

NEWHAM COMMUNITY SCHOOLS TRUST

SCHEME OF DELEGATION

EFFECTIVE DATE: [1st APRIL 2018]

Winckworth
Sherwood

CONTENTS

- 1. INTRODUCTION**
- 2. VISION AND VALUES**
 - 2.1 Vision and Values
 - 2.2 Founding Principles
 - 2.3 Principles for Effective Partnership
- 3. ACCOUNTABILITY: GOVERNANCE AND MANAGEMENT STRUCTURES**
 - 3.1 Overall Structure
 - 3.2 Role of the Members
 - 3.3 Role of the Trustees and the Trust Board
 - 3.4 Role of the Governors and the Local Governing Bodies
- 4. DELEGATED AUTHORITY AND RESPONSIBILITIES OF THE LOCAL GOVERNING BODY**
 - 4.1 General Provisions
 - 4.2 Finance and Audit
 - 4.3 Curriculum and Standards
 - 4.4 Personnel
 - 4.5 Admissions and Exclusions
 - 4.6 Premises
 - 4.7 Community Activities and Engagement
- 5. SUPERVISION AND INTERVENTION – RISK MANAGEMENT**
 - 5.1 Supervision and Reporting
 - 5.2 Intervention and Removal of Delegated Responsibility
- 6. FUNCTIONING OF THE LOCAL GOVERNING BODY**

- 6.1 Constitution of the Local Governing Body
- 6.2 Appointment of Governors
- 6.3 Term of Office
- 6.4 Resignation and Removal of Governors
- 6.5 Disqualification of Governors
- 6.6 Appointment of Chair and Vice Chair
- 6.7 Committees and Further Delegation
- 6.8 Meetings
- 6.9 Quorum for Meetings
- 6.10 Notices

APPENDICES

- 1. **GOVERNANCE DECISION PLANNER**
- 2. **TRUSTEES' CODE OF CONDUCT**
- 3. **CONFLICT OF INTEREST POLICY**
- 4. **TERMS OF REFERENCE FOR THE FINANCE COMMITTEE**
- 5. **TERMS OF REFERENCE FOR THE AUDIT COMMITTEE**
- 6. **FINANCIAL REGULATIONS MANUAL**
- 7. **RISK MANAGEMENT POLICY**
- 8. **TERMS OF REFERENCE FOR AN INTERVENTION BOARD**

1. INTRODUCTION

- 1.1 Newham Community Schools Trust (referred to herein as the “**Trust**”) was established on 1st December 2015 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 “**Schools**”).
- 1.2 The Trust is both a company limited by guarantee, registered at Companies House (Company Number 09896221) and, by virtue of its charitable object “to.... advance, for the public benefit, education in the United Kingdom..... by establishing schools” i.e. the Schools, 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 Schools 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 Schools and that there is financial stability within the Trust.
- 1.5 This Scheme of Delegation will apply to each of the Schools.
- 1.6 The Effective Date of this Scheme of Delegation is [1st April 2018] and it will be reviewed every two years. No change will be made to this Scheme without the approval of the Schools.

2. VISION AND VALUES

2.1 Vision and Values

The Schools have a shared commitment to working together to provide a world-class education for young people in Newham, and to developing as centres of excellence for teaching and learning. The Schools are highly ambitious for their students, and keen to develop their passion for learning. The Schools seek to do this within calm, safe learning environments, where all members of the community treat each other with kindness, tolerance and respect. The Schools believe that no child should be left behind, that every child can succeed regardless of their starting point, and that every child should have access to a broad and rich range of experiences at school which will support their development as an active member of our community. The Schools are highly ambitious for their staff, developing a strong culture of continuous professional development. The Schools want the Trust to attract and retain the best teaching and non-teaching staff, and be recognised as an organisation where staff at all levels receive outstanding support in developing their careers.

2.2 Founding Principles

The Trust has been established in light of a number of “founding principles”, which reflect a steadfast commitment to:

- 2.2.1 maintain each of the Schools’ comprehensive values, inclusive practices and non-selective admissions policies;
- 2.2.2 ensure that the governance of the Trust will continue to reflect the Schools’ close links with the local community;
- 2.2.3 recognise and value the contribution of staff to the success of the Trust, and in particular to doing so through:
 - 2.2.3.1 formally recognising the Trade Unions that support staff in the Schools; and
 - 2.2.3.2 securing for all staff terms and conditions which at least match and in some important respects (such as the Living Wage) improve on those prevailing in Local Authority maintained schools.

2.3 Principles for Effective Partnership

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

2.3.1 Equal Partners

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

2.3.2 Transparency

All those involved in the running and oversight of the Trust and the Schools will be open and honest in their dealings with each other.

2.3.3 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.

2.3.4 Solidarity

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

2.3.5 The Common Good

All recognise their responsibility towards the common good, not just of the Schools for which the Trust is responsible and the wider family of Newham schools, but of all of the families and communities in the areas served by the Trust.

3. ACCOUNTABILITY: GOVERNANCE AND MANAGEMENT STRUCTURES

3.1 Overall 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 equivalent to shareholders of a trading company but as the Trust is charitable with no power to trade or distribute profit to shareholders, the Members are best viewed as guardians of the constitution, 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.
- 3.1.3 The corporate management and “trustee” responsibility for the Trust is vested in the “**Trustees**” of the Trust, who will also be the company directors registered with Companies House. The Trustees are personally responsible for the actions of the Trust and the Schools 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 Schools 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 Schools, irrespective of their role on the Board i.e. whether appointed in an executive capacity, such as the “**Executive Trustees**”, or nominated by one or more of the Schools.
- 3.1.4 The Trustees oversee the management and administration of the Trust and the Schools 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 Schools. 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 Schools and

establishing and reviewing the policies and practices governing the life of the Schools.

- 3.1.5 Trustees are required to act in accordance with the “**Trustees’ Code of Conduct**”, attached as Appendix 2.
- 3.1.6 Article 101 of the Articles of Association provides for the appointment by the Trustees of committees or working groups to which the Trust Board may delegate certain functions and responsibilities. The Trust Board has established “**Local Governing Bodies**” for each of the Schools and their power is derived from the Trust Board. The individuals (the “**Governors**”) serving on a Local Governing Body are responsible for fulfilling a local governance role, in conjunction with a “**Headteacher**” (including executive headteacher or head of school, as the case may be), who is responsible for the internal organisation, management and operational control of the School or Schools. The Trust Board will also delegate management responsibility directly to the Headteacher, who will report ultimately to the Chair of the Trust Board.
- 3.1.7 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**” has been set up by the Trust Board to advise and assist the Trustees with regard to the progress of the Schools and to provide support and a focus for collaboration for the Schools 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.
- 3.1.8 To aid decision making, a “**Governance Decision Planner**” is attached at Appendix 1.

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 January 2018).

3.2.2 The Trust will have five members, with one member being nominated by each Local Governing Body and all five Members will be entirely independent of the Trustees with at least two being independent also of the Local Governing Bodies.

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 any power of the Trust Board to make such appointments).

