



## SCHEME OF DELEGATION

**EFFECTIVE DATE: October 3rd 2021**

### 1. INTRODUCTION

- 1.1 This scheme of delegation (**Scheme**) has been introduced pursuant to Article 105 of **Tyne Community Learning Trust's (Trust)** articles of association (**Articles**), and may be altered, added to or revoked by the Directors of the Trust. This Scheme and the establishment, constitution and membership of Local Governing Bodies shall be reviewed annually by the Directors.
- 1.2 In this Scheme, unless the context requires otherwise, the definitions and rules of interpretation set out in the Articles shall apply.
- 1.3 No provision of this Scheme shall be inconsistent with or shall affect or repeal anything contained in the Articles or the law. In any conflict between any provision of this Scheme and the Articles, the Articles shall prevail and, subject to the Articles and this Scheme, in the event of any ambiguity

the Directors shall have the power to rule on the interpretation of this Scheme.

## 2. **BACKGROUND**

- 2.1 As a charity and company limited by guarantee, the Trust is governed by a board of directors (**Directors**), who are legally responsible for, and oversee, the management and administration of the Trust and its academies. This includes responsibility for complying with the terms of the master funding agreement in place between the Trust and the Department for Education (**DfE**), and the supplemental funding agreements in place between the DfE and each academy within the Trust.
- 2.2 The Directors are accountable to external government agencies including the DfE, the Education and Skills Funding Agency (**ESFA**) and the Charity Commission for the quality of the education the Trust provides, and the Directors are required to have systems in place to assure themselves of quality, safety and good practice. The Directors are also accountable to the Diocesan Board of Education (**DBE**) in respect of Church of England academies.
- 2.3 Given the unique understanding of governors of the circumstances and challenges facing their academies, and to ensure good governance of the individual school in line with this Scheme, the Directors have appointed Governors to serve on local management committees (**Local Governing Bodies**). This Scheme explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the academies, the respective roles and responsibilities of the Directors and the members of the Local Governing Body, and their commitment to each other.

## 3. **OBJECTS AND VALUES**

- 3.1 The Object of the Trust is to “*advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing Academies which shall offer a broad and balanced curriculum.*”
- 3.2 The Trust’s role is to create the climate for investing in a broad and balanced curriculum and assessment framework and associated professional

development that will bring about the best teaching and facilitate the greatest learning.

- 3.3 The key to learning is an exciting, broad and relevant curriculum that acknowledges that all children are different and need access to a range of experiences; where skilled teaching is about provoking curiosity, engaging interest, encouraging creativity and stimulating learning, and not just about delivery of content. The responsibility for delivering this will be devolved to individual academies in accordance with this Scheme and/or paragraph 8.1.

#### 4. **DIRECTORS' POWERS AND RESPONSIBILITIES**

- 4.1 The Directors have overall responsibility and ultimate decision making authority for all the work and activities of the Trust, including where relevant the establishing and running of academies as Church of England academies. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Directors have the power to direct change where required in accordance with the Trust's Articles.
- 4.2 The Directors have a statutory obligation as company directors to promote the success of the Trust. In their capacity as charity trustees the Directors also have a duty to further the Trust's Object, and in relation to Church of England Academies must have regard to any advice of the DBE and follow any directives issued by the DBE insofar as these are consistent with charity law.
- 4.3 The Directors may establish committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the Trust board. However, these committees are not legally responsible or accountable as the Trust board retains overall accountability and responsibility. The responsibilities of the Local Governing Body are set out in this Scheme.
- 4.4 **All powers not delegated to a Local Governing Body in accordance with paragraph 6 and set out in the matrix set out in Schedule 1 (or, where paragraph 8 applies, as communicated to an Academy from time to time) remain with the Directors.**

4.5 The appointment of and restrictions placed on Directors are dealt with in the articles of association as follows:

Article	Duty or restriction
<b>Directors - General</b>	
45	The number of Directors shall be not less than three, but (unless otherwise determined by ordinary resolution) shall not be subject to any maximum.
46	Subject to Articles 48-49, the Trust must have: <ul style="list-style-type: none"> <li>(a) no fewer than 5 (five) Directors, appointed under Article 50;</li> <li>(b) the Chair of Directors; and</li> <li>(c) Parent Directors if appointed under Articles 53-56 (as set out below) in the event that no provision is made for parent representatives on Local Governing Bodies.</li> </ul>
47	The Company may also have any Co-opted Director appointed under Article 58.
<b>Parent Directors</b>	
53	In circumstances where the Directors have not appointed Local Governing Bodies in respect of the Academies as envisaged in Article 101A there shall be a minimum of 2 (two) Parent Directors and otherwise such number as the Members shall decide, which Parent Directors shall be appointed or elected in accordance with Articles 54 - 56.

54	Parent Directors and Parent members of the Local Governing Bodies or advisory bodies shall be elected or appointed by the parents of registered pupils at one or more of the Academies and each must be a parent at the time when he is elected or appointed
54A	Notwithstanding Article 53, if no parents put themselves forward for election the number of Parent Directors and Parent members of the Local Governing Bodies or advisory bodies required shall be made up by Parent Directors and Parent members appointed by the Directors.
55	The Directors shall make all necessary arrangements for, and determine all other matters relating to, an election of the Parent Directors or Parent members of Local Governing bodies or advisory bodies, including any question of whether a person is a parent of a registered pupil at one of the Academies. Any election of the Parent Directors or Parent members of the Local Academy Councils or Advisory Bodies which is contested shall be held by secret ballot.
56	In appointing a Parent Director or Parent member of a Local Governing Body or advisory body the Directors shall appoint a person who is the parent of a registered pupil at an Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.
<b>Co-Opted Directors</b>	
58	<p>The Directors appointed under Article 50 with the consent of the Diocesan Board of Education may appoint up to 2 (two) Co-opted Directors for such term (not exceeding four years) and otherwise upon such conditions as they shall think fit. A 'Co-opted Director' means a person who is appointed to be a Director by being Co-opted by Directors who have not themselves been so appointed.</p> <p>The Directors may not co-opt an employee of the Company as a Co-opted Director if thereby the number of Directors who are employees of the Company would exceed one third of the total number of Directors.</p>

