellence in achievement for all, resulting from children receiving an education matching world class outcomes.
- Excellence in the design of a forward thinking, innovative, curriculum.
- Excellence in a pedagogical approach to teaching firmly embedded in and informed by research.

Our core values are:

- All responsible for all, inclusion for all by all
- High aspirations across the broad curriculum which take account of the 'whole child'
- Openness, honesty and transparency
- To share expertise for the greater good of the MAT
- Safe environment where risk taking and learning can thrive
- A willingness to challenge and support to achieve excellent outcomes for all
- Equity and equality for all
- Success for all

2.2 Founding Principles

The Trust has been established in light of a number of “founding principles”, which reflect a steadfast commitment to and expectation of all partnership members supporting the partnership, being committed to implementing its vision and values and supporting the continued development of the Agate Momentum Trust. The Trust recognises that while there is an expectation that all partners uphold a common vision and set of underpinning values this will manifest itself differently as different organisations are driven by meeting the needs of their own communities and both respects and celebrates the uniqueness and independence of each academy within the Trust. Although bound together by a common vision & values the singularity of each academy within the trust will continue to be embodied in its own uniforms, logos and websites as well as less visible features such as a curriculum that reflects the needs and diversity of the individual communities that each academy serves.

While not prescribing a common curriculum experience the Trust expects that each academy will commit to sharing and developing best practice across its schools so that each can extend its professional development offer by learning from each other. Sharing of experiences and expertise across the academies in the Trust will be encouraged to improve outcomes for pupils and through achieving economies of scale reduce staffing costs where appropriate.

Leadership and governance

The leadership structure is set out in appendix 1.

Local governing bodies will be formed for Hallsville/Scott Wilkie schools and Keir Hardie School. Schools that join the multi-academy trust post conversion will each have a local governing body, subject to due diligence.

Principles for Effective Partnership

The Academies, and those responsible for the governance and management of the Trust and the Academies, have committed to working in partnership, supporting one another and there are clear underlying principles around how that partnership will work:

2.2.1 Equal Partners

The Academies are equal partners within the Trust and at all times the partners will strive for consensus in decision making, recognising that each Academy has both strengths and weaknesses. The Academies will seek to preserve and protect each other's distinctiveness and will be respectful of each Academy's respective ethos and mission. The Academies will work collaboratively with each other, sharing resources, knowledge and best practice, to fulfil the Trust's mission, vision and values.

2.2.2 Transparency

All those involved in the running and oversight of the Trust and the Academies will be open and honest in their dealings with each other, at all times acting in good faith and recognising the value of independence and separation in relation to decision making.

2.2.3 **Subsidiarity**

Decisions are to be taken at the level nearest to those affected by those decisions which is compatible with the principles of solidarity and support for the common good, avoiding unnecessary bureaucracy and aiming in so far as possible to make changes to established practices only where it can be demonstrated there is a reasonable need.

2.2.4 **Solidarity**

All those with responsibility for the Trust and the Academies share a particular commitment to the mutual support of all Academies for which the Trust is responsible, especially those that are in need of assistance at any particular time.

2.2.5 **The Common Good**

All recognise their responsibility towards the common good, not just of the Academies for which the Trust is responsible and the wider family of local schools, but of all of the families and communities in the areas served by the Trust. The Trustees will ensure that common action and collaboration is conducted at the correct level and that the balance between subsidiarity and solidarity serves the common good in the most appropriate way.

3. ACCOUNTABILITY: GOVERNANCE AND MANAGEMENT STRUCTURES

3.1 Structure

- 3.1.1 The nature of the Trust as a company running multiple academies means there are many governance and management layers.
- 3.1.2 The “**Members**” of the Trust are best viewed as guardians of the constitution, changing the Articles if necessary and ensuring the charitable object is fulfilled. Each Member’s liability is limited to £10 and, in view of the limited liability and therefore scope for accountability, they have limited governance and no day to day management responsibilities. The “**Members**” of the Trust are responsible for appointing and removing trustees.
- 3.1.3 The corporate management and both “trustee” and “director” responsibility for the Trust is vested in the “**Trustees**”, who will be trustees for charity law purposes and company directors registered with Companies House. The Trustees are personally responsible for the actions of the Trust and the Academies and are accountable to the Members, the Secretary of State for Education and the wider community for the quality of the education received by all pupils of the Academies and the expenditure of public money. The Trustees are required as trustees and pursuant to the Funding Agreements to have systems in place through which they can assure themselves of the quality, safety and good practice of the affairs of the Trust. The Trustees meet as a board of Trustees, generally known as the “**Trust Board**”. All Trustees have the same responsibility to act in the best interests of the Trust and the Academies, irrespective of their role on the Board i.e. whether appointed in an executive capacity, such as the “**Chief Executive Officer**”, or nominated by one or more of the Academies.
- 3.1.4 The Trustees oversee the management and administration of the Trust and the Academies run by the Trust and delegate authority and responsibility to others, including executive officers and individuals who are locally based who can undertake the day to day management and governance of the Academies. The Trust Board will continue to have the necessary strategic and legal oversight of the

Trust and will monitor all activities; determining the strategic direction of the Trust, assessing the performance of the Academies and establishing and reviewing the policies and practices governing the life of the Academies.

- 3.1.5 Article 101 of the Articles of Association provides for the appointment by the Trustees of committees to whom the Trust Board may delegate certain functions and responsibilities. The Trust Board has established “**Local Governing Bodies**” for each of the Academies (at conversion there will be a joint local governing body for Hallsville and Scott Wilkie schools) and their power is derived from the Trust Board. Like the Trustees on the Trust Board, the individuals (the “**Governors**”) serving on a Local Governing Body are also responsible for fulfilling a local governance role, in conjunction with a “**Principal**” (executive headteacher, headteacher or head of school, as the case may be), who is responsible for the internal organisation, management and control of the Academy or Academies (as appropriate). The Trust Board will also delegate management responsibility directly to the Executive Head Teacher, Head Teacher or Head of Schools, who will report primarily to the Local Governing Body but subject to the oversight exercised by the Trust Board.
- 3.1.6 To encourage local collaboration and develop local leadership capacity particularly with the view to improving and sustaining standards of teaching and learning, a “**Leadership Group**” will be set up by the Trust Board to advise and assist the Trustees with regard to the progress of the Academies and to provide support and a focus for collaboration for the Academies themselves. The Leadership Group will be formed of the Headteachers. Executive responsibility may be delegated directly to the Leadership Group or otherwise to the Headteachers by their respective Local Governing Bodies.
- 3.1.7 The Trust Board has also set up a committee, the “**Heads & Chairs’ Forum**” of representatives of the Academies to provide a focus for the setting of policy and to develop the strategic vision of the Trust. The Heads & Chairs’ Forum will both support and challenge the Trust Board and will facilitate communication between the Trust Board and the Local Governing Bodies as well as provide an opportunity for the

Academies to explore and develop areas of collaboration and shared working. All head teachers and Chairs of the Local Governing Bodies will be invited to participate in the Heads & Chairs' Forum. This group will also act as a strategic advisor on educational matters to ensure the long term success of the Academies and that continuous improvement is made within all Academies. The Heads & Chairs' Forum will meet at least once a term and will advise on matters relating to; teaching and learning, leadership and management, curriculum development, transition and pupil support and achieving sustained attainment. The Trust Board recognises the important role played by the Heads & Chairs' Forum and commits to keeping the Heads & Chairs' Forum informed and to have regard to any advice or guidance provided by the Heads & Chairs' Forum on any matter affecting the Trust or the Academies.

- 3.1.8 To aid decision making, a “**Governance Decision Planner**” is attached at Appendix [3].

3.2 **Role of the Members**

- 3.2.1 The Members are the guardians of the constitution, determining the governance structure of the Trust and providing oversight and challenge of the Trustees to ensure the charitable object of the Trust is being fulfilled. Whilst the Members have limited legal and financial responsibility for the affairs of the Trust, the Department for Education recommends that there is some distinction between the Members and the Trustees as “this enables members who are independent of the trustees to provide challenge and scrutiny to the board” (Governance Handbook November 2015).
- 3.2.2 The Trust will have five members.
- 3.2.3 The Members' key responsibilities are:
 - 3.2.3.1 to ensure the Objects of the Trust are met, the Annual Report should address this which will be presented to the Members either at a General Meeting of the Trust held in accordance with the Articles of Association or by other means;

3.2.3.2 to determine the Trust's constitution and governance structure, i.e. the Articles, which will have been finalised on incorporation; and

3.2.3.3 exercising either a direct power under the Articles or a statutory power under the Companies Act 2006 to appoint and remove Trustees (noting the power of the Trust Board also to make such appointments) which should be exercised sparingly given the management responsibility is vested in the Trust Board.

3.2.4 Notwithstanding any provision of the Articles, the Members hereby delegate to the Trust Board a power and responsibility to appoint and remove Trustees, which appointments will be ratified at the next Annual General Meeting. Any removal by the Trust Board of a Trustee appointed by the Members shall only be undertaken with the consent of the Members.

3.3 **Role of the Trustees and the Trust Board**

3.3.1 The Trustees have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and maintaining of the Academies (which includes taking existing schools into the Trust). The Trustees have the power to direct change where required.

3.3.2 As trustees of a charity, the Trustees have a fiduciary duty to act in good faith in the best interests of the charity. This duty includes a responsibility to do the following:

3.3.2.1 to ensure compliance with any legal obligations;

3.3.2.2 to report on the charity's activities (the Trust must prepare accounts in accordance with the Statement of Recommended Practice for Charities, the so called "**Charity SORP**");

3.3.2.3 to fulfil the charitable object of the charity as set out in its constitution (i.e. the **Articles of Association**) and to act in a

way which is compliant with the rules of the charity contained in the Articles;

3.3.2.4 to act with integrity and to avoid any personal conflicts of interest and not to misuse any charity funds or assets;

3.3.2.5 to act prudently in the financial management of the Trust, avoiding putting any assets, funds or reputation of the Trust at undue risk;

3.3.2.6 to exercise reasonable care and skill, using personal knowledge and experience to ensure the Trust is well run and efficient; and

3.3.2.7 to act responsibly, getting advice from others, including professional advisors, where appropriate.

3.3.3 The Trustees must act independently and in the best interest of the Trust even if those interests conflict with those of the body or organisation that might have appointed or nominated such Trustee to serve on the Trust Board, this will include a conflict of loyalty where there is no obvious benefit involved, as well as a conflict of interest. The Trust Board has adopted a formal **Conflict of Interest Policy**, attached to this Scheme of Delegation as Appendix [4], in order to assist all those involved in the running of the Trust at every level to avoid and manage conflicts. Specific attention must be given to any arrangement whereby a Member or Director will personally benefit from an arrangement and the Conflict of Interest Policy makes reference to both the restrictions in the Articles of Association and the ESFA's guidance on "related party transactions" which all those involved in the running of the Trust must have regard to. This does recognise however the fundamental and necessary relationship between the Trust and the Academies in both governance and management terms and that individuals may serve in a number of capacities and at numerous levels within the Trust.

3.3.4 The specific tasks and responsibilities of the Trust Board are as follows:

- 3.3.4.1 to determine and fulfil the shared vision and ethos of the Trust and the Academies, acknowledging the uniqueness of each individual Academy and the needs of the communities they serve;
- 3.3.4.2 to develop a strategic plan for the Trust and to effectively communicate that plan so this can be implemented across the Trust and all the Academies, including determining any future expansion of the Trust and the relationship that the Trust has with the Secretary of State for Education (including also the Department for Education, the Education Skills and Funding Agency and Ofsted);
- 3.3.4.3 to develop and support strategic partnerships with other bodies and organisations, including service providers and government agencies, which will further the Trust's strategic plan;
- 3.3.4.4 to act as a critical friend to the Chief Executive Officer and each of the Local Governing Bodies and to ensure they are effective;
- 3.3.4.5 to determine and through the Chief Executive Officer ensure the implementation of policies and procedures which it is intended will achieve a consistently high standard of education and financial prudence across the Trust dealing with (but not limited to) the following:
- Human Resources/Employment
 - Audit & Risk Management
 - Contingencies and Reserves (both central and at Academy level)
 - Governance
 - Health & Safety
 - Operational Matters
 - Standards and Educational Performance
 - Data Management

- Complaints and Appeals
 - Legal Compliance
- 3.3.4.6 to work with the Local Governing Bodies to develop the local capacity within the Trust to provide both governance and leadership support and mentoring to the Local Governing Bodies and the leadership teams within the Academies, as well as direct school improvement support, facilitating the development of the Academy action plans where required;
- 3.3.4.7 working with the Local Governing Bodies, to make or facilitate the making of suitable appointments of Governors who will serve on the Local Governing Bodies, including removing governors who fail to fulfil the expectations on Governors set out in this Scheme of Delegation;
- 3.3.4.8 to approve the overall Trust budget and allocations to the Academies including determining the budget for any shared or central expenditure and support acknowledging the full delegation of the Academy's budget to the Academy which the Local Governing Body will monitor as set out in this Scheme of Delegation, establishing a Finance, Resources, Audit & Risk Committee to support the Trust Board in this function adopting the terms of reference set out in Appendix [6];
- 3.3.4.9 to formally appoint the Executive Head Teacher, Head Teacher or Head of Schools and, in conjunction with the Chief Executive Officer, to determine the framework within which the performance of the Executive Head Teacher, Head Teacher or Head of Schools of the Academies should be carried out;
- 3.3.4.10 to have power to provide and monitor or evaluate the delivery of the central or shared services and functions provided by any Executive Team lead by the Chief Executive Officer, emphasising the benefits of collaborative working across the Academies and procurement efficiencies

for common services and resources and ensuring there is comprehensive support to the Academies;

3.3.4.11 to ensure there is a proper system for the internal audit of the accounts of the Trust (including the Academies) and the financial procedures followed by the Academies, facilitating the audit of the Trust's accounts by the Trust's auditors, establishing a formal Finance, Resources, Audit & Risk Committee adopting the terms of reference set out in Appendix [6] which will be responsible for carrying out periodic internal audits of the Academies' financial processes, procedures and accounting records;

3.3.4.12 to act as the ultimate decision maker in relation to any appeals by staff following disciplinary or grievance procedures;

3.3.4.13 to ensure proper advice is available to the Trust and the Academies in relation to legal and compliance matters;

3.3.4.14 to ensure that insurance or risk protection cover is put in place and maintained for all risk areas including damage to property, employer liability, public and third party liability and director/trustee liability;

3.3.4.15 to liaise with and support the Heads & Chairs Forum and Local Governing Bodies ensuring there is collaboration across the Trust, emphasising and facilitating the benefits of such collaboration.