3.2.4 Notwithstanding any provision of the Articles, the Members hereby delegate to the Trust Board a power to appoint Trustees (in addition to any power in the Articles to co-opt Trustees), which appointments are subject to ratification by the Members at the Annual General Meeting. The removal of a Trustee can only be undertaken by the Members who will have regard to what is in the best interests of the Trust and whether a Trustee is meeting the standards expected of him or her as set out in the Trustees’ Code of Conduct.

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 Schools (which includes taking existing schools

into the Trust). The Trustees have the power to direct change where required.

3.3.2 The Trust Board will be formed of the Headteachers (who will attend meetings as advisors to the Board) plus 2 further Trustees nominated by each of the Local Governing Bodies, one of whom shall be either the Chair or Vice Chair of the Local Governing Body plus 2 further Trustees nominated by the Trust Board itself who shall be independent of the Local Governing Bodies.

3.3.3 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:

3.3.3.1 to ensure compliance with any legal obligations;

3.3.3.2 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**");

3.3.3.3 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;

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

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

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

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

3.3.4 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 3, 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 Trustee will personally benefit from an arrangement and the Conflict of Interest Policy makes reference to the Education & Skills Funding Agency's (ESFA) 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 relationships between the Members, the Trustees and the Schools in both governance and management terms and that individuals may serve in a number of capacities and at numerous levels within the Trust.

3.3.5 The specific tasks and responsibilities of the Trust Board are as follows, the costs of fulfilling such responsibilities being shared by the Schools on a per pupil basis:

3.3.5.1 to determine and fulfil the shared vision and ethos of the Trust and the Schools, acknowledging the uniqueness of each individual School and the needs of the communities they serve;

3.3.5.2 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 Schools, 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 EFA and Ofsted);

3.3.5.3 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;

- 3.3.5.4 to provide support and challenge to the Executive Trustees and each of the Local Governing Bodies;
- 3.3.5.5 to determine for implementation by the Trust Board and/or the Local Governing Bodies (as appropriate) the following policies and procedures which it is intended will achieve a consistently high standard of education and financial prudence across the Trust dealing with:
- Human Resources/Employment
 - Audit & Risk Management
 - Contingencies and Reserves (both central and at School level)
 - Governance
 - Health & Safety
 - Safeguarding
 - Operational Matters
 - Data Management
 - Complaints and Appeals
 - Legal Compliance
- 3.3.5.6 to work with the Leadership Group 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 Schools, as well as direct school improvement support, facilitating the development of the School Action Plans where required;
- 3.3.5.7 to determine the budget for any shared or central expenditure and support and to approve the individual School budgets (acknowledging the full delegation of the School's budget to the Local Governing Body as set out in this Scheme of Delegation), establishing a **Finance Committee** to support the Trust Board in this function adopting the terms of reference set out in Appendix 4;
- 3.3.5.8 to supervise and facilitate the production of accounts (both at School and Trust level) and the auditing of those

- accounts for disclosure purposes, reporting on the activities of all the Schools to the relevant statutory bodies and making such accounts available on both the Schools' websites and any separate website operated by the Trust itself;
- 3.3.5.9 to ensure there is a proper system for the internal audit of the accounts of the Trust (including the Schools) and the financial procedures followed by the Schools, facilitating the preparation of the Trust's accounts, establishing a formal **Audit Committee** adopting the terms of reference set out in Appendix 5 which will be responsible for carrying out periodic internal audits of the Schools' financial processes, procedures and accounting records;
- 3.3.5.10 to work with the Leadership Group to supervise the effectiveness of the Schools and the Local Governing Bodies, ensuring there is regular reporting and proper management of outcomes and objectives, intervening if necessary in accordance with the procedures set out in this Scheme of Delegation;
- 3.3.5.11 to formally appoint the Headteachers of the Schools and, in conjunction with the Local Governing Body, to determine the framework within which the performance of the Headteachers of the Schools should be carried out;
- 3.3.5.12 to have power to provide and monitor and evaluate the delivery of any central or shared services and functions, ensuring there is comprehensive support to the Schools and procuring any strategic third party services as determined appropriate;
- 3.3.5.13 to act as the ultimate decision maker in relation to any appeals by staff following disciplinary or grievance procedures;
- 3.3.5.14 to ensure proper advice is available to the Trust and the Schools in relation to legal and compliance matters;

- 3.3.5.15 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.
- 3.3.6 The following are the core competencies and skills expected of all Trustees (further articulated in the Trustees' Code of Conduct):
- 3.3.6.1 to work as a team;
 - 3.3.6.2 to attend meetings and be prepared to contribute to discussions;
 - 3.3.6.3 to be respectful of the views of others and to be open to new ideas and thoughts;
 - 3.3.6.4 to treat all confidential information confidentially;
 - 3.3.6.5 to develop a deep understanding of the vision and ethos of the Trust and its Schools and the roles played by all individuals in fulfilment of the Trust's mission;
 - 3.3.6.6 to understand the policies and procedures of the Trust and how these flow down to the Schools;
 - 3.3.6.7 to support the Trust and the Schools in public and act as an ambassador;
 - 3.3.6.8 to commit to training and skills development
 - 3.3.6.9 to be ready to ask questions;
 - 3.3.6.10 to be focussed on problem solving and be ready to learn from past experiences.
- 3.3.7 Specific skills may be needed if a Trustee is to take responsibility for and lead on a specific area. For example, one of the Headteachers will nominally fulfil the role of the "accounting officer" (though the Leadership Group will have collective responsibility for ensuring the responsibilities of the accounting officer are met). Other 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 Schools.

3.3.8 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 role of the Governors and the Local Governing Bodies**

3.4.1 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 Schools, for the most part made up of individuals drawn from the School's community, both as elected and appointed members.

3.4.2 The Governors serving on such Local Governing Bodies are accountable to the Trust Board (which in turn of course is accountable to the Members and to the Department for Education) as well as to the communities they serve.

3.4.3 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 School and the Trust, which includes all the Schools. This duty includes a responsibility to do the following:

3.4.3.1 to ensure the School complies with its legal obligations;

3.4.3.2 to fulfil the charitable object of the Trust;

3.4.3.3 to act with integrity and to avoid any personal conflicts of interest and not to misuse any charitable funds or assets of the School or the Trust;

- 3.4.3.4 to act prudently in the financial management of the School, avoiding putting any assets, funds or reputation of the School or the Trust at undue risk;
 - 3.4.3.5 to exercise reasonable care and skill, using personal knowledge and experience to ensure the School is well run and efficient;
 - 3.4.3.6 to act responsibly, getting advice from others from within the Trust and if appropriate external professional advisors;
 - 3.4.3.7 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
 - 3.4.3.8 to act as an ambassador of the Trust and in a way which is consistent with the vision and ideals of the Trust.
- 3.4.4 Governors must act independently and in the best interest of the School 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.
- 3.4.5 The specific tasks and responsibilities of the Governors are as follows, with further detail set out in Section 4 of this Scheme of Delegation:
- 3.4.5.1 to fulfil the vision and ethos of the Trust and the Schools, ensuring that the School 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;
 - 3.4.5.2 to implement and review from time to time the strategic plan for the School (including any initial Action Plan), focussing on the School's performance and achieving sustained school improvement and having regard to any locally agreed priorities identified by the Trust Board;