<b>Term of Office</b>	
64	The term of office for any Director (other than Co-opted Directors under Article 58) shall be four years. Subject to remaining eligible to be a particular type of Director, any Director may be re-appointed or re-elected.
<b>Resignation and Removal</b>	
65	A Director shall cease to hold office if s/he resigns their office by notice to the Company (but only if at least three Directors will remain in office when the notice of resignation is to take effect).
66	A Director shall cease to hold office if s/he is removed by the person or persons who appointed her/him. <b>This Article does not apply in respect of a Parent Director.</b>
67	Where a Director resigns her/his office or is removed from office, the Director or, where s/he is removed from office, those removing her/him, shall give written notice thereof to the Clerk.
<b>Disqualification of Directors</b>	
68	No person shall be qualified to be a Director unless s/he is aged 18 or over at the date of her/his election or appointment. No current pupil or current student of any of the Academies shall be a Director.
69	A Director shall cease to hold office if s/he becomes incapable by reason of illness or injury of managing or administering her/his own affairs.
70	A Director shall cease to hold office if s/he is absent without the permission of the Directors from all their meetings held within a period of six months and the Directors resolve that her/his office be vacated.
71	A person shall be disqualified from holding or continuing to hold office as a Director if: <ul style="list-style-type: none"> <li>her/his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or</li> </ul>

	<ul style="list-style-type: none"> <li>• s/he is the subject of a bankruptcy restrictions order or an interim order.</li> </ul>
72	A person shall be disqualified from holding or continuing to hold office as a Director at any time when s/he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
73	A Director shall cease to hold office if s/he ceases to be a Director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
74	A person shall be disqualified from holding or continuing to hold office as a Director if s/he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which s/he was responsible or to which s/he was privy, or which s/he by his conduct contributed to or facilitated.
77	A person shall be disqualified from holding or continuing to hold office as a Director where s/he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
78	After the first Academy has opened, a person shall be disqualified from holding or continuing to hold office as a Director if s/he has not provided to the chairperson of the Directors a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairperson or the Chief Executive Officer confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

79	Where, by virtue of these Articles a person becomes disqualified from holding, or continuing to hold office as a Director; and s/he is, or is proposed, to become such a Director, s/he shall upon becoming so disqualified give written notice of that fact to the Clerk.
80	Articles 68 to 74, Articles 77 to 79 and Articles 97 to 98 also apply to any member of any committee of the Directors, including a Local Academy Council, who is not a Director.
<b>Clerk to the Directors</b>	
81	The Clerk shall be appointed by the Directors for such term, at such remuneration and upon such conditions as they may think fit; and any Clerk so appointed may be removed by them. The Clerk shall not be a Director, or a Head Teacher, but the Directors may, where the Clerk fails to attend a meeting of theirs, appoint any one of their number or any other person to act as Clerk for the purposes of that meeting.
<b>Chairperson and Vice-Chairperson of the Directors</b>	
82	The Directors shall for each school year elect a chairperson and a vice-chairperson from among their number. A Director who is employed by the Company shall not be eligible for election as chairperson or vice-chairperson.
83	Subject to Article 84, the chairperson or vice-chairperson shall hold office as such until her/his successor has been elected in accordance with Article 85.
84	The chairperson or vice-chairperson may at any time resign her/his office by giving notice in writing to the Clerk. The chairperson or vice-chairperson shall cease to hold office if: <ul style="list-style-type: none"> <li>(a) s/he ceases to be a Director;</li> <li>(b) s/he or she is employed by the Company; <ul style="list-style-type: none"> <li>(a) s/he or she is removed from office in accordance with these Articles; or</li> </ul> </li> </ul>



	(b) in the case of the vice-chairperson, s/he is elected in accordance with these Articles to fill a vacancy in the office of chairperson.
85	Where, by reason of any of the matters referred to in Article 84, a vacancy arises in the office of chairperson or vice-chairperson, the Directors shall at their next meeting elect one of their number to fill that vacancy.
86	Where the chairperson is absent from any meeting or there is at the time a vacancy in the office of the chairperson, the vice-chairperson shall act as the chair for the purposes of the meeting.
87	Where in the circumstances referred to in Article 86 the vice-chairperson is also absent from the meeting or there is at the time a vacancy in the office of vice-chairperson, the Directors shall elect one of their number to act as a chairperson for the purposes of that meeting, provided that the Director elected shall not be a person who is employed by the Company.
88	The Secretary shall act as chairperson during that part of any meeting at which the chairperson is elected.
89	Any election of the chairperson or vice-chairperson which is contested shall be held by secret ballot.
90	The Directors may remove the chairperson or vice-chairperson from office in accordance with these Articles.
91	A resolution to remove the chairperson or vice-chairperson from office which is passed at a meeting of the Directors shall not have effect unless- <ul style="list-style-type: none"> <li>(i) it is confirmed by a resolution passed at a second meeting of the Directors held not less than fourteen days after the first meeting; and</li> <li>(ii) the matter of the chairperson's or vice-chairperson's removal from office is specified as an item of business on the agenda for each of those meetings.</li> </ul>