3.3.5 The following are the core competencies and skills expected of all Trustees:

3.3.5.1 to work as a team;

3.3.5.2 to attend meetings and be prepared to contribute to discussions;

3.3.5.3 to be respectful of the views of others and to be open to new ideas and thoughts;

- 3.3.5.4 to treat all confidential information confidentially;
 - 3.3.5.5 to develop a deep understanding of the vision and ethos of the Trust and its Academies and the roles played by all individuals in fulfilment of the mission of the Trust;
 - 3.3.5.6 to understand the policies and procedures of the Trust and how these flow down to the Academies;
 - 3.3.5.7 to support the Trust and the Academies in public and act as an ambassador;
 - 3.3.5.8 to commit to training and skills development
 - 3.3.5.9 to be ready to ask questions;
 - 3.3.5.10 to be focussed on problem solving and be ready to learn from past experiences.
- 3.3.6 Specific skills may be needed if a Trustee is to take responsibility for and lead on a specific area. Trustees may lead on finance, premises or facilities, leadership appointments or standards.] A regular skills audit will be undertaken and Trustees should expect to be able to articulate their contribution to the success of the Trust and the Academies.
- 3.3.7 The organisation of the Trust Board is set out in the Articles of Association which determine meeting frequency, quorum and the appointment of a chair and vice chair. For ease, the Trust Board is required to meet at least 3 times a year and quorum for any meeting is the greater of 3 and a third of the Trustees appointed at any one time.

3.4 **The Chief Executive Officer and the Executive Team**

- 3.4.1 The “**Chief Executive Officer**” will fulfil the role of the Accounting Officer. The Executive Team will operate under the leadership and direction of the Chief Executive Officer, who is an ex officio Trustee and therefore a trustee of the Trust. The Executive Team works directly with the staff in each Academy and the Local Governing

Bodies to ensure that the required outcomes are achieved in accordance with the direction and vision of the Trust Board.

3.4.2 The principal responsibilities of the Chief Executive Officer and the functions of the Executive Team are:

3.4.2.1 to manage the processes for schools joining the Trust (including carrying out appropriate due diligence and identifying any actions required to address areas of weakness or opportunities for improvement);

3.4.2.2 to advise on and facilitate or provide (as required) the necessary operational and management support to each Academy, advising on policies in core areas of the operation in accordance with the requirements of the Trust Board. These core areas include legal compliance, risk management, teaching and learning/standards, training (Governor and staff), finance, HR and ICT;

3.4.2.3 to specify management controls and reporting requirements, audit the associated processes, procedures and outcomes in each Academy, identify and deliver appropriate training and support and report to the Trust Board on progress and concerns;

3.4.2.4 to implement and review systems for the benchmarking of the Academies across the group (including financial as well as educational performance), developing systems for cross fertilisation and supporting the Local Governing Bodies in maximising the opportunities for resource sharing and collaboration;

3.4.2.5 to ensure that insurance or risk protection cover is put in place and maintained for all risk areas including damage to property, employer liability, public and third party liability and director/trustee liability;

3.4.2.6 to undertake the strategic management of the whole school estate, advising the Trust Board on areas of risk and

assessing the Trust's overall safeguarding responsibilities, including drawing up a long term estate plan which identifies areas in need of expansion and/or development and areas likely to be surplus to requirements; and

3.4.2.7 to take a lead on any capital bids and allocations, supporting the Academies' premises teams to carry out works safely and cost effectively.

3.4.3 The cost of the functions undertaken by the Executive Team including the Chief Executive Officer and the Trust Board are generally funded on a fair and equal basis by the Academies by the contribution of a percentage of the central government funding provided for each Academy the "**Support Cost Contribution**". This contribution will be set each year against a budget for the shared costs approved by the Trust Board in consultation with the Local Governing Bodies. The percentage may vary according to the level of activities undertaken and costed on a menu type basis. Additional funding received by the Trust from other non-Academy sources such as other government grants, income from acting as a teaching school and income from traded activities will contribute directly to the shared costs and will offset the Support Cost Contribution required from the Academies. An Academy may be asked to reimburse any third party costs payable to consultants where additional support has been agreed or has been necessary.

3.5 **Role of the Heads & Chairs' Forum**

3.5.1 The Trust operates as a cluster of local schools in order to promote shared working and to build leadership capacity and expertise, with an emphasis on standards and school improvement. Where a Heads & Chairs' Forum has been established, it shall meet at least 3 times per year to consult on and advise the Trust Board on an appropriate strategic direction for the Academies and the local priorities in so far as these relate to standards and school improvement targets.

3.5.2 The Heads & Chairs' Forum will also provide a forum and focus for performance benchmarking and will support the Local Governing Bodies and the Trust Board, facilitating peer to peer review. It will

advise the Trust Board on opportunities for collaboration both within the Trust and with other local schools and on the threats and opportunities facing the Academies.

- 3.5.3 Terms of Reference for the operation of the Heads & Chairs' Forum are attached to this Scheme of Delegation as Appendix [6].
- 3.5.4 The Trust Board will have regard to the interests of all the Academies in deciding and implementing any policy or exercising any authority in respect of any one or all of the Academies for which it is responsible. Notwithstanding this, the priority for the Trust Board is to put in place measures to ensure that any of the Academies are supported when the need arises. Where this may have a financial impact on the funding of the support provided by or on behalf of the Trust Board, any policy shall first be discussed with the Heads & Chairs' Forum and its views taken into account in relation to the setting and implementation of any such policy.

3.6 The role of the Governors and the Local Governing Bodies

- 3.6.1 The role of a Governor within a multi academy trust is an important one. In developing a governance structure, the Trust has sought to ensure that as much as possible the responsibility to govern is vested in those closest to the impact of decision making and that such responsibility matches the capacity of those assuming responsibility. The Trust Board has established Local Governing Bodies for each of the Academies, for the most part made up of individuals drawn from the Academy's community, both as elected and appointed members.
- 3.6.2 The Governors serving on such Local Governing Bodies are accountable to the Trust Board (who in turn of course is accountable to the Members and to the Department for Education) as well as to the communities they serve.
- 3.6.3 Whilst not trustees under charity law, nevertheless, the Governors are under a duty to act in good faith and in the best interests of the

Academy and the Trust, which includes all the Academies. This duty includes a responsibility to do the following:

- 3.6.3.1 to ensure the Academy complies with its legal obligations;
 - 3.6.3.2 to fulfil the charitable object of the Trust;
 - 3.6.3.3 to act with integrity and to avoid any personal conflicts of interest and not to misuse any charitable funds or assets of the Academy or the Trust;
 - 3.6.3.4 to act prudently in the financial management of the Academy, avoiding putting any assets, funds or reputation of the Academy or the Trust at undue risk;
 - 3.6.3.5 to exercise reasonable care and skill, using personal knowledge and experience to ensure the Academy is well run and efficient;
 - 3.6.3.6 to act responsibly, getting advice from others from within the Trust and if appropriate external professional advisors;
 - 3.6.3.7 to act in accordance with any authority delegated to him or her, including complying with any regulation or requirement of those from whom delegated authority is received; and
 - 3.6.3.8 to act as an ambassador of the Trust and in a way which is consistent with the vision and ideals of the Trust.
- 3.6.4 Governors must act independently and in the best interest of the Academy even if those interests conflict with those of the body or organisation that might have appointed or nominated them to serve on the Local Governing Body. As with the Trustees, the Governors must comply with the Trust's Conflict of Interest Policy, which nevertheless recognises the important relationship between the Trustees and the Governors.
- 3.6.5 The specific tasks and responsibilities of the Governors are as follows, with further detail set out in Section 4 of this Scheme of Delegation:

- 3.6.5.1 to fulfil the vision and ethos of the Trust in so far as it relates to the Academy, ensuring that the Academy achieves the aims and ambitions it has for its pupils, having regard in particular to the benefits of being part of a family of schools which stresses the importance of collaboration and mutual support;
- 3.6.5.2 to review from time to time and ensure the implementation of the Academy's strategy for improvement as set out in its development plan, focussing on the Academy's performance and achieving sustained school improvement and having regard to any locally agreed priorities identified by the Trust Board;
- 3.6.5.3 to provide support and challenge (and act as a critical friend) to the Academy's senior leadership team, being ready to challenge and hold senior leaders to account for all aspects of the Academy's performance;
- 3.6.5.4 to oversee the management of the finances of the Academy, assessing the annual budget prepared by the Academy's Executive Head Teacher, Head Teacher or Head of School (with the support of the Academy's senior leadership team) and submitting such for approval by the Trust Board, ensuring that the Academy works within its budget and the Academy's senior leadership team adopts and implements appropriate risk and financial management policies and practices, including in particular any adopted by the Trust Board for application across all the Academies;
- 3.6.5.5 to support the Academy's Executive Head Teacher, Head Teacher or Head of School in the development and review (from time to time) of an appropriate staffing structure for the Academy, ensuring there is robust and accountable monitoring of the performance of staff and implementing all and any policies relating to staff adopted by the Trust Board;
- 3.6.5.6 to support the Trust Board in its monitoring and evaluation of the delivery of any central or shared services and

functions provided or procured by the Trust for the Academies, reporting any issues or concerns to the Chief Executive Officer and, if necessary, the Chair of the Trust Board;

3.6.5.7 to promote the benefits of collaboration with the other Academies and to actively seek opportunities to work together either with the aim of improving economic efficiencies within the Academies or identifying and implementing best practice;

3.6.5.8 to develop effective links within the Academy's community, communicating openly and frequently as appropriate and ensuring that the Academy meets its responsibilities to the community and serves the community's needs in relation to the safeguarding and education of its pupils; and

3.6.5.9 to engage fully and openly with any inspection of the Academy, whether by the Trust Board, Ofsted or any other appropriate public body to whom the Academy is accountable.

3.6.6 Individual Governors may be given primary responsibility for particular functions such as standards, finance, premises and resources with the view to matching skills and experience to functions. This will not affect collective and overall individual responsibility but Governors are expected to use their skills and experience in the fulfilment of their duties.

3.6.7 Subject to the provisions of the Companies Act 2006 every member of the Local Governing Body or other officer or auditor of the Trust acting in relation to the Academy shall be indemnified out of the assets of the Trust 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 Trust.

- 3.6.8 As with the Trustees, the following are the core competencies and skills expected of all Governors:
- 3.6.8.1 to work as a team;
 - 3.6.8.2 to attend meetings and be prepared to contribute to discussions and commit to agreed actions;
 - 3.6.8.3 to be respectful of the views of others and to be open to new ideas and thoughts;
 - 3.6.8.4 to treat all confidential information confidentially;
 - 3.6.8.5 to develop a deep understanding of the vision and ethos of the Trust and its Academies and the roles played by all individuals in fulfilment of the Trust's mission;
 - 3.6.8.6 to understand the policies and procedures of the Trust and how these are flowed down to the Academy;
 - 3.6.8.7 to support the Trust in public and act as an ambassador of the Trust;
 - 3.6.8.8 to commit to training and skills development
 - 3.6.8.9 to be ready to ask questions;
 - 3.6.8.10 to be focussed on problem solving and be ready to learn from past experiences.
- 3.6.9 Specific skills may be needed if a Governor is to take responsibility for and lead on a specific area. A regular skills audit will be undertaken and Governors should expect to be able to articulate their contribution to the success of the Academy.
- 3.6.10 The Trust Board also recognises the role that the Academies play in their communities and the Local Governing Body is free to decide how such support and patronage is given. The Local Governing Body shall ensure that any support is not inconsistent with the objects of the Trust and the restrictions on the use of its charitable resources and any advice or restriction placed on the Trust by the Secretary of

State. The Local Governing Body shall ensure that any formal collaboration or support with third parties, including with those with whom the Trust has a strategic partnership is appropriately documented and the details notified to the Chief Executive Officer and Finance, Resources, Audit and Risk Committee to assess effectiveness and where financial support is provided for accounting reasons.