- 3.4.5.3 to provide support and challenge to the School's senior leadership team, being ready to challenge and hold senior leaders to account for all aspects of the School's performance;
- 3.4.5.4 to oversee the management of the finances of the School, assessing the annual budget prepared by the School's Headteacher (with the support of the School's senior leadership team) and submitting such for approval by the Trust Board, ensuring that the School works within its budget and the School'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 Schools;
- 3.4.5.5 to support the School's Headteacher in the development and review (from time to time) of an appropriate staffing structure for the School, 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;
- 3.4.5.6 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 Schools, reporting any issues or concerns to the Trust Board;
- 3.4.5.7 to promote the benefits of collaboration with the other Schools and to actively seek opportunities to work together either with the aim of improving economic efficiencies within the Schools or identifying and implementing best practice;
- 3.4.5.8 to develop effective links within the School's community, communicating openly and frequently as appropriate and ensuring that the School meets its responsibilities to the community and serves the community's needs in relation to the safeguarding and education of its pupils; and

- 3.4.5.9 to engage fully and openly with any inspection of the School, whether by the Trust Board, Ofsted or any other appropriate public body to which the School is accountable.
- 3.4.6 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.
- 3.4.7 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 School 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.
- 3.4.8 As with the Trustees, the following are the core competencies and skills expected of all Governors:
- 3.4.8.1 to work as a team;
 - 3.4.8.2 to attend meetings and be prepared to contribute to discussions and commit to agreed actions;
 - 3.4.8.3 to be respectful of the views of others and to be open to new ideas and thoughts;
 - 3.4.8.4 to treat all confidential information confidentially;
 - 3.4.8.5 to develop a deep understanding of the vision and ethos of the Trust and its Schools and the roles played by all individuals in fulfilment of the Trust's mission;
 - 3.4.8.6 to understand the policies and procedures of the Trust and how these flow down to the School;

- 3.4.8.7 to support the Trust in public and act as an ambassador of the Trust;
 - 3.4.8.8 to commit to training and skills development
 - 3.4.8.9 to be ready to ask questions;
 - 3.4.8.10 to be focussed on problem solving and be ready to learn from past experiences.
- 3.4.9 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 School.
- 3.4.10 The Trust Board also recognises the role that the Schools 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 which the Trust has a strategic partnership is appropriately documented and the details notified to the Audit 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 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.

4.1.2 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 School shall be delegated by the Trust Board to the relevant Local Governing Body which may exercise all the powers of the Trust in so far as they relate to the School, 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 School in such manner as the Local Governing Body shall consider most beneficial for the running of the School 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 School 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 "**Financial Regulations Manual**" annexed to this Scheme of Delegation as Appendix 6.
- 4.2.2 Each School will have its own bank account, opened by the Trust when the School 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 Board.
- 4.2.4 The Trust's accounts shall be the responsibility of the Trust Board but the Headteacher of the School shall provide such information about the School, as often and in such detail and format as the Finance Committee and/or the Audit Committee shall reasonably require, in order to carry out an internal audit of the Schools in accordance with the requirements of the Education & Skills Funding Agency's **Academies Financial Handbook**. Without prejudice to the above, the Headteacher shall provide management accounts in an approved format to the Finance Committee and Audit 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 Audit Committee and the Education 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 Schools 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 Headteacher 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 Schools 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 School activities and/or gifted by a trading subsidiary to the Trust in respect of a particular School's activities shall be delegated to the Local Governing Body. Such funds will however be noted separately in the accounts of the School and, like all Schools' funds, will be subject to any reserves policy operated by the Trust Board.

4.2.8 The Local Governing Body shall make sufficient funds available to enable the Trust to place such insurance or risk protection cover as is necessary to protect the School and the Trust from loss and other risks that shall include (but shall not be limited to) the following, such insurance or risk protection cover to be placed either with a reputable insurance company or through the Education & Skills 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' 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 where significant loss has been suffered or is threatened. The responsibility for notifying the insurers or the ESFA (as the case may be) is the Headteacher's.

4.3 **Curriculum and Standards**

4.3.1 The Local Governing Body shall be responsible for the standards achieved by the School and the pupils attending the School but shall follow such advice and recommendations of the Trust Board as they might issue from time to time in relation to benchmarking and locally agreed priorities.

4.3.2 The Local Governing Body will be responsible for the curriculum on a day to day basis.

4.3.3 The Local Governing Body shall develop and with the support of the Leadership Group implement any Action Plan designed to address any area in need of improvement in the School and the Local Governing Body shall promote any necessary action, helping to communicate messages to staff and parents as need be.

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 **Headteacher**

- 4.4.1.1 The formal power to appoint the Headteacher (or executive headteacher or head of school as the case may be) of each School is vested in the Trust Board, such process to appoint being led by the Local Governing Body and supported by the Leadership Group.
- 4.4.1.2 The appraisal and performance management of the Headteachers 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. 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 Headteacher for the internal organisation, management and control of the School (including the implementation of all policies approved by the Trust Board relating to teaching and learning at the School).

4.4.2 **Other Staff**

- 4.4.2.1 The Local Governing Body through the Headteacher shall be responsible for the appointment and management of all other staff to be employed at the School provided that the Local Governing Body and Headteacher shall:
 - 4.4.2.1.1 implement and comply with all policies dealing with staff issued by the Trust Board or the Leadership Group 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 Leadership Group and/or the Trust's insurers or the ESFA;
 - 4.4.2.1.6 bring to the attention of the Trust Board and, if required, the Trust's insurers and/or the ESFA 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 Leadership Group 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 Local Governing Body shall carry out or delegate to either the Headteacher and/or an appropriate committee (as appropriate) the performance management of all staff and shall put in place procedures for the proper professional and personal development of staff.

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 School's admissions policy provided that no material change will be made to the admissions criteria without consultation with the Leadership Group. The School must continue to comply with the terms of the statutory **Admissions Code**.
- 4.5.2 Any decision to expand the School shall be that of the Trust Board which will act on the recommendation of the Local Governing Body following consultation with the Leadership Group.
- 4.5.3 Any appeal against admissions shall be heard by an independent appeal panel established and authorised by the Local Governing Body.

4.5.4 The Local Governing Body shall consider any decision by the Headteacher 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 School is the responsibility of the Local Governing Body (with management responsibility being delegated to the Headteacher), which shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Trust (and/or any others) as owner of such buildings and facilities.

4.6.2 The Local Governing Body shall support the Trust Board 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 School 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.

4.6.4 The responsibility for any disposals or acquisitions of land to be used by the School will be that of the Trust Board which will delegate management responsibility to the Leadership Group.