92	Before the Directors resolve at the relevant meeting on whether to confirm the resolution to remove the chairperson or vice-chairperson from office, the Director or Directors proposing his removal shall at that meeting state their reasons for doing so and the chairperson or vice-chairperson shall be given an opportunity to make a statement in response.
<b>Powers of Directors</b>	
93	Subject to provisions of the Companies Act 2006, the Articles and to any directions given by special resolution, the business of the Company shall be managed by the Directors who may exercise all the powers of the Company. No alteration of the Articles and no such direction shall invalidate any prior act of the Directors which would have been valid if that alteration had not been made or that direction had not been given. The powers given by this Article shall not be limited by any special power given to the Directors by the Articles and a meeting of Directors at which a quorum is present may exercise all the powers exercisable by the Directors.
94	<p>In addition to all powers hereby expressly conferred upon them and without detracting from the generality of their powers under the Articles the Directors shall have the following powers, namely:</p> <p style="margin-left: 40px;">(a) to expend the funds of the Company in such manner as they shall consider most beneficial for the achievement of the Object and to invest in the name of the Company such part of the funds as they may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the Object;</p> <p style="margin-left: 40px;">(b) to enter into contracts on behalf of the Company.</p>
95	In the exercise of their powers and functions, the Directors may consider any advice given by the Chief Executive Officer and any other executive officer.

96	Any bank account in which any money of the Company is deposited shall be operated by the Directors in the name of the Company. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Directors.
<b>Conflicts of Interest</b>	
97	Any Director who has or can have any direct or indirect duty or personal interest (including but not limited to any personal financial interest) which conflicts or may conflict with his duties as a Director shall disclose that fact to the Directors as soon as he becomes aware of it. A Director must absent himself from any discussions of the Directors in which it is possible that a conflict will arise between his duty to act solely in the interests of the Company and any duty or personal interest (including but not limited to any personal financial interest).
98	For the purpose of Article 97, a Director has a personal financial interest in the employment or remuneration of, or the provision of any other benefit to, that Director as permitted by and as defined by Articles 6.5 - 6.9.

**5. CONSTITUTION OF THE LOCAL GOVERNING BODY**

The provisions of Appendix 3 shall apply to Church academies, where there is conflict between the operative provisions of this Scheme and Appendix 3 then Appendix 3 shall prevail.

## 5.1 Members of the Local Governing Body

5.1.1 Disregarding ex-officio members, the minimum number of members of a Local Governing Body shall be three, and the maximum shall be nine. With the exception of the appointment of parent and foundation governors, all appointments shall be subject to the prior express written approval of the Directors.

5.1.2 Save in respect of Church of England academies (as to which, see Appendix 3), members of the Local Governing Body shall be appointed in accordance with the table set out below:

Type of Local Governing Body Member	Number	Term of Office	How they are elected
<b>Chief Executive</b>	1	<i>Ex-officio</i>	<i>N/A – right to attend by virtue of their appointment as Chief Executive</i>
<b>Accounting Officer</b>	1	<i>Ex-officio</i>	<i>N/A – right to attend by virtue of their appointment as Accounting Officer</i>
<b>Headteacher of relevant school</b>	1	<i>Ex-officio</i>	<i>N/A – by virtue of their appointment as Headteacher of relevant school</i>
<b>Any other director of the Trust</b>	<i>All directors</i>	<i>Ex-officio</i>	<i>N/A – right to attend by virtue of their appointment as a director of the Trust</i>

<b>Chair</b>	1	1 year in office as Chair but can be re-elected	By resolution of the Board of Trustees  The Board will consider all representations made by the Local Governing Body when considering the re-election of the Chair
<b>Governors (including Vice Chair)</b>	<i>Up to 5</i>	<i>4 years</i>	<i>By resolution of the Board of Trustees  The Board will consider all representations made by the Local Governing Body when considering the election or re-election of the Local Governing Body Governor</i>
<b>Staff Governor</b>	1	4 years	<i>Staff election – secret ballot to be organised by the relevant school</i>
<b>Parent Governor</b>	2	4 years	<i>Parent election – secret ballot to be organised by the relevant school</i>

5.1.3 The Headteacher shall attend meetings of the Local Governing Body. Any Director attending a meeting of the Local Governing Body shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the Local Governing Body.

5.1.4 In accordance with Article 100 (a), the Directors may appoint a Local Governing Body to govern more than one academy.

- 5.1.5 All members of a Local Governing Body are responsible for keeping their skills and knowledge as Governors up to date, and all Governors that are not ex officio members must undertake such training as is required by the Directors from time to time.

5.2 **Appointment of Governors - staff**

- 5.2.1 Unless the Directors agree 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 Headteacher) 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 Local Governing Body, subject to approval by the Directors.

5.3 **Appointment of Governors - parents**

- 5.3.1 Subject to paragraph 5.3.4 below, the parent members of the Local Governing Body shall be elected by parents of registered pupils at the Academy. In appointing a person to be a parent member of the Local Governing Body pursuant to paragraph 5.3.4 below, the Local Governing Body shall appoint a person who is the parent of a registered pupil at the relevant academy at the time when he or she is elected; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age, if possible at another academy within the Trust.
- 5.3.2 The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot.

- 5.3.3 Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so. The arrangements made for the election of the parent members of the Local Governing Body shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if they prefer, by having their ballot paper returned to the Academy by a registered pupil at the Academy.
- 5.3.4 The number of parent members of the Local Governing Body required shall be made up by persons appointed by the Local Governing Body if the number of parents standing for election is less than the number of vacancies.
- 5.3.5 The first parent and staff members of the Local Governing Body shall be those people who filled those positions on the governing body of the predecessor school at its closure (provided that they remain eligible under this Scheme), who shall serve on the Local Governing Body for the remainder of the terms of office for which they were elected to the predecessor governing body.

#### 5.4 **Appointment of Governors – foundation members**

- 5.4.1 Any foundation member shall be appointed by the DBE.