4. DELEGATED AUTHORITY AND RESPONSIBILITIES OF THE LOCAL GOVERNING BODY

4.1 General Provisions

- 4.1.1 The Trust Board reserves the right subject to consultation with the Heads & Chairs' Forum and local governing bodies to review and alter this Scheme of Delegation and the level of delegated responsibility at any time, noting that it is likely to be reviewed for its effectiveness at least every two years. Whilst the Scheme cannot take the form of a legally binding contract and is subject to the overriding duty on the Trustees to act freely and in the best interest of the Trust, in so far as the Trustees are able they agree to abide by the provisions of it and will consult the Heads & Chairs' Forum and Local Governing Bodies on any significant changes.
- 4.1.2 Those to whom delegated responsibility is given must acknowledge the limitations on their authority and must not act outside of their authority. Any wilful disregard of the matters expressed in this Scheme is likely to lead to the Scheme being withdrawn. In the event of any serious disagreement between the Trust Board and a Local Governing Body, which cannot be resolved by the Chair of the Local Governing Body discussing the matter with the Chair of the Trust Board, will be referred to the Secretary of State for Education for guidance.
- 4.1.3 As a matter of general principle, the Local Governing Body will adopt and will comply with all policies adopted by the Trust Board and will comply with any direction issued by the Trust Board and have regard to any advice given.
- 4.1.4 Subject to the provisions of the Companies Act 2006, the Articles and to any directions given by the Members following a special resolution, the governance and management of an Academy shall be delegated by the Trust Board to the relevant Local Governing Body who may exercise all the powers of the Trust in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation and any specific additional terms of reference or Trust policy. No alteration of the Articles or change to the Scheme shall invalidate any prior act of the Local Governing Body which would have been valid if

that alteration had not been made. Except as provided for in this Scheme of Delegation, the powers given by this Scheme shall not be limited by any special power given to the Trustees 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.

4.2 Finance and Audit

4.2.1 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:

4.2.1.1 to expend the funds of the Trust received in respect of the Academy in such manner as the Local Governing Body shall consider most beneficial for the running of the Academy within the approved budget; and

4.2.1.2 to enter into contracts on behalf of the Trust in so far as they relate to the Academy and are within the scope of the Local Governing Body's responsibility as set out in this Scheme of Delegation, subject to the limits to act without specific authorisation as set out in the "**Scheme for Financial Delegation**" annexed to this Scheme of Delegation as Appendix [1].

4.2.2 Each Academy will have its own bank account, opened by the Trust when the Academy joined the Trust, which shall be operated by the Local Governing Body. All cheques, BACS and orders for the payment of money from such account shall be signed by or authorised in accordance with the Financial Regulations Manual.

4.2.3 No Trust monies (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 Trust's Finance Trustee.

- 4.2.4 The Trust's accounts shall be the responsibility of the Trust Board but the Executive Head Teacher, Head Teacher or Head of School of the Academy shall provide such information about the Academy, as often and in such detail and format as the Chief Executive Officer and the Finance, Resources, Audit and Risk Committee shall reasonably require, in order to carry out an internal audit of the Academies in accordance with the requirements of the Education Funding Agency's **Academies Financial Handbook**. Without prejudice to the above, the Executive Head Teacher, Head Teacher or Head of School shall provide management accounts in an approved format to the Chief Executive Officer and the Finance, Resources, Audit and Risk Committee regularly or as requested by the Trust Board.
- 4.2.5 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 Funding Agreements are observed at all times as well as any requirements and recommendations of the Finance, Resources, Audit and Risk Committee and the Education and Skills Funding Agency. For the avoidance of doubt the Local Governing Body acknowledges the restriction on borrowing contained in the Funding Agreements.
- 4.2.6 The Trust Board acknowledges the Local Governing Body's right and intention to use any voluntary (i.e. non grant) funds (including any restricted funds) raised by the Academies 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 charitable object of the Trust. Proper accounts will be kept by the Executive Head Teacher, Head Teacher or Head of School 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 Trust to note these funds separately in the Trust accounts.
- 4.2.7 The Trust Board also acknowledges that from time to time the Academies themselves may seek to generate additional funds by undertaking certain activities, such as without limitation: lettings, the provision of sporting and recreational facilities, running a nursery and/or providing childcare, teacher training, providing and supporting

ICT and other administrative services. In some cases and particularly where such activities do not fall within the charitable object of the Trust, these may need to be channelled through a trading subsidiary, decisions about which will be made by the Trust Board. Any income generated from such Academy activities and/or gift aided by a trading subsidiary to the Trust in respect of a particular Academy's activities shall be delegated to the Local Governing Body. Such funds will however be noted separately in the accounts of the Academy and, like all Academies' funds, will be subject to any reserves policy operated by the Trust Board.

4.2.8 The Local Governing Body shall provide sufficient funds available to enable the Trust to place such insurance or risk protection cover as is necessary to protect the Academy from loss and other risks that shall include (but shall not be limited to) the following, such insurance to be placed with a reputable insurance company or through the Education Funding Agency as directed by the Trust Board:

4.2.8.1 land, buildings and contents;

4.2.8.2 public, employer's and hirer's liability;

4.2.8.3 trustees'/directors' and governors' liability and professional indemnity;

4.2.8.4 personal accident and school journeys;

4.2.8.5 terrorism and business interruption;

4.2.8.6 money and fidelity;

4.2.8.7 legal expenses, libel and slander;

4.2.8.8 engineering.

The Local Governing Body will fulfil any requirements of the Trust Board and will notify the Trust Board (or as directed) as soon as reasonably practicable following the occurrence of an event in respect of which insurance or risk protection cover has been obtained. The responsibility for notifying the insurers or the ESFA (as

the case may be) is the Executive Head Teacher, Head Teacher or Head of School's. The Executive Team and the Executive Head Teacher, Head Teacher or Head of School will provide each other with all necessary information and assistance as may be helpful in the management of any insurance claims or claims for reimbursement from the Education and Skills and Funding Agency.

4.3 Curriculum and Standards

- 4.3.1 The Local Governing Body shall be responsible for the setting and review of the curriculum priorities for the Academies, but shall have regard to any views of the Trust Board in recognition of the Trust Board's obligation to the Secretary of State to provide a broad and balanced curriculum.
- 4.3.2 The Local Governing Body shall be responsible for the standards achieved by the Academy and the pupils attending the Academy. The Local Governing Body will support the Head Teacher in the development and implementation of any action plan or school development plan which is to address any weaknesses and areas for improvement of standards and overall attainment at the Academy, but in so doing shall have regard to any advice and recommendations of the Trust Board as they might issue from time to time, particularly in relation to benchmarking and target setting.
- 4.3.3 The Local Governing Body will be responsible for the curriculum on a day to day basis and for implementing any strategic plan for the improvement of standards and attainment at the Academy.
- 4.3.4 The Local Governing Body will develop appropriate links with other local schools or education organisations to promote best practices in learning and development and to facilitate peer to peer review and support. The Local Governing Body will also promote and develop links with local businesses and community organisations which are designed to enrich the school life of pupils and foster citizenship.

4.4 Personnel

4.4.1 Executive Head Teacher, Head Teacher or Head of School/Headteacher

4.4.1.1 The formal power to appoint the Executive Head Teacher, Head Teacher or Head of School or executive headteacher or head of school as the case may be of each Academy is vested in the Trust Board, such process to appoint being led by the Local Governing Body and supported by the Chief Executive Officer.

4.4.1.2 The appraisal and performance management of the Executive Head Teacher, Head Teacher or Head of School will be undertaken by the Local Governing Body adopting the procedures set out by the Trust Board and having regard to any advice offered by the Trust Board. The appraisal and performance management of the Executive Head Teacher, Head Teacher or Head of Schools will be undertaken by the Trust Board in collaboration with the Local Governing Body. Any disciplinary action or capacity review will be undertaken by the Trust Board

4.4.1.3 The Trust Board may delegate such powers and functions as they consider are required by the Executive Head Teacher, Head Teacher or Head of School for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Trust Board relating to teaching and learning at the Academy).

4.4.2 Other Staff

4.4.2.1 The Local Governing Body through the Executive Head Teacher, Head Teacher or Head of School shall be responsible for the appointment of all other staff to be employed at the Academy provided that the Local Governing Body and Executive Head Teacher, Head Teacher or Head of School shall:

- 4.4.2.1.1 implement and comply with all policies dealing with staff issued by the Trust Board from time to time;
 - 4.4.2.1.2 take account of any pay terms set by the Trust Board;
 - 4.4.2.1.3 adopt any standard contracts or terms and conditions for the employment of staff issued by the Trust Board;
 - 4.4.2.1.4 adopt appropriate and transparent procedures for the recruitment of staff;
 - 4.4.2.1.5 manage any claims and disputes with staff members having regard to any advice and recommendations given by the Trust and/or its insurers;
 - 4.4.2.1.6 bring to the attention of the Chief Executive Officer and, if required, the Trust's insurers without delay any claims or disputes with staff that may require a hearing by a panel of members of the Local Governing Body where escalation is necessary.
 - 4.4.2.1.7 seek the advice of the Chief Executive Officer where any significant cost is contemplated either in relation to the appointment or resignation of a member of staff, including in relation to ill health retirement or the settlement of any claims or grievances.
- 4.4.2.2 The Executive Head Teacher, Head Teacher or Head of School shall carry out or delegate to appropriate staff the performance management of all staff and shall put in place procedures for the proper professional and personal development of staff taking into account any training and support available from or procured by the Trust Board.

4.5 **Admissions and Exclusions**

- 4.5.1 The Local Governing Body shall be responsible for the setting and review from time to time of the Academy's admissions policy provided that no material change will be made to the admissions criteria without the approval of the Trust Board. The Academy must continue to comply with the terms of the statutory **Admissions Code**.
- 4.5.2 Any decision to expand the Academy shall be that of the Local Governing Body but who shall have regard to the views of the Trust Board.
- 4.5.3 Any appeal against admissions shall be heard by an independent appeal panel established and authorised by the Trust Board.
- 4.5.4 The Local Governing Body shall consider any decision by the Executive Head Teacher, Head Teacher or Head of School to exclude any pupil and will be the appropriate body for reconsidering any decision to readmit required by any independent panel hearing.

4.6 **Premises**

- 4.6.1 The day to day maintenance and care of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Body (with management responsibility being delegated to the Executive Head Teacher, Head Teacher or Head of School), who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of Trust (and/or any others) as owner of such buildings and facilities.
- 4.6.2 The Local Governing Body shall work in collaboration with the Chief Executive Officer in developing a long term 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 Trust's legal responsibility to ensure the buildings and facilities used by each Academy are maintained to a good standard.
- 4.6.3 Short term lettings and day to day uses of the school buildings and playing fields will be the responsibility of the Local Governing Body,

who shall comply with any policy issued from time to time by the Trust Board regarding such uses.

- 4.6.4 The responsibility for any significant capital works and/or disposals or acquisitions of land to be used by the Academy will be that of the Trust Board in consultation with local governing bodies and the heads and chairs forum.

4.7 **Community Activities and Community Engagement**

- 4.7.1 Whilst the undertaking of any activities which would be described as part of the Academy's "extended schools agenda" or any activities designed to generate business income, will be the responsibility of the Local Governing Body, this shall only be undertaken in a manner consistent with any policy set by the Trust Board 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 Trust's charitable objects and any threat to funding provided by the Secretary of State. The financial implications are noted above.
- 4.7.2 The Local Governing Body is responsible for all community engagement and consultation and will acknowledge and reinforce the vision of the Trust in all communications. The importance of building and maintaining good relations with other local schools, businesses and organisations is acknowledged.

5. SUPERVISION AND INTERVENTION – RISK MANAGEMENT

5.1 Supervision and Reporting

- 5.1.1 Notwithstanding the level of delegated responsibility, the Trustees remain legally responsible for all matters in connection with the Academies and they are required to have systems in place through which they can assure themselves of quality, safety and good practice in the Academies. The Trust has adopted a Risk Management Policy, which is set out in Appendix [3].
- 5.1.2 Once per term in every school year (three times), the Chief Executive Officer will request and the Local Governing Body will provide an **“Operational Risk Management Report”**.
- 5.1.3 The Local Governing Body is appointed as a sub-committee of the Trust Board and as such has no separate legal status to that of the Trust or the Trust Board. Consequently, any act or omission of the Local Governing Body or any officer of the Trust or the Academy that subsequently leads to prosecution or other litigation will be a liability of the Trustees and any event in an Academy that might lead to public criticism or adverse publicity or damage to the reputation of the Trust will also be concern for the Trust Board. In such events and in order to minimise risk, the Chair of the Local Governing Body or the Executive Head Teacher, Head Teacher or Head of School will immediately advise the Chief Executive Officer. These events will include the following (but shall not exclude any other event that falls within the generality of the circumstances described above):
- 5.1.3.1 any event leading to loss of life or critical injury on the premises of the academy or during an event off the premises organised or supervised by Academy staff;
 - 5.1.3.2 any sexual or violent or illegal act against a child committed by any adult while on the premises of the academy or by a member of staff under any circumstances;
 - 5.1.3.3 the suspension or summary dismissal of any member of staff;

5.1.3.4 any event that requires a report to the Health and Safety Executive or that results in the service of a legal notice on the Academy alleging a breach of fire or health or safety law or regulations;

5.1.3.5 any event that requires a formal hearing by a panel of representatives of the Academy or that results in the service of a legal notice on the Academy alleging a breach of employment law or regulations.

5.2 Intervention and Removal of Delegated Responsibility

5.2.1 The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Trust Board and the Chief Executive Officer in respect of standards and performance, particularly where areas of weakness have been identified by the Chief Executive Officer, the Department for Education or Ofsted.

5.2.2 In the event that intervention is either formally threatened or is carried out by the Secretary of State, the Trust Board expressly reserves the unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation in such circumstances. Any Local Governing Body of any Academy which is to be sponsored by the Trust will be reviewed in line with the Trust's intervention policy and this may lead to it being dissolved and being replaced by an Intervention Board, the details of which are referred to below.