4.7 **Community Activities and Community Engagement**

4.7.1 Whilst the undertaking of any activities which would be described as part of the School'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 School'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 Schools and they are required to have systems in place through which they can assure themselves of quality, safety and good practice in the Schools. The Trust has adopted a Risk Management Policy, which is set out in Appendix 7.
- 5.1.2 The Local Governing Body (or Headteacher) will regularly report on its activities and any risks in the operation of the School at such times and adopting such format specified by the Trust Board from time to time.
- 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 School that subsequently leads to prosecution or other litigation will be a liability of the Trustees and any event in an School 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 Headteacher will immediately advise the Chair of the Trust Board. 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 School 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 School 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 School 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 School or that results in the service of a legal notice on the School 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/or the Leadership Group in respect of standards and performance, particularly where areas of weakness have been identified by either Ofsted or the Secretary of State.
- 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.
- 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 to react when standards are falling and/or there is evidence of financial imprudence exposing the School 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 School and to support each other in the implementation of those measures, including involving the Leadership Group which will support and advise on steps to be taken and facilitate additional support if needed;
- 5.2.3.3 to allow each other the opportunity to effect improvements at the School through directions to be issued to persons appointed either by the Local Governing Body (including the Headteacher) in relation to the governance of the School 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 8 to this Scheme;
- 5.2.3.5 not as the Trust Board to exercise any power to remove a Headteacher 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 and having regard to the views of the Leadership Group.

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 Schools comprising at least 9 members appointed as follows:

6.1.1.1 at least 4 members, appointed by the Local Governing Body,;

6.1.1.2 at least 2 but not more than one third of the total size of the Local Governing Body staff members, appointed under clause 6.2.1;

6.1.1.3 at least 2 parent members elected or appointed under clause 6.2.4; and

6.1.1.4 the Headteacher of the School.

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 Objects 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

6.2 Appointment of Governors

6.2.1 Serving on the Local Governing Body shall be at least two (but not more than one third) persons (other than the Headteacher) who are employed at the School who shall be appointed through such process as the Local Governing Body may determine. The positions held by those employed at the School (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 School 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 School (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 the Local Governing Body.
- 6.2.3 The Headteacher shall be treated for all purposes as being an ex officio member of the Local Governing Body.
- 6.2.4 The parent members of the Local Governing Body shall be elected by parents or carers of registered pupils at the School and he or she must be a parent or carer of a pupil at the School at the time when he or she is elected. 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. 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 person serving on the Local Governing Body shall be 4 years, save that this time limit shall not apply to the Headteacher 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 member, any person may be re-appointed or re-elected to the relevant body.

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.

- 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 Local Governing Body or in exceptional circumstances by the Trust Board. 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 persons appointing them, any failure to uphold the values of the Trust and/or the School or to act in a way which is appropriate in light of this Scheme of Delegation will be taken into account. The removal of any person serving as a parent or staff member on the Local Governing Body 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 School 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 School.
- 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 School 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.

- 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 sequestrated 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 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.

6.6 Appointment of the Chair and Vice-Chair

6.6.1 The members of the Local Governing Body shall elect a Chair and a Vice-Chair for a term of up to three years 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 Schools.

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 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. It is important that the Chair and Vice Chair set a good example and as a consequence they will be expected to exemplify the qualities required of a charity trustee/school governor.

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 School, the roles played by all those involved and the vision of the Trust in relation to its Schools;

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 Headteacher and the Trust Board and/or Leadership Group 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 School, 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 School;
 - 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 the Headteacher or any other holder of an executive or leadership post, 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 or requirements the Trust Board may impose and shall be consistent with any policy or statement of recommended practice issued from time to time by the Trust Board and may be revoked or altered by the Local Governing Body or the Trust Board.
- 6.7.3 Where any power or function of the Trust Board or the Local Governing Body is exercised the Headteacher or any other holder of an executive or leadership post, that person 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.
- 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 members of the Local Governing Body may, by notice in writing given to the clerk, requisition a meeting of the Local Governing Body; and it shall be the duty of the clerk to convene such a meeting as soon as is reasonably practicable.
- 6.8.6 Each member of the Local Governing Body shall be given at least seven clear days before the date of a meeting:

6.8.6.1 notice in writing thereof, signed by the clerk, and sent to each member of the Local Governing Body at the address provided by each member 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 written 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 written 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 members of the Local Governing Body so resolve; or

6.8.9.2 the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.9.1, subject to paragraph 6.9.2.

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 6.8.9 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 general meeting.

6.9.3 The quorum for the purposes of 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 the matter.

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 member of the Local Governing Body 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 member 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 School 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 School or the Trust;
 - 6.9.9.2 a named pupil at, or candidate for admission to, the School; 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 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:

6.9.10.1 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 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 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 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.

- 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

GOVERNANCE DECISION PLANNER

The Scheme of Delegation sets out the delegated powers between the different bodies involved in the governance and operation of the Trust and the Schools.

Such bodies include:

1. Trust Members
2. Trust Board of Directors
3. Committees
4. Local Governing Body
5. Leadership Group of Headteachers
6. Headteacher of individual academies

The delegated powers are broken down into different levels in line with the Trust's principles of governance, leadership and operation. The delegated autonomy for individual Schools is aligned with the need for the Trust to fulfil its corporate responsibilities and accountabilities to the Department for Education, Education Funding Agency, Charities Commission, HMRC and Companies House.

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)
- Propose (P)
- Develop (D)
- Monitor & Report (M)
- Consulted (C)
- Implement (I)

The Scheme of Delegation should be read in conjunction with the Terms of Reference for the relevant body. While the Scheme is designed to be comprehensive it will not cover every task.

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
1.	Governance						
1.1.	Approve Trust Articles of Association	Members only	P				
1.2.	Approve Trust Board Terms of Reference		A				
1.3.	Approve Trust Scheme of Delegation		A				
1.4.	Approve new convertor or sponsored academies joining MAT		A			R	
1.5.	Establish Trust Committees		A	R		R	
1.6.	Approve Trust Committee Terms of Reference		A				
1.7.	Approve Local Governing Body (LGB) Terms of Reference/Scheme of Delegation		A		A		
1.8.	Establish LGB working groups				A		
1.9.	Appoint Chair of Trust Board		A				
1.10.	Appoint Chair of LGB		C		A		
1.11.	Remove Chair of LGB	In exceptional circumstances	A				
1.12.	Appoint (and remove) LGB members	As per agreed composition	P		A		

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
1.13.	Appoint (and remove) Chair(s) of Trust Committees		A				
1.14.	Appoint (and remove) Trust Committee members	As per agreed composition	A				
1.15.	Appoint (and remove) Clerk to Trust Board		A				
1.16.	Appoint (and remove) Clerk to LGB				A		
1.17.	Organise calendar of Trust Board and LGB meetings		A			R	
1.18.	Approve Directors Expenses Policy		A				
2.	Trust & School Performance, Curriculum and Teaching						
2.1.	Trust Strategic Plan		A			R	
2.2.	School Performance Targets		AM		RM	C	D
2.3.	School Performance Review <i>e.g. SEF</i>		A		R	C	D
2.4.	School 3 year plan				A	C	R
2.5.	School 1 Year Plan				AM	C	R
2.6.	Teaching & Learning Policy				A	C	R
2.7.	Curriculum Policy				A	C	R
2.8.	Sex Education policy				A	C	R
2.9.	Religious Education policy				A	C	R