#### 5.5 **Appointment of Governors - co-opted members of the Local Governing Body**

- 5.5.1 The Local Governing Body may co-opt persons to serve on the Local Governing Body, provided that the number of members of the Local Governing Body does not exceed nine (excluding any ex-officio members).

5.5.2 The Local Governing Body may not co-opt a person who is employed at the Academy if thereby the number of persons employed at the Academy serving on the Local Governing Body would exceed two (including the Headteacher).

## 5.6 **Term of Office**

5.6.1 The term of office for any person serving on the Local Governing Body shall be four years save that this time limit shall not apply to the ex officio members set out in the table at 5.1.1 above.

5.6.2 Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected (including being co-opted again) to the Local Governing Body.

## 5.7 **Resignation and Removal from Office**

5.7.1 A person serving on the Local Governing Body shall cease to hold office if:

5.7.1.1 they fail to undertake such training as directed by the Directors in accordance with clause 5.1.5 promptly and without undue delay.

5.7.1.2 they resign their office by notice to the Local Governing Body (but only if at least three persons will remain in office when the notice of resignation is to take effect);

5.7.1.3 they are appointed as a member or Director of the Trust then they shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on their appointment as a member or Director of the Trust;



- 5.7.1.4 acting in their capacity as a staff member at an academy, they cease to work at that academy, in which case they shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of their work at the academy;
- 5.8.1.4 they are disqualified from serving as a local governor under the laws and regulations of England and Wales or Trust policies (in which case, they shall cease to hold office from the date their disqualification was notified to the clerk);
- 5.8.1.5 they are removed by the Local Governing Body Board for being absent without the permission of the chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six (6) months;
- 5.8.1.6 they are removed by the person or persons who appointed them. Whilst acknowledging that no reasons need to be given for the removal of a person who serves on the Local Governing Body by the person or persons who appointed them, any failure to uphold the values of the Trust and/or any of the Trust's academies any shortfall in adhering to the Trust's Code of Conduct for Directors and Local Governors or any failure to act in a way which is appropriate in light of this Scheme shall be taken into account. A person may also be removed from a Local Governing Body by the Trustees but only after the Trustees have given due regard to any representations by the Local Governing Body. This paragraph does not apply in respect of a person who is serving as a parent member on the Local Governing Body;
- 5.8.1.7 they become incapable by reason of mental disorder, illness or injury of managing or administering their own affairs
- 5.8.1.8 they would cease to be a director by virtue of any provision in the Companies Act 2006 or are disqualified from acting as a charity trustee by virtue of section 178 of the Charities Act 2011; or
- 5.8.1.9 they are deemed by HM Revenue & Customs not to be a fit and proper person to be a manager of a charity.

5.8.2 A person serving on the Local Governing Body may be suspended temporarily by the Directors in circumstances which, in their absolute discretion the Directors consider may result in the removal of the Local Governing Body member from office under paragraph 5.7.1.6.

5.8.3 A resolution to remove a member of the Local Governing Body from office which is passed at a meeting of the Local Governing Body shall not have effect unless the matter of the removal from office is specified as an item of business on the agenda for the meeting.

## 5.9 **Disqualification of Members of the Local Governing Body**

5.9.1 No person shall be qualified to serve on the Local Governing Body unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be entitled to serve on the Local Governing Body.

5.9.2 A person shall be disqualified from serving on the Local Governing Body if:

5.9.2.5 their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;

5.9.2.2 they are the subject of a bankruptcy restrictions order or an interim order;

5.9.2.3 at any time when he is subject to a disqualification order or a disqualification undertaking under the Trust 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);

5.9.2.4 they have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which by their conduct they contributed to or facilitated;

- 5.9.2.5 at any time they are included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999;
  - 5.9.2.6 at any time they are disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or
  - 5.9.2.7 at any time they are barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).
  - 5.9.2.8 are a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.
  - 5.9.2.9 they have, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
- 5.9.3 After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body if he has not provided to the chair of the Local Governing Body a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chair or the Principal confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.
- 5.9.4 Where, by virtue of this Scheme, a person becomes disqualified from serving on the Local Governing Body; and they were, or were proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Governing Body, who shall inform the Directors (and where applicable, the DBE).

5.9.5 This paragraph 5.8 and paragraph 2 of Appendix 1 shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body itself.

## 6. **DELEGATED POWERS**

### 6.9 **General Provisions**

6.9.2 Subject to provisions of the Companies Act 2006, the Articles, any directions given by the Members of the Trust by special resolution and any directions given by the Directors or (where applicable, any directives issued by the DBE), the management of the business of each academy shall be delegated by the Directors to the relevant Local Governing Body who may exercise all the powers of the Trust in so far as they relate to their academy, in accordance with the terms of this Scheme. Each Local Governing Body (and any sub-committees established under 6.1.3 below) shall report to the Directors in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Directors immediately following the taking of the action or the making of the decision.

6.9.3 In the exercise of its powers and functions, the Local Governing Body may consider any advice given by the Headteacher and any other executive officer as well as the Directors and (where applicable) the DBE.

6.9.4 No sub-committees of the Local governing Bodies shall be allowed without the express prior written permission of the Directors, and permission to create a sub-committee will be given only in exceptional circumstances. The constitution, membership and proceedings of any sub-committee shall be determined by the Local Governing Body but having regard to any views of the Directors. The establishment, terms of reference, constitution and membership of any sub-committee shall be reviewed at least once in every twelve months.

6.9.5 The Directors may at their absolute discretion manage any HR matters by way of a panel constituted at the Directors' request, and comprising of Directors or a mixture of Directors and members of a Local Governing Body (as directed by the Directors).

**7. OPERATIONAL MATTERS**

7.9 The Local Governing Body shall comply with the obligations set out in the Appendix which deals with the day to day operation of the Local Governing Body.