5.2.3 Notwithstanding the above, the Trust Board and the Local Governing Body acknowledge the value of maintaining a good working relationship particularly in light of the levels of delegated responsibility within the Trust and the impact this may have on the ability of the Trust Board and/or the Local Governing Body to react when standards are falling and/or there is evidence of financial imprudence exposing the Academy or the Trust to a threat of intervention. The Trust Board and the Local Governing Body in such circumstances make the following commitments to each other:

- 5.2.3.1 to discuss openly any weaknesses or any situation which may in the opinion of either potentially lead to a threat of intervention by the Secretary of State;
- 5.2.3.2 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;
- 5.2.3.3 to allow each other the opportunity to effect improvements at the Academy provided such steps do not seek to undermine the collaborative and respectful approach being adopted by each;
- 5.2.3.4 not to remove or deny delegated authority without first agreeing to put in place for an appropriate period of time a transition or improvement board whose responsibility it will be to address the areas of weakness, the terms of reference for such “**Intervention Board**” being set out in Appendix [7] to this Scheme, appointments to the Transition Board will be made by the Trust Board;
- 5.2.3.5 the Trust Board will not exercise any power to remove a Executive Head Teacher, Head Teacher or Head of School or to attend and vote at any meeting of the Local Governing Body at which this is to be discussed without first discussing with the Chair of the Local Governing Body the need to ensure that such power is being exercised appropriately and proportionately.

6. FUNCTIONING OF THE LOCAL GOVERNING BODIES

6.1 Constitution of the Local Governing Body

6.1.1 A Local Governing Body shall be established for each of the Academies, with the exception of Hallsville and Scott Wilkie schools where a joint local governing body shall be established on conversion. Each local governing body shall comprise [up to 11] Governors appointed as follows:

6.1.1.1 [4] “**Governors**”, appointed by the Local Governing Body, having regard to any advice or nominations put forward by the Trust Board;

6.1.1.2 up to 2 “**Staff Governors**”, appointed under clause 6.2.1;

6.1.1.3 2 “**Parent Governors**” elected or appointed under clause 6.2.4; and

6.1.1.4 the **Executive Head Teacher(s), Head Teacher(s) or Head(s) of School** of the Academy.

6.1.2 All persons appointed or elected to the Local Governing Body shall give a written undertaking to the Trust Board to uphold the object and mission of the Trust.

6.1.3 The Trustees (all or any of them) shall also be entitled to attend any meetings of the Local Governing Body but would not expect to do so except in exceptional circumstances. Any Trustee 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.

6.1.4 The Governors may also appoint “**Co-opted Governors**” from time to time, who will be appointed to provide specific support to the Local Governing Body and shall serve for a term of up to 3 years decided at the time of appointment.

6.2 **Appointment of Governors**

- 6.2.1 Serving on the Local Governing Body shall be two persons (other than the Executive Head Teacher, Head Teacher or Head of School) who are employed at the Academy who shall be appointed through such process as the Local Governing Body may determine. The positions held by those employed at the Academy (e.g. teaching and non-teaching) may be taken into account when considering appointments.
- 6.2.2 Unless the Local Governing Body directs otherwise, in appointing persons to serve on the Local Governing Body who are employed at the Academy 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 Executive Head Teacher, Head Teacher or Head of School) 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.
- 6.2.3 The Executive Head Teacher, Head Teacher or Head of School shall be treated for all purposes as being an ex officio member of the Local Governing Body.
- 6.2.4 The Parent Governors of the Local Governing Body shall be elected by parents or carers of registered pupils at the Academy and he or she must be a parent or carer of a pupil at the Academy at the time when he or she is elected. Any election of Parent Governors which is contested shall be held by secret ballot. Where any vacancy exists after inviting nominations, the Local Governing Body shall have the power to appoint parents to the Local Governing Body but shall not be obliged to do so.

6.3 **Term of office**

- 6.3.1 The term of office for any Governor shall be 4 years, save that this time limit shall not apply to the Executive Head Teacher, Head

Teacher or Head of School or any post which is held ex officio, who will serve for as long as he or she remains in office. Subject to remaining eligible to be a particular type of Governor, any person may be re-appointed or re-elected to the relevant body. Any Staff Governor who ceases to be employed at the Academy will resign as a Governor.

6.4 Resignation and Removal of Governors

- 6.4.1 A person serving on the Local Governing Body shall cease to hold office if he or she resigns his or her office by notice to the Local Governing Body. Any vacancy on a Local Governing Body will trigger an appropriate election or right of appointment. The Chair of the Local Governing Body shall ensure that any vacancies and appointments are notified to the Education Skills and Funding Agency as required by the Funding Agreement.
- 6.4.2 A person serving on the Local Governing Body shall cease to hold office if he or she is removed by the person or persons who appointed him or her, i.e. the Trust Board on the recommendation of the Local Governing Body. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Governing Body by the Trust Board on the recommendation of the Local Governing Body, any failure to uphold the values of the Trust 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. The removal of a Parent or Staff Governor will be undertaken only in exceptional circumstances.
- 6.4.3 If any person who serves on the Local Governing Body in his or her capacity as an employee ceases to be employed and/or work at the Academy then he or she shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of his or her work at the Academy.
- 6.4.4 Where a person who serves on the Local Governing Body resigns his or her office or is removed from office, that person or, where he or she is removed from office, those removing him or her, shall give written notice thereof to the Chair of the Local Governing Body.

6.5 Disqualification of Governors

- 6.5.1 No person shall be qualified to serve on the Local Governing Body unless he or she is aged 18 or over at the date of his or her election or appointment. No current pupil of any Academy shall be entitled to serve on the Local Governing Body.
- 6.5.2 A person serving on the Local Governing Body shall cease to hold office if he or she becomes incapable by reason of illness or injury of managing or administering his or her own affairs.
- 6.5.3 A person serving on the Local Governing Body shall cease to hold office if he or she is absent without the permission of the Chair from all the meetings of the Local Governing Body held within a period of six months and the Local Governing Body resolves that his or her office be vacated. A Governor may be suspended from office at the discretion of the Local Governing Body or the Trust Board.
- 6.5.4 A person shall be disqualified from serving on the Local Governing Body if:
- 6.5.4.1 his or her estate has been sequestered and the sequestration has not been discharged, annulled or reduced; or
 - 6.5.4.2 he or she is the subject of a bankruptcy restrictions order or an interim order.
- 6.5.5 A person shall be disqualified from serving on the Local Governing Body at any time when he or she is subject to a disqualification order or a disqualification undertaking under 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).
- 6.5.6 A person serving on the Local Governing Body shall cease to hold office if he or she would cease to be a Trustee by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

- 6.5.7 A person shall be disqualified from serving on the Local Governing Body if he or she has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he or she was responsible or to which he or she was privy, or which he or she by his or her conduct contributed to or facilitated.
- 6.5.8 A person shall be disqualified from serving on the Local Governing Body where he or she 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 (such as a traffic offence, e.g. penalty point or similar on a driving licence) except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
- 6.5.9 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body, and he or she was, or was proposed, to so serve, he or she shall upon becoming so disqualified give written notice of that fact to the Chair of the Local Governing Body.
- 6.5.10 A person is disqualified from holding or continuing to hold office as a local governor at any time when he or she refuses a request to make an application under section 113 of the Police Act 1997 for a criminal records certificate.

6.6 Appointment of the Chair and Vice-Chair

- 6.6.1 The members of the Local Governing Body shall each school year, at their first meeting in that year, subject to the approval of the Trust Board, elect a Chair and a Vice-Chair for a term of up to one year to be determined at the point of election from among their number except any person who is employed by the Trust to work at any of the Academies.
- 6.6.2 The role of the Chair of the Local Governing Body is an important one, demanding yet worthwhile. The Chair is elected by the

Governors annually but because of the vital link and the importance of maintaining a strong and effective relationship between the Local Governing Body and the Trust Board, both the appointment and the term of office following election are subject to the approval of the Trust Board. The Chair must be approachable, readily accessible and ready to take issues and ideas raised by Governors seriously.

6.6.3 The Chair's specific duties are to:

6.6.3.1 provide a clear lead and direction for the Governors, understanding the aims of the Academy, the roles played by all those involved and the vision of the Trust in relation to its Academies;

6.6.3.2 build an effective team, attracting Governors with necessary skills and experience promoting equality and diversity and ensuring priority is given to those who can make a positive contribution to driving school improvement and supporting their development to maximise the benefit of their contribution;

6.6.3.3 work closely with the Executive Head Teacher, Head Teacher or Head of School and the Chief Executive Officer to ensure there is proper challenge and encouragement;

6.6.3.4 ensure that school improvement is the focus of all policy and strategy for the Academy, reminding Governors of this as often as necessary;

6.6.3.5 hold Governors to account, ensuring the business of the Local Governing Body is conducted efficiently and effectively, chairing meetings ensuring all members have the opportunity to contribute and are listened to with clear decisions being made when necessary.

6.6.4 The Chair or Vice-Chair may at any time resign his office by giving notice in writing to the Local Governing Body. The Chair or Vice-Chair shall cease to hold office if:

6.6.4.1 he or she ceases to serve on the Local Governing Body;

- 6.6.4.2 he or she is employed by the Trust whether or not at the Academy;
 - 6.6.4.3 he or she is removed from office in accordance with this Scheme of Delegation; or
 - 6.6.4.4 in the case of the Vice-Chair, he or she is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of the Chair.
- 6.6.5 Where by reason of any of the matters referred to in paragraph 6.6.4, a vacancy arises in the office of Chair or Vice-Chair, the members of the Local Governing Body shall at its next meeting elect one of their number to fill that vacancy.
- 6.6.6 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice-Chair shall act as the Chair for the purposes of the meeting.
- 6.6.7 Where in the circumstances referred to in paragraph 6.6.6. the Vice-Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the members of the Local Governing Body shall elect one of their number to act as a chair for the purposes of that meeting.
- 6.6.8 The clerk to the Local Governing Body shall act as chair during that part of any meeting at which the Chair is elected.
- 6.6.9 Any election of the Chair or Vice-Chair which is contested shall be held by secret ballot.
- 6.6.10 The Chair or Vice-Chair may be removed from office by the Trust Board at any time.

6.7 Committees and Further Delegation

- 6.7.1 Subject to this Scheme of Delegation, the Local Governing Body may establish any subcommittee or working group to advise and inform the Governors to support them in their decision making.

- 6.7.2 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, any committee, the Executive Head Teacher, Head Teacher or Head of School 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 the Trust Board may impose and may be revoked or altered. The terms of reference for any sub-committee of the Local Governing Body shall be consistent with any policy or statement of recommended practice issued from time to time by the Trust Board.
- 6.7.3 Where any power or function of the Trust Board or the Local Governing Body is exercised by any subcommittee or member of the Local Governing Body, the Executive Head Teacher, Head Teacher or Head of School 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.

6.8 Meetings

- 6.8.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and entered into a book (electronic or otherwise) kept for the purpose by the person authorised to keep the minutes of the Local Governing Body and 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 chair thereof. The minutes shall include a record of:
- 6.8.1.1 all appointments of officers made by the Local Governing Body; and
- 6.8.1.2 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.

- 6.8.2 The Chair shall ensure that copies of minutes of all meeting of the Local Governing Body (and such of the subcommittees as the Local Governing Body shall from time to time notify) shall be provided to the Trust Board as soon as reasonably practicable after those minutes are approved.
- 6.8.3 Subject to this Scheme of Delegation, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit, provided at all times that there is openness and transparency in matters relating to the Local Governing Body. The Local Governing Body is expected to meet at least once a term but may meet more often if felt appropriate or if requested to meet by the Trust Board.
- 6.8.4 Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body. In exercising his functions under this Scheme of Delegation the clerk shall comply with any direction:
- 6.8.4.1 given by the Local Governing Body; or
- 6.8.4.2 given by the Chair or, in his absence or where there is a vacancy in the office of chair, the Vice-Chair.
- 6.8.5 Any three Governors 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.
- 6.8.6 Each Governor shall be given at least seven clear days before the date of a meeting:
- 6.8.6.1 notice thereof and sent to each Governor at the email address provided by each Governor from time to time; and
- 6.8.6.2 a copy of the agenda for the meeting;
- provided that where the chair or, in his absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it

shall be sufficient if the notice of a meeting, and the copy of the agenda thereof are given within such shorter period as he directs.

- 6.8.7 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received notice of the meeting or a copy of the agenda thereof.
- 6.8.8 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.
- 6.8.9 A meeting of the Local Governing Body shall be terminated forthwith if:
 - 6.8.9.1 the Governors so resolve; or
 - 6.8.9.2 the number of Governors present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.10, subject to paragraph 6.9.1 and 6.9.3.
- 6.8.10 Where in accordance with paragraph 6.8.9 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.
- 6.8.11 Where the Local Governing Body resolves in accordance with paragraph 6.8.10 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 it shall direct the clerk to convene a meeting accordingly.

6.9 **Quorum for meetings**

6.9.1 Subject to paragraph 6.9.3, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be three.

6.9.2 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 meeting.

6.9.3 The quorum for the purposes of:

6.9.3.1 appointing a parent member;

6.9.3.2 any vote on the removal of a person in accordance with this Scheme of Delegation;

shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters.

6.9.4 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 Governor shall have one vote.