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
2.10.	SEN & Inclusion policy				A	C	R
2.11.	Trust Staff Development Plan					A	
2.12.	School Staff Development Plan				A	C	R
2.13.	Trust Inset Days					A	
3.	Staff Policies and Pay						
3.1.	Pay & Remuneration Policy		A	R	M	P	I
3.2.	Job Role Salary & Grading Policy		A	R	M	P	I
3.3.	Performance Management & Appraisal Review Policy		A	R	M	P	I
3.4.	Re-structuring & Redundancy Policy		A	R	M	P	I
3.5.	Changes to Employee Terms & Conditions or Collective Agreements		A	R		P	
3.6.	Adoption of Transferring Policies and Collective Agreements	Part of Due Diligence	A	R		P	
3.7.	Teachers Annual Pay Award		A	R		P	
3.8.	Support Staff Annual Pay Award		A	R		P	
3.9.	Individual Performance Pay Awards				A		P
3.10.	Disciplinary Policy			A		R	I
3.11.	Grievance Policy			A		R	I

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
3.12.	Capability Policy			A		R	I
3.13.	Whistleblowing Policy			A		R	I
4.	Staff Management						
4.1.	Staff complement, structure and grades				A	C	R
4.2.	Trust leadership structure		A				
4.3.	Headteacher appointment	As per agreed process	A		R	C	
4.4.	Senior leadership appointments				A	C	R
4.5.	Teaching and support staff appointments				C		A
4.6.	Suspension of Headteacher	As per agreed process	A		C I		
4.7.	Return of Headteacher after suspension				A		
4.8.	Dismissal of Headteacher	As per agreed process	A		R		
4.9.	Suspension of teaching and support staff	As per agreed process			A		I
4.10.	Return of teaching and support staff after suspension						A
4.11.	Dismissal of teaching and support staff	As per agreed process			A		R
4.12.	Redundancy of staff		A	R	P	C	D
4.13.	Restructuring of staff	As per agreed process			A	C	R

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
5.	Financial Governance & Management						
5.1.	Trust & School Financial Regulations		A	RM	M		I
5.2.	Trust & School Financial Procedures		A	RM	M		I
5.3.	Appoint Trust auditors		A				
5.4.	School 1 year Budget	To incorporate Trust charges	A	R	P		D
5.5.	Trust 1 year Budget		A	R		P	
5.6.	School 3 year Budget Plan			C	A	C	R
5.7.	Trust 3 year Budget Plan			A		R	
5.8.	School Interim Year End Accounts	To be consolidated			A		
5.9.	Trust Interim Year End Accounts	Consolidated accounts		A			
5.10.	Trust Annual Accounts		A	R			
5.11.	Trustees Report		A	R			
5.12.	Trust Schools Accounts Return to EFA			A			
5.13.	Response to Auditor's Management Letter		A	R			
5.14.	School YTD reports			M	AM		P
5.15.	Trust YTD reports		AM	R		P	

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
6.	Financial Authorisation						
6.1.	Expenditure or contracts up to Lower Limit	Subject to inclusion in approved budget					A
6.2.	Expenditure or contracts from Lower Limit to Upper Limit				A		
6.3.	Expenditure or contracts from Upper Limit to OJEU limit				A		
6.4.	Expenditure over OJEU limit	As per agreed policy		A			
6.5.	Disposals or write off of stock, assets or debts up to Lower Limit						A
6.6.	Disposals or write off of stock, assets or debts from Lower Limit to Upper Limit				A		
6.7.	Disposals or write off of stock, assets or debts over Upper Limit (up to AFH limit)				A		
6.8.	Compensation payments up to £50,000		A	R	P		
7.	School Policies & Procedures						
7.1.	School times, terms and holidays				A	C	R
7.2.	Change of School Age Range		A		R	C	P
7.3.	Expansion of School PAN		A		R	C	P
7.4.	Child Welfare & Safeguarding Policy				AM		R

	Task	Notes	Board	C'ttee	LGB	Ldr Grp	HT
	Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)						
7.5.	Attendance Policy & Plan				AM		RI
7.6.	Pupil Premium Policy				AM		RI
7.7.	Pupil Premium Plan				AM		RI
7.8.	School Educational Visits Policy	Note Trust role			AM	R	I
7.9.	Pupil Behaviour & Exclusions Policy				AM		I
7.10.	Short-term Exclusion	As per agreed policy					AI
7.11.	Return after short-term exclusion	As per agreed policy			A		I
7.12.	Permanent Exclusions	As per agreed policy					
7.13.	Appeals against Permanent Exclusion	Independent panel					
7.14.	Complaints Policy		A		M		I
7.15.	Complaints Appeals	To be handled in line with policy	I				
7.16.	Admissions Policy				A	C	R
7.17.	Allocation of places against Admissions Policy	LA scheme			I		
7.18.	Admissions Appeals	Independent panel			I		
7.19.	School prospectus				A		I

	Task Key: Approve (A), Recommend (R) Propose (P), Develop (D), Monitor & Report (M), Consulted (C), Implement (I)	Notes	Board	C'ttee	LGB	Ldr Grp	HT
7.20.	School website				A		I
7.21.	School logo & branding				A		I
7.22.	School uniform				A		I
8.	Premises & Assets						
8.1.	Asset Management Policy		A	R			
8.2.	Health & Safety Policy		A	R	M	R	
8.3.	Asset Management Plan				A		R

APPENDIX 2

TRUSTEES' CODE OF CONDUCT

Introduction

As a charity and company limited by guarantee, Newham Community Schools Trust (the "Trust") is governed by a Board of Trustees (the "Trustees"). The Trustees have overall responsibility and accountability. The Board is the ultimate decision making authority for the Trust but has delegated the day to day management of the business and the responsibility for the running of the academies to those officers of the Trust with executive and leadership responsibilities. The Board fulfils a strategic function and its main purpose is to:

- determine the vision and values of the Trust;
- support leadership in determining and fulfilling the strategic direction of the Trust;
- hold leadership to account; and
- oversee the financial performance of the Trust ensuring there are systems in place to manage risk and ensure money is well spent.

The Trustees have established local governing bodies to assist them in fulfilling these governance responsibilities and to provide additional support to leadership. Further detail can be found in the Trust's Scheme of Delegation.

The Trust is an exempt charity whose principal regulator is the Secretary of State for Education. Whilst this means the activities and constitution of the Trust are primarily determined by the Department for Education, nevertheless the Trust is subject to company law and charity law and occasionally the jurisdiction of the Charity Commission. The Trustees therefore have both responsibilities as directors of a company and trustees of a charity.

Legal Duties of the Trustees

The trustees of a charity 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:

- To ensure compliance with any legal obligations;
- 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);
- To fulfil the charitable object of the charity as set out in its constitution (the Articles of

Association) and to act in a way which is compliant with the rules of the charity contained in the Articles;

- To act with integrity and to avoid any personal conflicts of interest and not to misuse any charity funds or assets;
- To act prudently in the financial management of the charity, avoiding putting any assets, funds or reputation of the charity at undue risk;
- To exercise reasonable care and skill, using personal knowledge and experience to ensure the charity is well run and efficient;
- To act responsibly, getting advice from others, including professional advisors, where appropriate.