7.10 The Local Governing Body shall adopt and comply with all policies of the Directors (and, where applicable, the DBE), as communicated to the Local Governing Body from time to time.

**8. REVIEW OF SCHEME OF DELEGATION AND EARNED AUTONOMY MODEL**

8.9 The Trust relies on an ‘earned autonomy’ model under which it determines on an academy-by-academy basis what functions and decision making should be delegated to each Local Governing Body, and the Local Governing Body acknowledges that the Directors have legal responsibility for the management of the Trust including the running of the Academy. Furthermore, the Local Governing Body acknowledges that its powers are limited to those delegated by the Directors under the Scheme and are revocable by the Directors at any time in accordance with the Articles.

8.10 It is expected that all academies will initially operate under the scheme of delegation set out at Appendix 2. However, the Directors, having overall responsibility for the Trust, may determine that the performance of a Local Governing Body is such that it should act in an advisory capacity only, or may choose to delegate different functions to the Local Governing Body. The Directors may also wish to review the composition of a Local Governing Body at any time and may make changes to such composition as may be required. Factors which may influence the decision to delegate may include:

8.10.2 the relevant academy is placed in an Ofsted category of concern or deemed “Requires Improvement”;

- 8.10.3 there is a change in circumstances of an academy and, in the opinion of the Directors, such change necessitates the relevant Local Governing Body to act under an alternative scheme of delegation to that set out in Appendix 2;
  - 8.10.4 at the absolute discretion of the Directors, the relevant academy is deemed not to be acting in accordance with this Scheme;
  - 8.10.5 the relevant academy is deemed to be in deficit, at financial risk in accordance with the Trust's financial policies or the Academies Financial Handbook, or the internal or external auditors; and/or
  - 8.10.6 the relevant academy is operationally at risk of, or found to be, breaching any statutory or regulatory provisions.
- 8.11 The Local Governing Body shall submit to any inspections by the Directors for the purpose of ensuring that the relevant academy is being conducted in accordance with this Scheme, and shall provide such evidence as is requested by the Directors for the Directors to determine under which scheme of delegation the Local Governing Body should operate.
- 8.12 The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State or by the Directors in accordance with paragraph 8.1 above, and the Directors expressly reserve their unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme in such circumstances.
- 8.13 Where a Local Governing Body is required to operate under an alternative scheme of delegation in accordance with this paragraph 8, it shall do so for an initial period of twelve calendar months (or such shorter period as the Directors consider appropriate, taking into account the factors set out at 8.2.1 to 8.2.5), which shall be extendable at the sole discretion of the Directors until such time as they consider it appropriate for the Local Governing Body to operate under the provisions of this Scheme.



## APPENDIX 1

### FUNCTIONING OF THE LOCAL GOVERNING BODY

#### 1. CHAIR AND VICE-CHAIR OF THE LOCAL GOVERNING BODY

- 1.1 As the Directors have constituted the Advisory Body as the Local Governing Body, the election of the chair and vice-chair of the Local Governing Body is governed by Article 104.
- 1.2 Each school year the members of the Local Governing Body shall at their first meeting in that year (subject to the prior written approval of the Directors) elect a chair and a vice-chair from among their number to serve for a period of twelve calendar months. A chair may be re-elected with the written approval of the Directors at the end of a twelve month term. Neither a person who is employed by the Trust (whether or not at the Academy) nor a person who is at the time of election already a Director of the Trust (except where such person is a Director by virtue of being the incumbent chair) shall be eligible for election as chair or vice-chair.
- 1.3 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:
  - 1.3.1 he ceases to serve on the Local Governing Body;
  - 1.3.2 he is employed by the Trust (whether or not at the Academy);
  - 1.3.3 he is removed from office by the Directors or otherwise in accordance with this Scheme; or
  - 1.3.4 in the case of the vice-chair, he is elected in accordance with this Scheme to fill a vacancy in the office of chair.



- 1.4 Where by reason of any of the matters referred to in paragraph 1.3 above, 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 subject to the prior written approval of the Directors.
- 1.5 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.
- 1.6 Where in the circumstances referred to in paragraph 1.5 above 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, provided that the person elected shall neither be a person who is employed by the Trust whether or not at the Academy nor a Director.
- 1.7 A Director shall act as chair during that part of any meeting at which the chair is elected.
- 1.8 Any election of the chair or vice-chair which is contested shall be held by secret ballot.
- 1.9 The chair or vice-chair may only be removed from office by the Directors at any time or by the Local Governing Body in accordance with this Scheme.
- 1.10 A resolution to remove the chair or vice-chair from office which is passed at a meeting of the Local Governing Body shall not have effect unless:
- 1.10.1 it is confirmed by a resolution passed at a second meeting of the Local Governing Body held not less than fourteen days after the first meeting; and
  - 1.10.2 the matter of the chair's or vice-chair's removal from office is specified as an item of business on the agenda for each of those meetings.
- 1.11 Before a resolution is passed by the Local Governing Body at the relevant meeting as to whether to confirm the previous resolution to remove the

chair or vice-chair from office, the person or persons proposing his removal shall at that meeting state their reasons for doing so and the chair or vice-chair shall be given an opportunity to make a statement in response.

## **2. CONFLICTS OF INTEREST**

2.1 Any member of the Local Governing Body who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a member of the Local Governing Body shall disclose that fact to the Local Governing Body as soon as he becomes aware of it. A person must absent himself from any discussions of the Local Governing Body in which it is possible that a conflict will arise between his duty to act solely in the interests of the relevant academy and any duty or personal interest (including but not limited to any Personal Financial Interest) and shall have no vote on the matter in question and shall not be counted in the quorum in relation to such vote.