6.9.5 Subject to paragraphs 6.9.6 – 6.9.8, where there is an equal division of votes, the Chair shall have a casting vote in addition to any other vote he or she may have.

6.9.6 The proceedings of the Local Governing Body shall not be invalidated by:

6.9.6.1 any vacancy on the board; or

6.9.6.2 any defect in the election, appointment or nomination of any person serving on the Local Governing Body.

6.9.7 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting 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 member 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 Governor will use.

6.9.8 Subject to paragraph 6.9.9, the Local Governing Body shall ensure that a copy of:

6.9.8.1 the agenda for every meeting of the Local Governing Body;

6.9.8.2 the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;

6.9.8.3 the signed minutes of every such meeting; and

6.9.8.4 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.

6.9.9 There may be excluded from any item required to be made available in pursuance of paragraph 6.9.8, any material relating to:

6.9.9.1 a named teacher or other person employed, or proposed to be employed, at the Academy or the Trust;

6.9.9.2 a named pupil at, or candidate for admission to, the Academy; and

6.9.9.3 any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential.

6.9.10 Any Governor shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that:

6.9.10.1 he or she has given notice of his intention to do so detailing the telephone number on which he or she can be reached

and/or appropriate details of the video conference suite from which he or she shall be taking part at the time of the meeting at least 48 hours before the meeting; and

6.9.10.2 the Local Governing Body has access to the appropriate equipment, and

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.

6.10 Notices

6.10.1 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 this Scheme of Delegation, “address” in relation to electronic communications, includes a number or address used for the purposes of such communications.

6.10.2 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 or her 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 Governor. 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 or her at that address, but otherwise no such member shall be entitled to receive any notice from the Local Governing Body.

6.10.3 A Governor 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.

- 6.10.4 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.

APPENDIX 1

SCHEME FOR FINANCIAL DELEGATION

The Local Governing Body

The Local Governing Body has wide discretion over its use of the Trust's funds received in respect of the Academy. It is responsible for the proper stewardship of those funds and for ensuring economy, efficiency and effectiveness in their use – the three key elements of value for money. It must also ensure that it uses its discretion reasonably, and takes into account any and all relevant guidance on accountability and propriety. It is accountable to the Trust Board who in turn is accountable to the Secretary of State for Education and Parliament.

It is specifically responsible for ensuring that the Trust's funds are used in accordance with: the law; the Trust's powers under the Funding Agreements, the Articles of Association, this Scheme of Delegation and the Academies Financial Handbook.

The Finance, Resources, Audit & Risk Committee

The Finance, Resources, Audit & Risk Committee is a committee of the Trust Board. The Finance, Resources, Audit and Risk Committee meets at least once a term but more frequent meetings can be arranged if necessary. The main responsibilities of the Finance, Resources, Audit and Risk Committee include:

- the initial review and authorisation of the annual budget for each Academy;
- the regular monitoring and scrutiny of the Academy management accounts;
- reviewing any Trust Procurement Policy and the Scheme of Financial Delegation;
- reviewing and checking details of any contracts and purchases by the Academy;
- authorising the award of contracts and purchases;
- ensuring accountability and propriety and to manage the level of financial risk within the Trust as well as review the effectiveness of the financial procedures and controls.

Accounting Officer

As required by the Academies Financial Handbook, the Trust has appointed an Accounting Officer who has overall responsibility for the Trust and each Academy's activities including

financial activities. The Accounting Officer is personally responsible to Parliament and to the accounting officer of the ESFA for the resources under the control of the Trust. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which they are answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; for ensuring value for money; and for the efficient and effective use of all the resources in their charge. Essentially accounting officers must be able to assure Parliament and the public of high standards of probity in the management of public funds.

Much of the financial responsibility of the Accounting Officer has been delegated to the Executive Head Teacher, Head Teacher or Head of School and School Business Manager of the Academy but the Accounting Officer still retains responsibility for:

- ensuring the annual accounts are produced in accordance with the requirements of the Companies Act 1985 and the ESFA guidance issued to academies;
- completion of the accounting officer's statement on governance, regularity, propriety and compliance for inclusion in the Trust's annual report;
- establishing and reviewing the procedures for the authorising and entering into of contracts and legal commitments;
- overseeing expenditure and advising the Trust Board where significant expenditure is anticipated, and;
- where indicated in this Scheme for Financial Delegation signing cheques and authorising BACs payments in conjunction with the bank mandate.

Chief Financial Officer

As required by the Academies Financial Handbook, the Trust has appointed a Chief Financial Officer who is responsible for the development and implementation of the accounting and financial processes adopted by the Trust. The Chief Financial Officer plays both a technical and leadership role, including ensuring sound and appropriate financial governance and risk management arrangements are in place, preparing and monitoring of budgets, and ensuring the delivery of annual accounts. The Chief Financial Officer may also support in an administrative function, supporting the business management teams in the Academies and ensuring there is consistency in financial procedures across the Trust. The Chief Financial Officer will lead on any

procurement of supplies and services to the Trust as a whole or any strategic procurement to be undertaken by an individual Academy.

Shared Costs

[Set out here the agreement reached regarding any MAT levy for shared costs and contingencies.]

To facilitate the running of the trust personnel operating across the trust (some of whom will be operating on a pro rata basis where they also function for part of their time at an individual Academy level) 5% of Academy budgets will be top sliced to fund the roles of:

- Chief Executive Officer
- Chief Financial Officer
- Company Secretary

These roles will make up the Trust Executive Team whose function will be to provide the day to day & long term strategic leadership of the Trust.

The delegated budget will also fund external assistance to provide targeted support e.g. legal advice, professional development etc and the provision and maintenance of suitable accommodation for the Trust Executive Team, the Board of Trustees, the members and their committees. This accommodation may be on the site of one of the Trust schools and may, at the discretion of the CEO, be used by its schools.

Budgeting and Reporting

Role	Value	Delegated Authority	Method	Review Period
Budget setting process		Accounting Officer and Executive Head Teacher, Head Teacher or Head of School	Agree academy improvement priorities	Annual
		Academy Executive Head Teacher, Head Teacher or Head of School and Management team	Draft budget plan	Annual
		Accounting Officer and Executive Head Teacher, Head Teacher or Head of School	Agree budget plan	Annual
		Local Governing Body	Approve budget plan for submission to the MAT	Annual
		Trust Board	Approve or reject budget <i>If the Trust Board require the Local Governing Body to reconsider the budget or has lost confidence in the ability of the Academy to set a balanced budget then the Trust Board must provide a full explanation to the Local Governing Board of its reasons and the timescales by which an alternative budget should be provided. The Chief Executive Officer will be asked to provide guidance and support and may in exceptional circumstances be asked to take responsibility for recommending a budget plan to the Trust Board.</i>	Annual
Budget holders responsibilities	As per the individual budgets set	Executive Head Teacher, Head Teacher or Head of School, SLT and other budget holders	Budget monitoring is the responsibility of the budget holder and must not be overspent at any time during the year unless through prior agreement from the appropriate authorisation level.	Monthly

Monthly Management Accounts		School business manager in conjunction with the Chief Financial Officer	All transactions to be processed and reconciled by the academies finance staff for the timely checking and production of the monthly management accounts and governors reports as per the Financial Timetable.	Monthly
Virements	Up to £10,000	Executive Head Teacher, Head Teacher or Head of School	Must be disclosed to the Chief Financial Officer.	As necessary
	Over £10,000 up to £20,000	Accounting Officer/Chief Financial Officer	Must be approved by the Finance, Resources, Audit & Risk Committee.	As necessary
	Over £20,000 up to £50,000	Finance, Resources, Audit & Risk Committee	Must be approved by the Board of Trustees	As necessary
	Over £50,000	Board of Trustees	Must be approved by the Members	As necessary
ESFA Reporting		Executive Head Teacher, Head Teacher or Head of School, Accounting Officer and Chief Financial Officer in conjunction with the Trust's Auditors	An annual Financial Reporting Timetable will be released by the ESFA dates and requirements will be included on this timetable.	As necessary to ensure compliance

Income

Role	Value	Delegated Authority	Method	Review Period
Collection and receipt of cash and cheques	Any	School business manager or finance officer	Cash must be receipted by the person with delegated authority and recorded in the appropriate ledger. All on site cash and cheques must be locked in the safe until banking	Daily
Sales invoices	Up to £15,000	School Business Manager or finance officer	All sales invoices must be processed through the financial management system, and issued in a timely manner.	As required
	£15,001 to £100,000	As above plus Executive Head Teacher, Head Teacher or Head of School	Executive Head Teacher, Head Teacher or Head of School to authorise the issuing of sales invoices above £15,001, and then as above.	As required
	Over £100,001	Finance Committee	Finance committee to approve the issuing of sales invoices above £100,001, and then as above	As required
Banking of cash and cheques	Any	School business manager or finance officer	Cash and cheques should be banked on a regular basis and should not be allowed to accumulate above £1,000. Banking should be checked and agreed by another member of staff before being banked and should relate back to receipts issued.	As required
Reconciliation of bank accounts		School Business Manager or finance officer	Bank accounts should be reconciled at least on a monthly basis by someone other than the person doing the banking. Bank reconciliations should then be signed dated and filed.	Monthly

Petty Cash		School business manager of finance officer	Petty cash should be kept in a locked tin and stored in the school safe. Petty cash payments should be kept below £25. Receipts must be provided for any claim. Pre-approval from the appropriate budget holder must be obtained before any purchases take place. Period checks should take place by finance consultant or responsible officer	Weekly
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Purchases and Payments

Role	Value	Delegated Authority	Method	Review Period
Purchase orders	Up to £1,000	School business manager or finance officer and budget holders	Orders should be placed with approved suppliers unless agree otherwise with school business manager. Orders should be written on approved purchase order pro forma and authorised before being processed in the financial management system, and before order is placed with supplier. Approved paper based orders should be entered into the financial management system by someone other than the person who approved the order.	Monthly
	£1,001 to £5,000	Executive Head Teacher, Head Teacher or Head of School and school business manager	As above	Monthly
	£5,001 to £10,000	Executive Head Teacher, Head Teacher or Head of School	As above and a minimum of three written quotes must be obtained	Monthly
	£10,001 to £25,000	Executive Head Teacher, Head Teacher or Head of School with notification to the Finance, Resources, Audit & Risk Committee	As above	Monthly
	£25,001 - £50,000	Finance, Resources, Audit & Risk Committee with notification to the Trust Board	Formal tendering process, including advertising in OJEU if appropriate	Monthly
	Over £50,000	Trust Board with notification to the Members	Formal tendering process, including advertising in OJEU if appropriate	Monthly

Payment by cheque or BACs	Up to £20,000	Two signatories required from appointed members of the SLT or the Executive Head, Head Teacher or Head of School	Individual payments to any supplier to the value of £20,000 need to be signed by two individuals in the delegated authority column. Cheques or payment notifications must be accompanied by authorised supporting documentation	As necessary
	£20,001 to £100,000	Two signatories including the Executive Head, Head Teacher or Head of School	Cheques or payment notification must be accompanied by authorised supporting documentation	As necessary
	Above £100,000	Accounting Officer and Chief Financial Officer	Cheques or payment notification must be accompanied by authorised supporting documentation	As necessary
Charge Card	Limited to £5k	Executive Head Teacher, Head Teacher or Head of School	Must be kept in the safe when not in use. All transactions must be supported by a receipt. Orders should be placed only by card holder. Reconciliation should be checked by someone other than the person who places the orders.	Monthly
Standing orders and direct debits	As per limits for cheque of BACs payments	As per limits for cheque of BACs payments	As per limits for cheque of BACs payments	As necessary
Liabilities and Write-Offs	1% of total annual income or £45,000 (whichever is smaller) per single transaction. Cumulatively, 2.5% of total annual income in any one financial year per category of transaction where notified by the Trust Board. Otherwise cumulatively, 5% of total annual income in any one financial year per category of transaction.	Executive Head Teacher, Head Teacher or Head of School/Accounting Officer	Anything above these limits must be approved by Secretary of State through the ESFA	Annual
Purchase or sale of any freehold property	Any	ESFA approval required	Local Governing Body to seek approval of Trust Board	Annual

Granting any leasehold or tenancy agreement	Any	ESFA approval required	Local Governing Body to seek approval of Trust Board	Annual
Taking up any leasehold or tenancy agreement for more than three years	Any	ESFA approval required	Local Governing Body to seek approval of Trust Board	Annual

Wages and Salaries

Role	Value	Delegated Authority	Method	Review Period
Appointment of Staff	Up to senior leadership team	Executive Head Teacher, Head Teacher or Head of School		Annual
	Deputy Head Teacher	Local Governing Body		Annual
	Head Teacher or Head of School	Trust Board on the recommendation of the Local Governing Body		Annual
	Executive Head Teacher	Trust Board		Annual
Payroll Processing		Chief Financial Officer and Executive Head Teacher, Head Teacher or Head of School	School business manager to check monthly payroll and make any necessary changes or adjustments. Monthly payroll and any changes must be authorised and signed off on by the Executive Head Teacher, Head Teacher or Head of School. Payroll reports and payments made will be checked and agreed by the finance consultant on a monthly basis.	Monthly
Contracts of employment		Executive Head Teacher, Head Teacher or Head of School and another appointed signatory from the SLT	All employee contracts need to be kept up to-date. Any contract changes need to be authorised by the appropriate authority level as per (Appointment of staff) authority and filed in the staff members file. These contracts will be periodically checked by the responsible officer and the auditors.	As required

One-off Payments (e.g. in settlement of claims, ill health retirements, bonuses and golden handshakes)	Any	Executive Head Teacher, Head Teacher or Head of School and Chief Financial Officer		
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Assets

Role	Value	Delegated Authority	Method	Review Period
Fixed asset register	£2,000	Executive Head Teacher, Head Teacher, Head of School or SLT member with delegated responsibility	All assets to the value of £2,000 either individually or as a group will need to be recorded in the asset register.	Monthly and annually

APPENDIX 2

GOVERNANCE DECISION PLANNER

This decision planner is designed to work in conjunction with the formal Scheme of Delegation adopted by the Trust. It provides a quick reference guide to how some of the important decisions within the Trust are to be made. Any discrepancies between this document and the Scheme of Delegation shall be construed in favour of the Scheme of Delegation, which will take precedence.