Where trustees are also directors, there is an obligation under company law to avoid conflicts of interest and to act prudently. There are specific legal duties where a company is insolvent or there is a threat of insolvency. More detail can be found in the [Academies Financial Handbook](#) and Trustees must be especially careful where they may have a personal interest in a matter which involves the Trust. Trustees must comply with the Trust's Conflict of Interest policy which will also address any specific requirements regarding trading with connected parties.

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 Trustees to serve on the Board.

Other than in relation to any Trustee who is employed by the Trust (not as a Trustee but to fulfil an executive function), the role of a Trustee is unpaid (except for the reimbursement of reasonable expenses). No specific qualifications are required and Trustees must be aged 18 or over.

Trustees are appointed for a term of 4 years and can be reappointed on the expiry of such term.

Specific Duties of the Trustees

The specific tasks and responsibilities of the Trustees are as follows.

- To formulate the vision and ethos of the Trust having regard in particular to the benefits of collaboration between the academies and the uniqueness of each as well as the needs of the communities they serve;
- To determine the Trust's strategic plan having regard to the advice and recommendations

of the Trust's executive officers and the needs of the academies articulated by the respective local governing bodies;

- To ensure that the Trust develops and regularly reviews a set of policies and procedures dealing with the following:
 - Human Resources/Employment
 - Audit & Risk Management
 - Governance/Scheme of Delegation
 - Health & Safety/Safeguarding
 - Operational Matters/Financial Management/Contingencies & Reserves
 - Data Control/Management
 - Complaints and Appeals
 - Legal Compliance
- To approve budgets for expenditure and to ensure there is transparency in any financial matters including reporting to regulatory bodies as required;
- To appoint and review the performance of the chief executive officer of the Trust and to support he or she in appointing and managing all other leadership and executive posts;
- To monitor and evaluate the effectiveness of the Trust both in terms of systems and processes to support teaching and learning and to oversee the outcomes of teaching and learning across the Trust;
- To provide challenge and support to both executive officers and those with leadership responsibilities.

Individual Trustees may be given primary responsibility for particular functions such as audit and financial management, HR, Trust policies and procedures, academy liaison and communication with the view to matching skills and experience to functions. This will not affect collective and overall individual responsibility and accountability but Trustees are expected to use their skills and experience in the fulfilment of their duties. A formal job description and contract will be required for any Trustee with executive responsibility (e.g. the "chief executive officer").

Core Competencies and Skills

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

- To work as a team;
- To attend meetings and be prepared to contribute to discussions and commit to agreed actions;
- To be respectful of the views of others and to be open to new ideas and thoughts;
- To treat all confidential information confidentially;
- To act with integrity, avoiding any personal conflicts of interest and complying with the Trust's Conflict of Interest policy;
- 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;
- To understand the policies and procedures of the Trust and how these flow down to the academies;
- To support the Trust in public and act as an ambassador of the Trust and the academies;
- To commit to training and skills development;
- To be ready to ask questions;
- To be focussed on problem solving and be ready to learn from past experiences;
- To adhere to the Nolan [Seven Principles of Public Life](#).

Personal Qualities and Values

The role of a Trustee is challenging but should be rewarding. Trustees are expected to be held in high regard and to provide an example to others. As such, Trustees will have the following qualities and values:

- A desire to create positive change and life experiences for young people;
- A deep seated commitment to the aims of and objectives of the Trust;
- A willingness to devote time and energy;
- An ability to build productive and supportive professional relationships;

- A commitment to equal opportunities and anti-discriminatory practices;
- An understanding of the importance of keeping children safe;
- An ability to think and act strategically;
- An ability to use financial and workforce data to inform decision-making;
- Appropriate levels of literacy in English;
- A person who is reliable, acts with integrity and is capable of good independent judgement;
- Is able to satisfy any requirements set by any foundation or trustee body or any specific conditions imposed by the Members of the Trust.

Specific skills may be needed if a Trustee is to take responsibility for and lead on a specific area or to meet a skills shortage that has been identified. The Trust has additional expectations of its Chair and Vice Chair and these are appended to this Code of Conduct.

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.

Legal Requirements

Individuals who are not able to make and to continue to make the following declarations may not serve as a Trustee and if appointed would then be automatically disqualified:

- I am not disqualified from acting as a charity trustee;
- I have not been convicted of an offence involving deception or dishonesty (or any such conviction is legally regarded as “spent”);
- I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft;
- I have not used a tax avoidance scheme featuring charitable reliefs or using a charity to facilitate the avoidance;
- I am not an undischarged bankrupt;
- I have not made compositions or arrangements with my creditors from which I have not been discharged;

- I have not been removed from serving as a charity trustee, or been stopped from acting in a management position within a charity;
- I have not been disqualified from serving as a company director or a governor of a school or to work with children;
- I am not included in the list of people considered by the Secretary of State for Education as unsuitable to work with children or young people;
- I am able to provide a valid Disclosure and Barring Service Certificate under the Protection of Freedoms Act 2012 which does not disclose any reason why I should be unsuitable for working with children.

Removal of a Trustee

Any concerns regarding a Trustee's behaviour and actions which may impact adversely on the Trust or fellow Trustees will be addressed either by the Chair of the Trust or the Members of the Trust. Except where changes to the Trust Board are made for operational reasons for example to address skills shortages or to satisfy the requirements of any foundation or trustee body or the Members of the Trust, steps to remove a Trustee for personal reasons are expected to be taken only in exceptional circumstances for example involving the following:

- There has been serious misconduct (which will be considered on a case by case basis but as a guide any breach of this Code of Conduct will give rise to a legitimate complaint);
- A Trustee displays repeated and serious incompetence (e.g. consistently fails to attend meetings and/or engage with training or address any skills gaps such that their ability to make a meaningful contribution is compromised);
- The Trustee has engaged in conduct or behaviour which is aimed at undermining fundamental British values of democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs;
- The actions of the Trustee are significantly detrimental to the effective operation of the Trust Board or the Trust more widely, distracting the Trust Board from its core strategic functions and/or the actions of the Trustee interfere with the operational efficiency of the Trust or any of its academies thereby wasting a significant amount of executive, headteacher and/or senior leadership time;

Any steps to remove a Trustee for personal reasons will be communicated to the Board and the Trustee concerned will be given an opportunity to make representations (in writing or verbally) at

a meeting at which his or her removal is being considered. The power to remove a Trustee is vested in the Trust's Members and it is not expected that the written details of the case against the Trustee will be provided.

Any decision to remove will be made in accordance with the Trust's Articles of Association and applicable law. Any right of appeal will be subject to applicable law.

Review

This Trustee Code of Conduct has been adopted by the Trust Board on the date set out below. It is subject to regular review.