2.2 For the purpose of paragraph 2.1 above, a person has a Personal Financial Interest if he is in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the Academy.

2.3 Any disagreement in relation to conflicts of interest between the members of the Local Governing Body and the Principal or any sub-committee of the Local Governing Body shall be referred to the Directors for their determination.

## **3. THE MINUTES**

3.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and entered into a book kept for the purpose by the person authorised to keep the minutes of the Local Governing Body; 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:

3.1.1 all appointments of officers made by the Local Governing Body; and

3.1.2 all proceedings at meetings of the Local Governing Body and of committees of the Local Governing Body including the names of all persons present at each such meeting.

3.2 The chair shall ensure that copies of minutes of all meeting of the Local Governing Body (and such of the sub-committees as the Directors shall from time to time notify) shall be provided to the Directors and (where applicable) the DBE as soon as reasonably practicable after those minutes are approved.

#### 4. **SUB-COMMITTEES**

The membership of any sub-committee may include persons who do not also serve on the Local Governing Body, provided that a majority of the members of any such sub-committee shall be members of the Local Governing Body or Directors. The Local Governing Body may determine that some or all of the members of a sub-committee who are not Directors or who do not serve on the Local Governing Body shall be entitled to vote in any proceedings of the sub-committee. No vote on any matter shall be taken at a meeting of a sub-committee unless the majority of members of the sub-committee present either are Directors or who serve on the Local Governing Body.

#### 5. **DELEGATION**

5.1 Provided such power or function has been delegated by the Directors to the Local Governing Body, the Local Governing Body may further delegate to any person serving on the Local Governing Body, any sub-committee, the Headteacher or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions either the Directors or the Local Governing Body may impose and may be revoked or altered.

5.2 Where any power or function of the Directors or the Local Governing Body is exercised by any sub-committee, any Director or member of the Local

Governing Body, the Headteacher or any other holder of an executive office, that person or sub-committee shall report to the Local Governing Body in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Governing Body immediately following the taking of the action or the making of the decision.

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

6.1 Subject to the Articles and this Scheme, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit.

6.2 The Local Governing Body shall meet at least 6 (six) times in every school year. Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body. In exercising his functions under this Scheme, the clerk shall comply with any direction:

6.2.1 given by the Directors or the Local Governing Body; or

6.2.2 given by the chair of the Local Governing Body or, in his absence or where there is a vacancy in the office of chair, the vice-chair of the Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.

6.3 Any three members of the Local Governing Body may, by notice in writing given to the secretary, requisition a meeting of the Local Governing Body; and it shall be the duty of the secretary to convene such a meeting as soon as is reasonably practicable.

6.4 Each member of the Local Governing Body shall be given at least seven clear days before the date of a meeting:

6.4.1 notice in writing thereof, signed by the secretary, and sent to each member of the Local Governing Body at the address provided by each member from time to time; and

6.4.2 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 written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as he directs.

6.5 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.

6.6 A resolution to rescind or vary a resolution carried at a previous meeting of the Local Governing Body shall not be proposed at a meeting of the Local Governing Body unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

6.7 A meeting of the Local Governing Body shall be terminated forthwith if:

6.7.1 the members of the Local Governing Body so resolve; or

6.7.2 the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.10 below, subject to paragraph 6.12 below.

6.8 Where, in accordance with paragraph 6.7 above, 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 secretary as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.

6.9 Where the Local Governing Body resolves in accordance with paragraph 6.7 above to adjourn a meeting before all the items of business on the

agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the secretary to convene a meeting accordingly.

6.10 Subject to paragraph 6.12 below, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three of the members of the Local Governing Body (not including directors).

6.11 The Local Governing Body may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.

6.12 The quorum for the purposes of:

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

6.12.2 any vote on the removal of the chair of the Local Governing Body by the Local Governing Body;

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 including a Director.

6.13 Subject to this Scheme, 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. Subject to paragraph 6.14 below, every member of the Local Governing Body shall have one vote.

6.14 Where there is an equal division of votes, the chair of the meeting shall have a casting vote in addition to any other vote he may have.

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

6.15.1 any vacancy on the board; or

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

6.16 A resolution in writing, signed by all the persons entitled to vote on the matter in question at a meeting of the Local Governing Body or of a sub-committee of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body or (as the case may be) a sub-committee of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an electronic communication by or on behalf of the Local Governing Body indicating his or her agreement to the form of resolution providing that the member has previously notified the Local Governing Body in writing of the email address or addresses which the member will use.

6.17 Subject to paragraph 6.18 below, the Local Governing Body shall ensure that a copy of:

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

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

6.17.3 the signed minutes of every such meeting; and

6.17.4 any report, document or other paper considered at any such meeting,

are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.

6.18 There may be excluded from any item required to be made available in pursuance of paragraph 6.17 above, any material relating to:

6.18.1 a named Teacher or other person employed, or proposed to be employed, at the Academy;

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

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

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

6.19.1 he has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and

6.19.2 the Local Governing Body has access to the appropriate equipment if after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

## 7. **NOTICES**

7.1 Any notice to be given to or by any person pursuant to this Scheme (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 “**Address**” in relation to electronic communications, includes a number or address used for the purposes of such communications.

7.2 A notice may be given by the Local Governing Body to its members either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Local Governing Body by the member. A member whose registered address is not within the United Kingdom and who gives to the Local Governing Body an address within the United Kingdom at which notices may be given to him, or an address to which notices may be sent



using electronic communications, shall be entitled to have notices given to him at that address, but otherwise no such member shall be entitled to receive any notice from the Local Governing Body.

7.3 A member of the Local Governing Body present, either in person or by proxy, at any meeting of the Local Governing Body shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.

7.4 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.

## 8. **INDEMNITY**

8.1 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 in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Trust.