The different levels of delegated power are listed below but it should be noted that not every task requires all levels of delegated power to be defined:

- Approve (A)
- Recommend (R)
- Develop (D)
- Monitor & Report (M)
- Consulted (C)
- Implement (I)

The governance and management layers within the Trust are identified as follows:

1. Trust Members (the “**Members**”)
2. Trust Board of Directors/Trustees (the “**Board**”)
3. Trust Finance, Resources, Audit & Risk Committee (as appropriate) (the “**FRARC**”)
4. Local Governing Bodies (the “**LGB**”)
5. [Trust Chief Executive Officer] [Accounting Officer] [Leadership Group] [(“**CEO/AO/LG**”)
6. Executive Head Teacher, Head Teacher or Head of School of individual academies (“**HT**”)

	Task	Members	Board	FRARC	LGB	CEO	Exec HT / HT / HoS
1							
1.1.	Approve Trust Articles of Association	A	R				
1.2.	Approve Trust Board Terms of Reference	C	A				
1.3.	Approve Trust Scheme of Delegation	C	A		I		
1.4.	Approve new, converter or sponsored academies joining MAT		A	M		R and I	
1.5.	Establish Trust Committees		A			I	
1.6.	Approve Trust Committee Terms of Reference		A			I	
1.7.	Approve Local Governing Body (LGB) Terms of Reference		A		C	I	
1.8.	Establish LGB working groups or committees		M		A	C	I
1.9.	Appoint Chair of Trust Board		A				
1.10.	Appoint Chair of LGB		A		R		

1.11.	Remove Chair of LGB		A			C	
1.12.	Appoint (and remove) Vice Chair of LGB		A		R		
1.13.	Appoint LGB members		R		A		
1.14.	Remove LGB members		A		R		
1.15.	Appoint (and remove) Chair(s) of Trust Committees/Working Groups		A			C	
1.16.	Appoint (and remove) Trust Committee/Working Group members		A			C	
1.17.	Appoint Board Advisors		A	C		R	
1.18.	Appoint (and remove) Clerk to Trust Board		A			R	
1.19.	Appoint (and remove) Clerk to LGB				A		R
1.20.	Organise calendar of Trust Board and LGB meetings		A			R	R
1.21.	Approve Directors Expenses Policy		A	M		I	

2							
2.1.	Trust & Academy Financial Regulations		A	I		R	C
2.2.	Trust & Academy Financial Procedures		A	I		R	C
2.3.	Appoint Trust auditors		A	R		I	
2.4.	Trust 3 year Budget Plan		A	R		R/I	
2.5.	Trust 1 year Budget		A	R		R/I	
2.6.	Trust Interim Year End Accounts		M	A		R	
2.7.	Trust Annual Accounts		A	R		I	
2.8.	Trustees Report		A	R			
2.10.	Response to Auditor's Management Letter			A/R		I	
2.11.	Academy 3 year Budget Plan		A	R	R	M	D
2.12.	Academy 1 year Budget		A	C	R	M	D

2.13.	Academy YTD reports				M	M	M
2.14.	Academy Interim Year End Accounts		M	R	A		
2.15.	Academy Accounts Return to ESFA		A	R		I	R
2.16	Risk Management Policy		A		C/R	P	I
2.17	Charging and remissions policy		A		C/R	P	I
3							
3.1.	Trust Strategic Plan		A		C	R/I	C
3.2.	Academic Performance Targets		A		R	R/M	D
3.3.	Academy Performance Review <i>e.g. Academy Action Plan</i>		M		A	M	R/D
3.4.	Academy 3 year plan		A		R	M	R/D
3.5.	Academy 1 Year Plan		M		A	M	R/D
3.6.	EYFS Policy		A		C	M/C	R/I
3.7.	EYFS Plan & Quality of Provision		A		C	M/C	R/I

3.8.	SEN Policy		A		C	M/C	R/I
3.9.	SEN Plan & Quality of Provision		A		C	M/C	R/I
3.10	Equality objectives		A		C	M/C	R/I
3.11	Accessibility Plan		A		C	M/C	R/I
3.12	Supporting children with medical conditions		A		C	M/C	R/I
3.13.	Teaching & Learning Policy		C		A	M/C	R/I
3.14.	Curriculum Policy		C		A	M/C	R/I
3.15.	Sex Education policy		A		C	M/C	R/I
3.16.	Religious Education and Collective Worship Policy		A		C	M/C	R/I
4							
4.1.	Staff complement, structure and grades		M	C	A	M/R	R/I
4.2.	CEO/Exec Head teacher appointment		A				
4.3.	Trust leadership structure		A				

4.4.	Head teacher and Head of School appointment		A		R/C	R/I	
4.5.	Deputy Head appointments		C		A	R	R
4.6.	Teaching and support staff appointments				M	R	A
4.7.	Suspension of CEO/Exec Headteacher		A				
4.8.	Return of CEO/Exec Headteacher after suspension		A				
4.9.	Dismissal of CEO/Exec Headteacher		A				
4.10.	Suspension of Headteacher		A		R	I	
4.11.	Return of Headteacher after suspension		A		R		
4.12.	Dismissal of Headteacher		A		R	I	
4.13.	Suspension of teaching and support staff		C		M	M	A
4.14.	Return of teaching and support staff after suspension				M	M	A
4.15.	Dismissal of teaching and support staff		C		M	M	A
4.16.	Redundancy of staff		A		A	C/M	R/I

4.17.	Restructuring of staff		A		R/A	C/M	R/I
5							
5.1.	Asset Management Policy		A		C	M	R
5.2.	Health & Safety Policy		C		A	M	R
5.3.	Commissioning of repairs or works over £10,000 up to £25,000				A	M	A
5.4.	Commissioning of repairs or works over £25,000			A	R	P	R
5.5.	Commissioning of repairs of works over £50,000		A		R	P	I
5.6.	Lettings Policy		A		C	M	R
6							
6.1.	Employment Policies and Staff Handbook		A		C/R	P	I
6.2.	Pay & Remuneration Policy		A		C/R	P	I
6.3.	Job Role Salary & Grading Policy		A		C		

6.4.	Changes to Employee Terms & Conditions or Collective Agreements		A		C	R	I
6.5.	Adoption of Transferring Policies and Collective Agreements		A		I		
6.6.	Teachers Annual Pay Award		A	C	R	R	R
6.7.	Support Staff Annual Pay Award		A	C	R	R	R
6.8.	Individual Performance Pay Awards		C	C	M	R	A
6.9.	Performance Management & Appraisal Review Policy		A	C	R	R	I
6.10	Determine the framework within which the performance of the Executive Head Teacher, Head Teacher or Head of Schools of the Academies should be carried out		A			R	
6.10.	Staff Disciplinary and Grievance Policy		A		C	M/R	I
6.11.	Capability Policy		A		C	M/R	I
6.12.	Staff Sickness Policy		A		C	M/R	I
6.13.	Whistle-blowing Policy		A		C	M/R	I
6.14	Data Protection Policy		A		C	M/R	I

6.15	Freedom of information publication scheme		A		C	M/R	I
6.16.	Academy times, terms and holidays		C		A	M	R
6.17.	Change of Academy Age Range		A		R	M	R
6.18.	Expansion of Academy PAN		A		R		R
6.19.	Extension of Academy provision (EYFS)		C		A		R
6.20.	Early help, Safeguarding & Child Protection Policy		A		C	M/R	I
6.21.	Policy for Looked After Children		A		C	M/R	I
6.22.	Attendance Policy & Plan		A		C	M/C	R/I
6.23.	Pupil Behaviour & Exclusions Policy		A		C	M/C	R/I
6.24.	Community & Religious Ethos & Values Policy (SMSC)		A		C	M/C	R/I
6.25.	Short-term Exclusion				C		A
6.26.	Return after short-term exclusion				M		A
6.27.	Permanent Exclusions				C		A

6.28.	Appeals against Permanent Exclusion				A		R
6.29.	Complaints Policy		A		C	M/R	I
6.30.	Complaints Appeals		A		C		
6.31.	Admissions Policy		A		C	M/R	I
6.32.	Allocation of places against Admissions Policy		A		C		
6.33.	Admissions Appeals		A		C		
6.34.	Home School Agreement				M		A
6.35.	Academy prospectus				A		R
6.36.	Academy website		C		A		R
6.37.	Academy logo & branding		C		A		R
6.38.	Educational Visits Policy				A		R
6.39.	Extended services on-site				A		R
6.41.	Pupil Premium Plan				A		R

Agate Momentum Trust Policies

A key task for the Trust is to develop and monitor a range of policies that member academies are expected to adopt. The Trust policy schedule which sets out who is responsible for approving policy is appended.

Agate Momentum Trust Policy Schedule

Name	Approved by	Policy lifetime cycle	Review date
Accessibility plan	Board		
Admissions (statutory)	Board		
Asset Management	Board		
Attendance policy	Board		
Behaviour (inc anti-bullying)	Board		
Capability	Board		
Charging and remissions (statutory)	Board		
Community & religious ethos & values (SMSC)	Board		
Complaints (statutory)	Board		
Curriculum	LGB		
Data protection (statutory)	Board		
Early help, safeguarding and child protection Policy (statutory)	Board		
Early Years Foundation Stage (statutory)	Board		
Educational visits	LGB		
Employment Policies and Staff Handbook	Board and CEO		
Equality objectives (statutory)	Board		
Directors Expenses Policy	Board		
Finance policy	Board		
Freedom of information publication scheme (statutory)	Board		
Health and safety (statutory)	LGB		
Home school agreement	Exec Head / HT		
Job role & salary grading policy	Board		
Lettings policy	Board		
Looked after children	Board		
Performance Management and appraisal review policy	Board		
Pay and remuneration	Board		
Pupil Premium Plan	LGB		
RE and Collective Worship	Board		
Risk management	Board		
School Prospectus	LGB		
SEN Information Report (statutory)	Board		
Sex education (statutory)	Board		
Special Educational Needs	Board		
Staff capability	Board		
Staff discipline and grievance (statutory)	Board		

Staff sickness absence	Board		
Supporting children with medical conditions (statutory)	Board		
Teaching & Learning	LGB		
Website compliancy	Board (Trust site) LGB (Academy sites)		
Whistleblowing (statutory)	Board		

APPENDIX 3

RISK MANAGEMENT POLICY

Principles

The Trustees have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and maintaining of the Academies (which includes taking existing schools into the Trust). The Trustees have the power to direct change where required. The Trustees have delegated authority for the running of each of its Schools to a Local Governing Body, who in turn fulfils a governance and oversight role in the conduct of the Academy, further delegating authority to the Headteacher and senior leadership team who are responsible for the internal organisation, management and control of the Academy on a day to day basis. The responsibilities of the Local Governing Body are set out in the “Scheme of Delegation”.

Risk management must prioritise and protect:

- The safeguarding of high quality and effective education of the young people in the Academies;
- The reputation and ethos of the Trust and the Academies;
- The common good in terms of the interests of the families in the communities served by the Academies and the pupils of the future;
- The Scheme of Delegation and the balance struck between central management and local responsibility.

The responsibility of each Local Governing Body

It is the responsibility of each Local Governing Body (the Governors) to implement, monitor and verify such policies and procedures to facilitate an annual statement of compliance on those risks identified by the Board. The Governors should take such steps needed to meet their legal obligations including the requirements of the Department for Education (or any successor body) as they relate to the operation of the Schools. The Governors should provide resources to mitigate identified risks and declare any non-compliance to the Trustees. The Governors should commission on a regular basis external verification of internal systems so as to ensure the systems fitness for purpose and compliance to current standards.

The responsibilities of the Trustees

It is the responsibility of the Trustees to identify those risks which arise from academy status and membership of a multi-academy trust and develop policies and procedures which mitigate these risks (taking account of the principles identified above). To mitigate financial risk the Trustees will require all Academies to use approved banking arrangements, audit arrangements, financial management systems, and premises insurance and building surveyors. Rigorous safeguarding policies are also a requirement for all Academies. Beyond these areas the Trustees should identify risks common to all Academies, set policy frameworks but seek not to impose specific control mechanisms for these risks as responsibility lies with the individual Local Governing Bodies. The Trustees should receive compliance reports from the Local Governing Bodies (and declarations of non-compliance) and develop systems to support (having regard to the principles of subsidiarity and solidarity) individual Academies to mitigate risk to the Trustees and the Trust generally.

Operation of the Risk Management Policy

To assist the Trust Board in fulfilling its function, the Trustees may establish a “risk management committee” (or ensure this function is undertaken by the Finance, Resources, Audit and Risk Committee) made up of appointed Trustees, representatives of the Local Governing Body and the Head Teachers, and others as may be required. The terms of reference should identify that a minimum of two Trustees should serve on this committee, with one being present for the committee to be quorate. The risk management committee may be a function of the Finance, Resources, Audit and Risk Committee or work alongside it.