[Date Adopted]

Appendix – Additional Expectations of the Chair and Vice Chair

The Chair and Vice Chair are elected by and from within the Trustee body. Regard may be had to any recommendations from the executive and from the Members of the Trust, including any foundation or sponsor body.

Elections are expected to take place at the beginning of every year and any interim appointment (for example following the resignation of the current Chair) will be terminated or confirmed at the next appropriate meeting.

Specific Duties

The Chair's specific duties are to:

- Provide a clear lead and direction for the Board in formulating and delivering the vision for the Trust;
- Build an effective team, attracting individuals to the Board with necessary skills and experience, promoting equality and diversity, ensuring priority is given to those who can make a positive contribution to work of the Trust and driving school improvement across all academies;
- Ensure new Trustees are properly introduced to the work of the Trust and the Board and to support their development as effective and valued members of the Board maximising their contribution to the Trust in doing so;
- Work closely with the chief executive officer to ensure there is proper challenge and encouragement of Trustees, executive officers and those with leadership responsibilities;
- Provide direct support to the chief executive officer and take the lead in the recruitment and performance management of this role as well as the review of pay and conditions of service;
- Take a lead role in any decision to suspend or discipline the chief executive officer;
- Ensure that school improvement is the focus of all policy and strategy for the Trust, reminding the Trustees of this as often as necessary;
- Hold the Trustees to account, ensuring the business of the Board is conducted efficiently and effectively, chairing meetings ensuring all Trustees have the opportunity to contribute and are listened to with clear decisions being made when necessary, including reporting on the Board's effectiveness to the Members as required;

- Be available when there is a need to act quickly, taking, or supporting the chief executive officer in taking, urgent action and making decisions, subject to subsequent ratification by the Board as necessary;
- Act a focal point and advocate for the Board, liaising as necessary with any regulatory body, the local governing body and those representing the wider community.

Specific Responsibilities

As the guardian of the Board's effectiveness, the Chair has a specific responsibility to ensure:

- That reporting by executive officers is clear, concise, appropriate and comprehensive, reducing unnecessary paperwork;
- That meetings of the Board are held regularly and there is a clear agenda which has been communicated to all Trustees which focuses appropriately on strategic matters, acknowledging that when urgent meetings are required to discuss exceptional business that as much preparation as may be possible is made for these;
- That the business of the Board is conducted as openly and transparently as possible;
- That decisions taken by the Board are implemented and not circumvented;
- That Trustees adhere to the Trustee Code of Conduct and that the Chair takes appropriate and firm action where this appears not to be the case;
- That the Board undertakes regular reviews of any skills gaps or lack of experience and/or capacity and takes active steps to address these;
- That the Board remains focussed on the Trust's key strategic priorities and that individual Trustees either as a group or committee or as individuals do not seek to become overly involved in operational matters;
- There is proper and adequate succession planning;
- That any complaints about the Trust, the actions of the Board or an individual Trustee or the chief executive officer are dealt with in a timely and effective manner.

Additional Skills

As well as the skills required of a Trustee, the Chair should be able to demonstrate the following attributes:

- An understanding of the framework within which corporate bodies function;
- Strong communication skills;
- Ability to prioritise;
- Ability to chair meetings and encourage the participation of others;
- Ability to build and lead a team;
- Leadership or managerial experience;
- Ability to delegate;
- Ability to mediate.

APPENDIX 3

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 Newham Community Schools Trust (the "Trust") is an "exempt" charity, the Principal Regulator being the Secretary of State for Education. The Articles of Association explain 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 impropriety and/or 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

Trustees, Governors of the Local Governing Bodies and all staff must 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 Trust Chair 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 Trust Chair 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 Clerk and/or the Trust Chair or the Chair of the Local Governing Body, the Clerk or Chair 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 Clerk 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. The Trust formally acknowledges the Education Funding Agency's guidance on "related party transactions".

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 matter 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 4

TERMS OF REFERENCE FOR THE FINANCE COMMITTEE

- 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 Headteachers 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 Headteachers 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 Headteachers to resolve breaches and to improve procedures as appropriate.
- 9.** To support the Audit Committee in monitoring key financial and accounting systems and reviewing 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.

APPENDIX 5

TERMS OF REFERENCE FOR THE AUDIT COMMITTEE

1. 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 Audit Committee.
2. Support the Trustees 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.
3. 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.
4. Advise the Trustees 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).
5. 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.
6. Support (and challenge when necessary) the Executive Trustees and in particular the Executive Trustee 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;

- 7.** Establish and implement a system of financial and risk reporting by the Academies to the Trustees and to oversee that reporting to ensure that such a system complies with the Trust's legal obligations.
- 8.** 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.
- 9.** 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.
- 10.** Advise the Trustees on the appointment, reappointment, dismissal and remuneration of auditors (both external auditors and internal audit).
- 11.** Monitor the effectiveness of auditors, including the use of auditor performance indicators.
- 12.** Ensure effective coordination between auditors ensuring that a consistent method of audit is adopted across all Academies.
- 13.** Ensure that additional services undertaken by auditors are compatible with the audit independence and objectivity.
- 14.** Agree the work programme of internal audit including the checking of financial controls, systems, transactions and risks.
- 15.** Consider the reports of the auditors and, when appropriate, advise the Trustees and the Academies of material control issues.
- 16.** Monitor the implementation of agreed audit recommendations.
- 17.** Advise on policies for the securing of the funds and assets of the Trust including by the prevention of loss through fraud and irregularity.
- 18.** Ensure that all allegations of fraud and irregularity are appropriately investigated and control weaknesses addressed, working with the Trustees and the Headteachers of the Academies, as appropriate.
- 19.** Recommend the annual financial statements to the Trustees for approval.

The Audit Committee will meet once per term.

APPENDIX 6

FINANCIAL REGULATIONS MANUAL

Budgeting and Reporting

Role	Value	Delegated Authority	Method	Review Period
Budget setting process		Leadership Group	Agree academy improvement priorities	Annual
		Headteacher and School Leadership Team	Draft budget plan	Annual
		CEO and Headteacher	Agree budget plan	Annual
		Trust Board	Approval and overall monitoring	Annual
Budget holders responsibilities	As per the individual budgets set	Headteacher, 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
Role	Value	Delegated Authority	Method	Review Period
Monthly Management Accounts		School business manager and Headteacher in conjunction with Finance Consultants	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

Role	Value	Delegated Authority	Method	Review Period
Virements	Up to £10,000	Headteacher	Must be disclosed to the Finance Committee.	As necessary
	Over £10,001	Finance Committee	Must be approved by the Finance committee.	As necessary
ESFA Reporting		Chief Executive Officer/Chief Financial Officer in conjunction with the Trust's Auditors and Financial Consultants	An annual Financial Reporting Timetable will be released by the EFA 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 delegated administration assistant	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	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 Headteacher	Headteacher 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 delegated administration assistant	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 delegated administration assistant or finance consultant	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 delegated administration assistant	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 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	Headteacher, Deputy and School Business Manager	As above and three quotes must be obtained. These can include both written and verbal.	Monthly
	£5,001 to £10,000	Headteacher and Deputy	As above however minimum three quotes must be written	Monthly
	£10,001 to £25,000	Headteacher and Deputy with notification to the Chief Executive Officer	As above however minimum three quotes must be written	Monthly
	Over £25,000	Trust Board as recommended by the Leadership Group or the Chief Financial Officer	Formal tendering process, including advertising in OJEU if appropriate	Monthly
Payment by cheque or BACs	Up to £20,000	Two signatories required from either of the Headteacher, Deputy or School Business Manager	Individual payments to any supplier to the value of £20,000 need to be signed by two individual 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 one from the above list	Cheques or payment notification must be accompanied by authorised supporting	As necessary