## **Appendix 2**

### **Delegated Duties**

Function	No	Tasks	MAT Trust Board	CEO	COO	LGB	Head	Notes
<b>Central Services</b>	1	To determine the scope of central services to be delivered by Trust to and behalf of the Academy	X					CEO and COO to advise and facilitate
	2	To approve Trust wide procurement policies	X					
	3	To identify additional services to be procured on behalf of the Academy			X			COO to liaise with Head and LGB
	4	To ensure centrally procured services provide value for money	X					
	5	To ensure locally procured services provide value for money				X		COO to liaise with LGB

<b>Leadership</b>	6	To ensure that an approved appraisal policy is in place	X					
	7	To secure the statutory appraisal of the CEO To secure the statutory appraisal of the Headteacher	X (for CEO)			X (for HT)		
	8	To secure the statutory appraisal of other staff, and recommend to the Board				X		
	9	To review annually the Appraisal Policy		X				
<b>Financial</b>	10	To set the Trust budget and determine the proportion of the overall Trust budget to be delegated to the Academy	X					
	11	To develop and propose the individual Academy budget			X			COO in conjunction with Head and LGB

	12	To approve the first formal budget plan each financial year	X					
	13	To approve the annual Trust business plan each financial year	X					
	14	To plan and manage monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend			X			
	15	To monitor monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend			X			
	16	To approve any amount to be transferred between budget headings and/or likely budget overspends	X					
	17	To approve Trust wide financial policies and procedures	X					

	18	To establish and approve a procedure to deal with any conflicts of interest and connected party transactions	X					
	19	To establish financial decision levels and limits	X					
	20	To approve a charging and remissions framework for the MAT	x					COO to advise on framework
	21	To approve a charging and remissions policy for the Academy				X		LGB to approve policy in line with MAT framework
	22	To enter into additional contracts which exceed the agreed annual budget allocation	X					
	23	To make payments within agreed financial limits			X			
	24	To collect income due to the Academy			X			

	25	To maintain proper financial records for the Academy			X			
	26	To monitor the corporate risk register	X					
	27	To manage corporate risk register		x				
	28	To approve Trust investment policy	X					
	29	To approve reserves policy	X					
	30	To approve asset management policy	X					
	31	To appoint auditors	X					
	32	To prepare financial statements for the Academy			x			
	33	To approve annual accounts	X					

	34	To monitor compliance with approved Financial Procedures	X					
	35	To decide how to apply pupil premium monies					X	
	36	To monitor use of pupil premium monies				X		
	37	To appoint a CEO	X					
	38	To appoint a Head Teacher (through a selection panel)	X					Process to include the views of Academy stakeholders with representation from LGB on selection panel
	39	To appoint a Deputy Head Teacher/Assistant Head Teacher (through a selection panel)				X		Process to include the views of the CEO
	40	To appoint a teacher (through a selection panel).					x	Head can request support of LGB

	41	To appoint a business manager			X			In consultation with the HT
	42	To appoint associate staff					X	Not part of teachers pay and conditions
	43	To approve the Trust Pay Policy	X					
	44	To receive and consider pay recommendations for senior MAT staff	x					CEO to make recommendations on pay for Headteachers in line with pay policy.
	45	To receive and consider pay recommendations for academy staff				X		In line with the pay policy.
	46	Approval of disciplinary/capability procedures	X					
	47	Establishing HR panel group to manage disciplinary/capability matters	X					see HR committee terms of reference



	48	Dismissal of CEO	X					
	49	Dismissal of Head Teacher	X					process delegated to HR committee of the board
	50	Dismissal of other staff		X				
	51	Suspension of Head Teacher	X					delegated to HR committee of the board
	52	Suspension of Deputy Headteacher		X				process delegated to HR committee of the board
	53	Suspension of other staff					x	advice must be taken from CEO
	54	Ending of suspension of Head Teacher	X					process delegated to HR committee of the board
	55	Ending suspension of Deputy Headteacher		x				

	56	Ending of suspension of other Staff					x	advice must be taken from CEO
	57	Determining Staff complement within agreed budget					X	Head to implement in consultation with CEO and COO
	58	Determining dismissal payments/early retirement	X					designated to HR committee of the board  ESFA approval to be sought for any payment over £100K
	59	Conduct Headteacher Appraisal		X				
	60	Conduct Staff Appraisals					X	
	61	Formulation of Employment Policies		X				Supported by HR
	62	Approval of Employment Policies	X					

	63	Management of staff disputes		X				In accordance with Trust policy
<b>Education &amp; Curriculum</b>	64	Freedom to opt out of national curriculum	X					
	65	To develop the framework for curriculum policy, the intent.		X				
	66	To prepare curriculum policy					x	Each academy responsible for curriculum
	67	To approve curriculum framework for the MAT	X					
	68	To approve curriculum framework for the Academy				X		
	69	To implement curriculum policy					X	
	70	Responsible for the quality of teaching					X	
	71	Accountability for the quality of teaching	X					

	72	Responsibility for individual child's education					X	
	73	Accountability for individual child's education.	X					
	74	Ensure provision of sex education including ensuring establishment of written policy					X	
	75	To prohibit political indoctrination and ensuring the balanced treatment of political issues					X	
	76	Assemble data for pupil assessment and other returns					X	
	77	Deliver Post-Inspection action plan					X	
	78	To propose targets for pupil achievement					X	
	79	To approve targets for pupil achievement				X		

	80	To approve a behaviour policy				X		
	81	To monitor behaviour policy					X	
	82	To review the use of exclusion	X					
	83	To decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair in cases of urgency)				x		CEO must be informed of exclusions over 15 days or permanent exclusions.
	84	To receive exclusion information for both permanent and fixed term exclusions, and to monitor the use of exclusion within the Academy				X		
	85	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)	X					