It is the duty of this committee to review the termly schedule of self-assessments made by individual Local Governing Bodies, consider how to support the Academies to mitigate identified risks and report to the Trust Board each term on the risks identified.

The Nature of the Risks

- **The safeguarding of those involved in the enterprise**

The Trustees and Local Governing Bodies will be required to have safeguarding (including safer recruitment and e-safety) policies which comply with the requirements of the appropriate Safeguarding Board.

- **The employment of those involved in the enterprise**

The Trustees and individual Academies should have a suite of legally compliant and common personnel policies, supported by advice and insurance.

- **The stewardship of the premises and site and the health, safety and welfare of those who use the site**

The Trustees reserve the right to direct individual Academies with regard to the insurances of Trust property (buildings, land and assets) and to approve and be kept informed of planned capital works. The Academy should develop comprehensive health, safety and welfare policies to include systems to monitor compliance with regulation and good practice and to externally assess these at a regular period.

- **The vision and values of the Trust and the academic standards attained**

The Governors should report to the Trustees on any OFSTED or other inspections and reports. Equally the Trustees should be informed of trends and actual academic outcomes and other key indicators identified by OFSTED (or any successor body) in order that the Trustees may broker support and advice from within (or beyond) the Trust to minimise the possibility of the Secretary of State using his reserve powers in relation to one of the Academies for which the Trust is responsible.

- **The financial integrity of individual academies**

The Trustees reserve the right to direct the Academies to bank with a named bank and to direct the Academies to use the services of agreed auditors. The Trust Board reserves the right to have annual agreed budget plans, termly budget summaries and annual outturn statements reported to it. Academies will not be permitted to operate deficit budgets without specific approval from the Trust Board. The Governors will agree such policies as required to comply with DfE requirements on the operation of academies, including in relation to the procurement of goods and services. The Governors will appoint a suitably experienced “responsible officer” who will oversee the financial integrity of the Academy with a particular reference to levels of delegation and the avoidance of over-reliance upon key individuals.

- **The capacity of the Trust Board and the Local Governing Bodies to discharge their duties**

The Trust Board and individual Local Governing Bodies will be expected to make an annual self-assessment of the skills and experience they require and their capacity to fulfil those requirements. Plans to mitigate deficiencies should be passed to the relevant Local Governing Body and the Trust Board. All Trustees and Governors are required to

hold an enhanced Criminal Records Bureau certificate and to make a declaration of interests at the beginning of each meeting. The Trust will operate a Conflicts of Interest policy. The Trust will ensure that good quality legal advice is available to the Trust Board, the Academies and those responsible for running the Schools on a day to day basis.

APPENDIX 4

CONFLICT OF INTEREST POLICY

Why we have a Policy

Trustees of a charity have a legal obligation to act in the best interests of the charity. For the purposes of charity law, the trustees are those people who are responsible for the general control and management of the administration of the charity. The Trust is an “exempt” charity, the principal Regulator being the Secretary of State for Education. The trustees of the Trust are the directors and the charity's governing document, the Articles of Association, explains what the trustees must do to avoid situations where there may be a potential conflict of interest.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the Trust. Such conflicts may create problems; they can:

- inhibit free discussion;
- result in decisions or actions that are not in the interests of the Trust; and
- risk the impression that the Trust has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety. This Policy operates without prejudice to any of the provisions in the Trust's Articles of Association relating to conflicts of interest.

The Declaration of Interests

We are asking trustees, governors of any local governing body of any academy and all staff to declare their interests, and any gifts or hospitality received in connection with their role in the Trust. A declaration of interests form is provided for this purpose, listing the types of interest you should declare. All interests, including gifts of a value over £50, must be notified to the Company Secretary and a Register of Interests will be maintained by the Trust.

To be effective, the declaration of interests needs to be updated at least annually and also when any changes occur. If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please contact the Company Secretary or Chairman for confidential guidance.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that trustees, governors and all staff act in the best interests of the Trust. The information provided will not be used for any other purpose.

What to do if you face a Conflict of Interest

If you have a direct or indirect interest in:

- a) a proposed transaction with the Trust; or
- b) any transaction or arrangement entered into by the Trust which has not previously been disclosed;

you must disclose the nature and extent of that interest, whether or not you receive any actual benefit as a consequence of the interest. You may have an indirect interest in a matter if a family member or friend has an interest in the matter.

As good practice, every trustee and governor should declare any private interest which he or she has in an item to be discussed at the beginning of every meeting, and certainly before any discussion of the item itself.

You should not be involved in decisions in which it is possible that a conflict will arise. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion.

If you fail to declare an interest that is known to the Company Secretary and/or Chairman (or the chair of the local governing body as the case may be), the Company Secretary or Chairman will declare that interest.

Decisions taken where a Trustee, Governor or Staff Member has an Interest

In the event of the Trust Board having to decide upon a question in which a trustee, governor or member of staff has an interest because of a duty or loyalty (however indirect) that they owe to another organisation, they will do so by vote, with a simple majority required. The conflicted individual may be present when the matter is discussed but must not take part in the discussion or vote on any matter relating to the discussion and a quorum must otherwise be present for the discussion and decision.

An individual will generally not have a conflict of interest or loyalty simply by virtue of the fact that he or she has been appointed or nominated to the Trust Board or to the Local Governing Body by a third party and the Trust has dealings with that third party, but if any undue influence is

exerted by that third party or the individual has an interest in the matter for a reason other than mere appointment or nomination, then the circumstances will need to be reconsidered.

All decisions made where there has been a declared conflict of interest will be recorded by the Company Secretary and reported in the minutes of the meeting. The report will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage the conflict.

Where a trustee benefits from the decision, this will be reported in the annual report and accounts in accordance with the current Charities SORP making reference also to any potential conflict situation recognised in this Conflicts of Interest policy.

All payments or benefits in kind to trustees will be reported in the Trust's accounts and annual report, with amounts for each trustee listed for the year in question.

Where a member of the Trust's staff are connected to a party involved in the supply of a service or product to the Trust, this information will also be fully disclosed in the annual report and accounts again making reference also to any potential conflict situation recognised in this Conflicts of Interest policy.

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

Managing Contracts

If you have a conflict of interest, you must not be involved in managing or monitoring a contract or transaction in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

Notified Conflicts of Interest

Without prejudice to any of the obligations on individuals as expressed in this Policy, the Trustees have identified the following as matters where relevant individuals will have an interest in the matter and such interest has not been expressly authorised in the Articles of Association but is considered to be a matter which is in the best interest of the Trust and is authorised

provided the principles of this policy are observed (particularly in relation to discussions, decisions and management of the matter where there is a genuine conflict):

- The appointment or nomination of individuals by the Local Governing Body to serve on the Trust Board

APPENDIX 5

TERMS OF REFERENCE FOR THE FINANCE, RESOURCES, AUDIT & RISK AND CURRICULUM & STANDARDS COMMITTEES

FINANCE, RESOURCES, AUDIT & RISK

1. To ensure that the Trust Board is kept informed of all major financial issues concerning the Trust and its Academies, the overall Trust budget and those of the individual Academies, the management of funds against the budget, the benchmarking of financial performance and the heads of expenditure, the way funds are utilised (including value for money) and the way monies are secured.
2. To receive proposals from the Local Governing Bodies for budget recommendations, and to recommend the annual budget for the Trust and the Academies to the Trust Board for approval.
3. To receive reports from the Executive Head Teacher, Head Teacher or Head of Schools regarding the Trust's/Academies' finances. This will include reports on the monitoring of income against expenditure and proposals to revise forecasts for the year. The committee will work with the Trust and the Executive Head Teacher, Head Teacher or Head of Schools to make any recommendations to the Trust Board.
4. To monitor the production, timeliness and accuracy of key financial statements in response to both statutory and local requirements.
5. To support (recommending and advising) the Trust Board in developing and then implementing a reserves policy and to consider the impact of strain in individual Academy budgets.
6. To support (recommending and advising) the Trust Board in developing and then implementing the Financial Regulations Manual and associated procurement policy.
7. To review tenders for major contracts as specified in the Financial Regulations Manual. To approve or reject tender proposals or, where required, make recommendations to the Trust Board.
8. To recommend any changes in the Financial Regulations Manual, where significant, to the Trust Board. To review the operations of the Trust and the Academies in relation to the procedures shown in the Financial Regulations Manual. To work with the Executive

Head Teacher, Head Teacher or Head of Schools to resolve breaches and to improve procedures as appropriate.

9. To monitor key financial and accounting systems and review any audits of these or the general finances of the Trust and make recommendations to the Trust Board and/or the Local Governing Bodies as appropriate.
10. Advise and report to the Trustees in relation any organisational risks which might impede the development and implementation of a long term strategy for the success of the Trust. The Trustees shall consider any such advice given by the Finance, Resources, Audit and Risk Committee.
11. Support the Directors in developing an organisational structure which reflects the Trust's values and enables the management systems, structures and processes to work effectively in line with legal requirements and to ensure sound financial management.
12. Support the Trustees in the formulation of financial and risk management policies for the Trust and the Academies for achieving the aims and objectives set out in the Trust's Development Plan or long term strategic vision.
13. Advise the Directors on the adequacy and effectiveness of the Trust's systems of internal control and its arrangements for risk management, control and governance processes and securing economy, efficiency and effectiveness (value for money).
14. Regularly review the statement on internal control and make appropriate recommendation to the Trustees and when appropriate communicate messages and advice to the Local Governing Body, liaising as necessary with any responsible officer appointed by the Local Governing Body to be responsible for financial oversight and risk management of the Academy's activities.
15. Support (and challenge when necessary) the Trustees and in particular the [Chief Executive Officer/Accounting Officer] who from time to time assumes the role of "accounting officer" to ensure he or she satisfies his or her duty as accounting officer to:
 - Ensuring value for money;
 - Ensuring regularity and propriety;
 - Ensuring prudent and economical administration;
 - Avoiding waste and extravagance;

- Ensuring the efficient and effective use of resources;
 - Keeping proper accounts;
16. Establish and implement a system of financial and risk reporting by the Academies to the Directors and to oversee that reporting to ensure that such a system complies with the Trust's legal obligations.
 17. Review any financial and risk report submitted by the Academies and advising the Trustees on any issues arising from it as well as making recommendations for future reports to sustain the integrity of the financial and risk management systems.
 18. Advise on the formulation and implementation of a policy for the approval and signing of contracts, ensuring all contracts to be entered into by the Academy are appropriate, have been authorised (or are within delegated authority) and do not expose the Academy to undue risk.
 19. Advise the Trustees on the appointment, reappointment, dismissal and remuneration of auditors (both external auditors and internal audit).
 20. Monitor the effectiveness of auditors, including the use of auditor performance indicators.
 21. Ensure effective coordination between auditors ensuring that a consistent method of audit is adopted across all Academies.
 22. Ensure that additional services undertaken by auditors are compatible with the audit independence and objectivity.
 23. Agree the work programme of internal audit including the checking of financial controls, systems, transactions and risks.
 24. Consider the reports of the auditors and, when appropriate, advise the Trustees and the Academies of material control issues.
 25. Monitor the implementation of agreed audit recommendations.
 26. Advise on policies for the securing of the funds and assets of the Trust including by the prevention of loss through fraud and irregularity.

- 27.** Ensure that all allegations of fraud and irregularity are appropriately investigated and control weaknesses addressed, working with the Trustees and the Executive Head Teacher, Head Teacher or Head of Schools of the Academies, as appropriate.
- 28.** Recommend the annual financial statements to the Trustees for approval.
- 29.** To review and recommend to the Trust Board personnel procedures such as recruitment, redundancy, discipline, grievance, capability and pay policies.
- 30.** To review employment practices of the Trust, recommending to the Trust Board adoption of new practices where appropriate.
- 31.** To ensure that the employment and personnel functions of the Trust remain in line with legal requirements and the conduct of a good employer.
- 32.** To support the Local Governing Bodies in reviewing the staffing structure of the Academies, including pay incentives, working with the Chief Executive Officer and the Head Teachers and the appropriate management teams, ensuring that the Trust structure maintains high performing academies.
- 33.** To ensure there is a suitable and effective appeals procedures for HR matters.
- 34.** To work with the Chief Executive Officer in engaging with the trade unions and maintaining good industrial relations.
- 35.** To draft and keep under a review a policy statement on staff consultation for approval by the Trust Board and to undertake any formal consultations on personnel matters.
- 36.** To review and recommend for adoption the procedures for dealing with discipline and grievances and ensure that all staff are informed of them.
- 37.** To draft and review, in consultation with staff, criteria for redundancy for approval by the Trust Board.
- 38.** To draft criteria for the approval of the Trust Board about the use of discretionary elements of pay provisions and make recommendations about implementing them.
- 39.** To establish the annual and longer term salary budgets and other cost relating to personnel, e.g. training.

40. To support the Local Governing Bodies in reviewing the staffing structure whenever a vacancy occurs and at least annually in relation to the Academy's management or action plan.
41. To monitor the effectiveness of the Scheme of Delegation and to consult with staff and the Local Governing Bodies where change is advisable or has been recommended by the Department for Education.
42. To develop and implement a programme of Trustee and Governor training.
43. To undertake a regular skills audit of both the Trust Board and each of the Local Governing Bodies and making appropriate recommendations to the Trust Board for appointments and removals where necessary.
44. To vet all appointments to the Local Governing Bodies.
45. To support the Chairs of the Local Governing Bodies to ensure they are working effectively.
46. To develop and support the adoption of best practice in governance at all levels in the Trust.
47. To advise the Trust Board on any intervention at Local Governing Body level where there has been a break down in governance.
48. To advise and lead on the appointments of clerks to the Trust Board and the Local Governing Bodies and to support their training to ensure they are knowledgeable about the governance arrangements within the Trust.