Role	Value	Delegated Authority	Method	Review Period
		plus the Chief Financial Officer	documentation	
	Above £100,000	Chief Executive Officer or delegate from Leadership Group	Cheques or payment notification must be accompanied by authorised supporting documentation	As necessary
Charge Card	Limited to £5k	Headteacher, School Business Manager and finance consultant	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.	Headteacher/Chief Financial Officer	Anything above these limits must be approved by Secretary of State through the ESFA	Annual
Purchase or sale of any freehold property	Any	Trust Board ESFA approval required	On recommendation of Leadership Group	Annual
Granting any leasehold or tenancy agreement	Any	Trust Board ESFA approval required	On recommendation of Leadership Group	Annual
Taking up any leasehold or tenancy agreement for more than three years	Any	Trust Board EFA approval required	On recommendation of the Leadership Group	Annual

Wages and Salaries

Role	Value	Delegated Authority	Method	Review Period
Appointment of Staff	Up to senior leadership team	Headteacher		Annual
	Deputies	Headteacher in consultation with the Leadership Group		Annual
	Headteacher	Trust Board on the recommendation of the Headteacher Appointments Committee		Annual
Payroll Processing		School Business Manager and Headteacher	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 Headteacher. Payroll reports and payments made will be checked and agreed by the finance consultant on a monthly basis.	Monthly
Contracts of employment		School Business Manager or delegated administration assistant	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	Headteacher and Chief Financial Officer		

Assets

Role	Value	Delegated Authority	Method	Review Period
Fixed asset register	£2,000	School Business Manager or on-site ICT staff member	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 7

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 Schools (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 School, further delegating authority to the Headteacher and senior leadership team who are responsible for the internal organisation, management and control of the School 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 Schools;
- The contribution made by staff to the success of the Trust and the Schools;
- The reputation and ethos of the Trust and the Schools and the principles upon which the Trust was founded;
- The common good in terms of the interests of the families in the communities served by the Schools and the pupils of the future; and
- 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 Directors. 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 Schools 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 Schools.

Beyond these areas the Trustees should identify risks common to all Schools, 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 Schools 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” made up of appointed Trustees, representatives of the Local Governing Bodies and the Leadership Group, 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 Audit Committee or work alongside it.

It is the duty of this committee to review the termly schedule of self-assessments made by individual Schools’ Local Governing Bodies, consider how to support Schools 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 Schools 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 Schools with regard to the insurances of Trust property (buildings, land and assets) and to approve and be kept informed of planned capital works. The School 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 Trustees and the Governors should seek at all times to preserve and fulfil the vision and values of the Trust, honouring the principles upon which the Trust was founded. 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 Schools for which the Trust is responsible.

- **The financial integrity of individual academies**

The Trustees reserve the right to direct the Schools to bank with a named bank and to direct Schools 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. Schools 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 School 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 Company will operate a Conflicts of

Interest policy. The Company will ensure that good quality legal advice is available to the Trust Board, the Schools and those responsible for running the Schools on a day to day basis.

APPENDIX 8

TERMS OF REFERENCE FOR AN 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 one of the Executive Trustees.

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	Assessment
Ethos and vision	
Support the actions of the Trust Board in developing and sustaining a clear educational vision, ethos and direction for the Trust and 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 school within the family of schools run by the Trust.	
Establish systems and procedures in the Academy which recognise and prioritise collaborative working within the Trust where possible.	
Support the Trust Board in the formulation of policies and practices which reinforce the Trust's overall vision and aims as well as recognise 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 strategic objectives 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 and organisational threats 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 feedback so that continuous improvements can be made and preparing the leadership team for the transition to full delegated responsibility.	
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 the current EFA 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, having regard to the duty of the Trustees as trustees of charitable assets and as recipients of public money.	

Responsibility / Delegated Authority	Assessment
Monitor, review and control the budget, expenditure and income of the Academy, acknowledging any amounts to be set aside for central costs and reserves, contributing to any discussions initiated by the Trust Board in relation to the budget of the Academy and the appropriate use of all 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 any internal audit committee or to the external auditors) highlighting any specific risks which might jeopardise the fulfilment of the strategic plan for the Academy.	
Implement any Trust 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 either the Trust or the Academy to undue risk.	
Curriculum and Standards	
<p>Advise the Trust Board on the development of a curriculum which meets the Academy's specific needs and has regard to:</p> <ul style="list-style-type: none"> • 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 Academy on action to be taken to maximise attainment and pupil progress and advising on the transition by pupils from one key stage to the next supporting 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 specific actions to be taken to address areas of weakness, facilitating the sharing of best practice and the development of a training programme for staff which draws on the strengths of the Academy and secures additional resources which meet needs.	
Pupil Behaviour and Attendance	

Responsibility / Delegated Authority	Assessment
Formulate and implement a pupil behaviour policy in accordance with guidance produced by the Department for Education and as advised by 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 staffing structure for the Academy, identifying the number of staff required to be employed at the Academy, the levels of the posts and the role responsibilities of all staff 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 Leadership Group, appoint all staff to work in the Academy, establishing an appointments committee in respect of the appointment of a Principal/Headteacher and such 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 established and maintained.	
Implement any pay policy and performance management policy for all teaching and non-teaching staff employed at the Academy put in place by 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 Principal/Headteacher, any deputies and other key leadership appointments in the Academy, supporting the Academy's leadership team in the performance management of all other 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, supporting and working with any Trust programme for the development of Principals/Headteachers and other key leadership appointments.	
Implement any written policy for staff disciplinary and grievance procedures put in place by the Trust Board and where appropriate advise on and support the Academy's leadership team on the implementation of the same.	

Responsibility / Delegated Authority	Assessment
Undertake any disciplinary or grievance procedure for the Principal/Headteacher and other members of 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 issued by the Trust Board and/or the 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, identifying any planned maintenance and any need for substantial works to meet the strategic aims of the Academy, including considering the availability of 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 appropriate.	
Ensure any use of premises or facilities for community or income generating purposes are carried out in compliance with any policy issued by the Trust Board in relation to such matters (including any prepared on the advice of the Trust's accountants) and keeping a separate account 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 Principal/Headteacher of the Academy, subject to any requirements of the Trust Board. The Intervention Board will ensure the gradual transfer of responsibility to the Principal/Headteacher, the leadership team and the Local Advisory Body when established is done sensitively to help successfully deliver the Academy's long term strategic plan.	