	86	Approve the Strategic Plan (Board) and the Academy Improvement Plan (LGB)	X					
	87	Approve the Academy Improvement Plan				X		
	88	Review of termly Academy educational data reports				X		
	89	Accountability for ensuring decisions take into account the views of stakeholders	X					
	90	To monitor the academy to ensure it meets the requirements of the Ofsted framework				X		
<b>Admissions</b>	91	Setting/amending an admissions policy	X					
	92	Admissions: application decisions					x	Appeals should be reported to the CEO
	93	If appropriate to appeal against LA directions to admit pupil(s)	X					

<b>Religious Education</b>	94	Responsibility for ensuring provision of RE				X		
<b>Collective Worship</b>	95	To ensure that all pupils take part in a daily act of collective worship				X		
<b>Premises</b>	96	Ensure adequate buildings insurance and public liability for Academy	X					
	97	Developing Academy buildings and facilities estate long term strategy or master plan			X			
	98	Maintaining buildings, including developing properly funded maintenance plan			X			
	99	To approve a health and safety policy	X					
	100	To ensure that health and safety regulations are followed					X	

	101	To ensure adequate premises security			X			
	102	Premises management			X			
<b>Operational</b>	103	To set the times of Academy sessions and the dates of Academy terms and holidays		x				
	104	To ensure that the Academy meets the statutory requirement for [380] sessions in a school year	X					
	105	Adoption and review of home-school agreements					X	
	106	To establish processes for appointment of Directors and LGB members	X					
	107	To appoint the chair of the Local Governing Body	X					
	108	To remove the chair of the Local Governing Body	X					



	109	To appoint the vice-chair of the Local Governing Body				X		
	110	To remove the vice-chair of the Local Governing Body				X		
	111	To appoint and remove the clerk to Trust Board	X					
	112	To appoint and remove the clerk to the Local Governing Body	X					
	113	To complete and hold a register of business interests for Directors	X					
	114	To complete and hold a register of business interests for the Local Governing Body				X		

	115	To determine the development needs of Directors and Local Governing Body members and put in place an appropriate programme	X					
	116	To approve a safeguarding policy in line with statutory requirements and best practice.	X					
	117	To implement the agreed safeguarding policy.					X	
	118	Maintain accurate and effective and secure pupil records.					X	
	119	Maintain accurate and effective and secure employee records.			X			
	120	Ensure GDPR compliance			x			

	121	To determine, on an annual basis, those policies which will be developed by the Trust and are mandatory for all Trust Academies		X				
	122	To review policies in accordance with an appropriate policy review schedule and ensure they meet statutory requirements for the Academy	X					
	123	To approve the Trust complaints policy	X					
<b>Accessibility</b>	124	Equality information and objectives	X					
	125	Academy Accessibility Plan			x			Recommended by Head in conjunction with COO
	126	To approve SEND and inclusion policies				X		LGB to identify a member with oversight for SEN and disability arrangements
	127	SEN information report					X	Updated at least annually

<b>Communication</b>	128	Academy website compliance				x		Head to ensure legally compliant with LGB oversight.
	129	Trust website compliance		x				
	130	Press statements		X				All press statements to be approved by CEO and if controversial by Trust Board

## Appendix 3

### Constitution of church school local governing bodies and requirements for diocesan consent

1. There should always be the following categories of Governors in a church school local governing body:
  - 2 elected parents,
  - 1 elected staff member
  - the Head Teacher (as an ex-officio member)
  - one ex-officio foundation member (usually the parish priest or another individual nominated by the relevant Archdeacon)
  - at least 2 foundation members nominated by the DBE.
  - at least 2 foundation members nominated by the DBE in consultation with the Parochial Church Council linked to the school. ***[to review for each school, for a VC school this should be limited to 25% foundation members including the ex-officio and option for co-opted members]***
2. In the event that the predecessor school has an interim executive board, the MAT will appoint a committee consistent with the rules set out in the articles, to act as LGB of the Academy.

3. All persons appointed or elected to the LGB of a church school shall give a written undertaking to the Directors to uphold the objects, ethos and mission of the church school as follows:

*“Recognising its historic foundation, the Academy will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at Parish and Diocesan level.”*

The mission statement of the Church School is as follows: [**To reflect current ethos and mission statement of the school**]

*The Trustees and the Academy aim to serve their communities by providing an education of the highest quality within the context of Christian belief and practice. They encourage an understanding of the meaning and significance of faith and promote Christian values through the experience the Academy offers to all its pupils.*

The above ethos and mission statement cannot be changed without the express consent of the DEB and neither the Directors of the MAT or the AC will make or seek to make any alteration to the religious character of then Church School or the conduct of the Church School as a church of England school without the consent of the DEB.

4. For any site occupied by a Church School and owned by the DEB (or where applicable the Vicar and Church Wardens) the AC and the MAT will notify the DEB buildings officer in the event of expenditure/ capital works in excess of £10,000 in respect of the Church School. The MAT agrees to consult the DEB in respect of any proposed disposal, extension, change of use of any buildings owned by the DEB and to comply with the terms of all covenants on the land owned by the DEB.

5. The DEB will be consulted in respect of the Head Teacher appointment for any Church School as soon as a vacancy arises and will be entitled to have a representative on any selection panel and to make use of any relevant powers under s.124A of the school Standards and Framework Act or under the relevant funding agreement.
6. The Academy's admissions policy will be set by the MAT in consultation with the AC having obtained the advice of the NDEB in accordance with the 1991 Measure. In the event of any proposal to expand a Church School the MAT will consult with and obtain the written consent of the NDEB where necessary.
7. The requirements of this schedule to obtain NDEB consent or to consult with the NDEB cannot be changed by either the AC or the MAT without the express written consent of the NDEB.