[The Finance, resources, audit & risk committee will meet once per term.](#)

TERMS OF REFERENCE FOR THE CURRICULUM & STANDARDS COMMITTEE

1. To oversee that the National Curriculum is implemented having regard to any priorities agreed by the Trust Board.
2. To ensure that statutory requirements relating to key policies on academy aims, special needs, sex education, charging, religious education, collective worship, attendance and behaviour are implemented.

3. To assist the Chief Executive Officer and the Head Teachers of the Academies as appropriate, in the formulation of statutory policies. Statutory policies must be ratified by the Trust Board.
4. To annually review the performance of the Academies in matters such as examination results and attendance.
5. To support the Trust Board with the development of a strategic plan for each Academy which identifies agreed priorities and targets for improvement, focusing specifically on both standards and resource planning.
6. To set the statutory examination targets for the Academies and to oversee the outcome.
7. To work with the Chief Executive Officer and the Academy's management in developing the awareness of the Local Governing Body of the Academy's curriculum through training and advice and to provide general guidance and advice to the Trust Board and Local Governing Body as appropriate.
8. Assess the performance of the Academies as a group, developing a benchmarking tool which can be used to drive further improvements, advising the Trust Board on the effectiveness of this.
9. Seek to identify areas where greater collaboration between the Academies can improve standards and outcomes.
10. With the assistance of the Chief Executive Officer, carry out periodic reviews of the standards of teaching and learning in each of the Academies, reporting on best practice as well as areas of weakness and then facilitating the sharing of best practice and the development of a training programme which draws on the strengths of the Academies and secures additional resources which meet needs.

APPENDIX 6

TERMS OF REFERENCE FOR HEADS & CHAIRS FORUM

AGATE MOMENTUM TRUST

TERMS OF REFERENCE FOR THE HEADS & CHAIRS' ADVISORY FORUM ("the Heads & Chairs' Forum")

EFFECTIVE DATE [] REVIEW DATE []

PURPOSE

The Heads & Chairs' Advisory Forum has been set up to provide a focus for the setting of policy and to develop the strategic vision of the Trust. The Heads & Chairs Advisory Forum will both support and challenge the Trust Board and will facilitate communication between the Trust Board and the Local Governing Bodies as well as provide an opportunity for the Academies to explore and develop areas of collaboration and shared working.

MEMBERSHIP

Whilst the membership of the Heads & Chairs' Advisory Forum is clearly the Executive Head Teacher, Head Teacher or Head of Schools of the Academies and the Chairs of the Local Governing Bodies, the Forum may be organised on a grouped basis if this will aid collaboration and ensure the Forum has meaningful impact, e.g. within a locality or focussed on primary or secondary provision.

Responsibility / Delegated Authority
Ethos and vision
Working in partnership with the Trust Board, develop a clear educational vision, ethos and direction for the Trust, learning and the moral, social and cultural development of pupils and assist with the communication of this vision to and the wider community.
Ensure the Trust Board formulates policies and practices which support the Trust's overall vision and aims as well as uniqueness of each Academy and the contribution each makes to the collective.
Strategic Leadership
The Heads and Chairs' Advisory Forum shall meet at least once a term and shall support the development of a strategic vision for the Trust, providing leadership vision and challenge to the Trust Board.
Provide a perspective on the wider education community and the challenges facing state funded schools.
Assist with the creation of a public face and external identity for the Trust, facilitating discussions with those who might be strategic partners of the Trust.
Advise the Trust Board in relation to the development and implementation of a long term strategy for the success of the Academies, identifying any threats and weaknesses as well as opportunities for growth and improvement.
Where appropriate, undertake research on issues which might affect the Trust, ensuring best practice.
Assist with the development of an action plan for each Academy, which identifies appropriate priorities and targets for the context of overall resource planning and the management and administration of each Academy and which supports the Trust Board.

vision and aims of the Trust.
Oversee the relationship between the Trust Board and the Local Governing Bodies of the Academies, ensuring that the Trust Board is proportionate and that any intervention by the Trust Board is undertaken respectfully.
Ensure the needs of each Academy are communicated to and understood by the Trust Board.
Seek to identify areas where greater collaboration between the Academies can support the Trust's business strategy.
Advise on the impact of any proposed change to admissions in respect of any Academy.
Curriculum and Standards
Advise the Trust Board and the Local Governing Bodies on the development of a curriculum which meets each Academy's needs and has regard to: <ul style="list-style-type: none"> • the national curriculum • the obligation to provide religious education, sex education and physical education • special educational needs • national testing.
Advise the Trust Board and the Academies on the targets for relevant Key Stages and supports the leadership team in action to be taken to maximise attainment and pupil progress and whilst doing so advise on the transition by pupils from one Key Stage to the next, whether that be to another Academy within the Trust or to another school.
Facilitate school to school support.
Provide a forum for discussion on the merits of any change to the curriculum and the impact of developments regionally.
Resources
Identify efficiencies through collaborative working.
Provide support to each Academy's senior leadership team and any resource and recruitment committees.
Support the Trust Board in the development of suitable HR policies and practices noting the need to achieve consistency across all Academies.
Facilitate discussion with staff representative bodies, including the unions.

APPENDIX 7

TERMS OF REFERENCE FOR THE INTERVENTION BOARD

[NAME OF ACADEMY] (the “Academy”)

EFFECTIVE DATE [] REVIEW DATE []

PURPOSE

The Intervention Board’s primary role is to support the rapid turnaround of the Academy. The Intervention Board has been established by the Trust Board and may have been appointed before the School joined the Trust in order to support the conversion of the School. The Intervention Board shall meet at least twice a term, more if necessary.

The Intervention Board will ensure that the Strategic Plan for the Academy is being implemented and will advise on the development and review of the Plan, focussing on 4 key areas of action; leadership & governance, teaching & learning, facilities & resources and finance.

The Intervention Board will report to the Trust Board on progress, recommending further action as necessary.

MEMBERSHIP

Members of the Intervention Board have been drawn from the local community and have been appointed by the Trust Board, who will ensure the members have both the capacity and skills to work intensively within the Academy, providing support and challenge to the Academy’s staff and building on existing links with the community. Board members must be able to demonstrate an understanding of the ethos and values of the Trust and a commitment to fulfilling the Trust’s mission and objectives for the Academy, drawing on specialist skills where required. Whilst there is no limit on the numbers expected to serve on the Board, in most cases it is not anticipated that there will be more than 3, one of whom will be the [Accounting Officer].

REVIEW

Operating with an Intervention Board is not intended to be a long term arrangement and a target date has been identified for the review of the arrangement. Any initial period will not be greater than 12 months.

Responsibility / Delegated Authority
Ethos and vision
Support the actions of the Trust Board in developing and sustaining a clear educational vision, ethos and direction for the Academy, which promotes learning and the moral, social and cultural development of pupils.
Assist with the communication of the Trust’s vision within the Academy’s community, reinforcing the Academy’s identity as a family of schools run by the Trust.
Establish systems and procedures in the Academy which recognise and prioritise collaborative working within the Trust.

Support the Trust Board in the formulation of policies and practices which reinforce the Trust's overall vision and aims, the uniqueness of the Academy and the contribution it makes to the Trust and to the community.

Compliance and Leadership

Take the lead in the development of a strategic plan for the Academy which is consistent with the Trust's overall vision and identifies appropriate priorities for the Academy, targets for improvement and specific actions to be taken.

Advise and report to the Trust Board on the implementation of the strategic plan, identifying any financial, educational, operational and weaknesses as well as opportunities for growth and improvement.

Support the Trust Board, as well as the leadership team within the Academy, ensuring that there is sufficient challenge and continuous improvements can be made and preparing the leadership team for the transition to full delegated responsibilities.

Have regard to the public sector equality duty in the performance of any duty.

Act in accordance with the terms of the Trust's Master and Supplemental Funding Agreements, the Trust's Articles of Association and current ESFA Academy Financial Handbook in the performance of any duty.

Ensure that at all times the Academy is meeting any legal requirements and duties.

Finance and Risk Management

Ensure that at all times any funds delegated to the Academy or otherwise held on behalf of the Academy are safeguarded in accordance with the duty of the Trustees as trustees of charitable assets and as recipients of public money.

Monitor, review and control the budget, expenditure and income of the Academy, acknowledging any amounts to be paid out of funds and reserves, contributing to any discussions initiated by the Trust Board in relation to the budget of the Academy and the funds available to the Academy.

Support and introduce the systems of financial and risk reporting in respect of the Academy, reporting as required (including to the committee or to the external auditors) highlighting any specific risks which might jeopardise the fulfilment of the strategic objectives.

Implement any Trust policy for the approval and signing of contracts, ensuring all contracts to be entered into by the Academy have been authorised (or are within delegated authority) and do not expose either the Trust or the Academy to undue risk.

Curriculum and Standards

Advise the Trust Board on the development of a curriculum which meets the Academy's specific needs and has regard to:

- any nationally recognised curriculum priorities and initiatives
- the obligation to provide religious education, sex education and physical education
- special educational needs
- national testing and attainment targets, and
- any teaching objectives and priorities adopted by the Trust Board for all Academies.

Advise and report to the Trust Board on the targets for relevant Key Stages in the Academy, supporting the leadership team in the action to be taken to maximise attainment and pupil progress and advising on the transition by pupils from one key stage to the next and the development of a personalised learning plan for each pupil.

Carry out regular reviews of the standards of teaching and learning in the Academy and agree with the leadership team the action to be taken to address areas of weakness, facilitating the sharing of best practice and the development of a training programme on the strengths of the Academy and secures additional resources which meet needs.

Pupil Behaviour and Attendance

Formulate and implement a pupil behaviour policy in accordance with guidance produced by the Department for Education and the Trust Board.

Staff Recruitment

In conjunction with the Trust Board (but having regard to the advice of the Academy's leadership team), develop a recruitment policy for the Academy, identifying the number of staff required to be employed at the Academy, the levels of the posts and the roles to be employed and supporting, where appropriate, the sharing of resources between the Academies.

Ensure the implementation of the HR policies adopted by the Trust Board.

Having regard to any advice of the Trust Board and the [Heads & Chairs Forum] [Leadership Group], appoint all staff in the Academy, establishing an appointments committee in respect of the appointment of a Executive Head Teacher, Head Teacher or other key leadership appointments as advised by the Trust Board.

Staff Appraisal and Performance Management

Evaluate the standards of teaching and learning in the Academy and ensure that proper standards of professional performance are set and maintained.

Implement any pay policy and performance management policy for all teaching and non-teaching staff employed at the Academy, in accordance with the Trust Board, ensuring all affected staff of the Academy are kept informed and consulted if necessary.

Implement any written policy for the appraisal of all teaching and non-teaching staff who work in the Academy put in place by the Trust Board, having regard to the objectives of the Academy's strategic plan and ensuring all staff of the Academy are kept informed and consulted if necessary.

Carry out the performance management and appraisal of the Executive Head Teacher, Head Teacher or Head of School and other key leadership appointments in the Academy, supporting the Academy's leadership team in the performance management of all staff, advising the Trust Board of any areas of weakness or where additional support and/or training is required.

Advise the Trust Board on an appropriate programme for the training and professional development of all staff in the Academy, working with any Trust programme for the development of Executive Head Teacher, Head Teacher or Head of School and other key leadership appointments.

Implement any written policy for staff disciplinary and grievance procedures put in place by the Trust Board and where necessary, advise and support the Academy's leadership team on the implementation of the same.

Undertake any disciplinary or grievance procedure for the Executive Head Teacher, Head Teacher or Head of School and other key leadership appointments in the Academy's leadership team, reporting to the Trust Board.

Facilitate discussion with staff representative bodies, including the unions, at both Trust Board level and within the Academy.

Premises And Resources

Formulate, implement and keep under review a policy for health and safety at the Academy, having regard to any advice of the Trust Board and/or the [Heads & Chairs Forum] [Leadership Group] from time to time.

Provide such advice and information as may be required to enable the Trust Board to take out and review the level of insurance cover for the Academy and at the request of the Trust Board undertake appropriate and regular risk assessments.

Advise and report to the Trust Board on any estate management strategy for the premises and facilities used by the Academy, including planned maintenance and any need for substantial works to meet the strategic aims of the Academy, including capital funding or the need to secure funding.

No significant capital works will be undertaken or commissioned by the Intervention Board without the express written consent of the Trust Board.

Ensure any works to the premises are carried out by appropriately qualified workmen, notifying the Trust's insurers as a condition of any contract.

Ensure any use of premises or facilities for community or income generating purposes are carried out in compliance with the Trust Board in relation to such matters (including any prepared on the advice of the Trust's accountants) and keep a record of any income received so that this can be identified separately in the Academy's accounts.

Delegation

The Intervention Board may delegate any powers and responsibilities to the Executive Head Teacher, Head Teacher or Head of School, the leadership team and the Local Governing Body, subject to any requirements of the Trust Board. The Intervention Board will ensure the gradual transfer of powers and responsibilities to the Executive Head Teacher, Head Teacher or Head of School, the leadership team and the Local Governing Body sensitively to help successfully deliver the Academy's long term strategic plan.