

HURST EDUCATION TRUST
SCHEME OF DELEGATION
SEPTEMBER 2021 Final Version 1

1. INTRODUCTION

- 1.1 As a charity and Trust limited by guarantee, Hurst Education Trust (the “Trust”) is governed by a Board of Directors (the “Trustees”) who are responsible for, and oversee, the management and administration of the Trust and the academies run by the Trust.
- 1.2 The Trustees are accountable to external government agencies, including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education they provide and they are required to have systems in place through which they can assure themselves of quality, safety and good practice. As a Church majority Trust, the Trustees are also accountable to the Diocesan Board of Education (the “DBE”) in respect of the DBE Measure 1991 and any such replacement Measure, and other relevant legislation.
- 1.3 To discharge these responsibilities, people are appointed by the Trustees (in accordance with the provisions of this Scheme of Delegation) who are more locally based to serve on a board (the “Local Governing Body”) which has been established to ensure the good governance of each Academy.
- 1.4 This Scheme of Delegation explains the ways in which the Trustees fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Trustees and the members of the Local Governing Body and the commitments to each other to ensure the success of the academies within the Trust.
- 1.5 This Scheme of Delegation has been validly authorised by the Trustees in accordance with the provisions of the Trust’s Articles of Association (the “Articles”) and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles. The terms and condition of this Scheme of Delegation shall be deemed effective from and including the Effective Date

2. ETHOS AND MISSION STATEMENT

- 2.1 The Trust’s mission is as follows:

Together building a culture of excellence for all in everything we do.

- 2.2 Hurst Education Trust is a Diocesan Trust.
- 2.3 Academies within the Hurst Education Trust work closely with other Academies in the Trust and schools in the wider community as appropriate.

3. TRUSTEES' POWERS AND RESPONSIBILITIES

- 3.1 The Trustees have overall responsibility and ultimate decision-making authority for all the work of the Trust. This includes the running of schools and establishing new schools, as Church of England Academies. These powers are largely exercised through Trust-level strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required.
- 3.2 The Trustees have a duty to act in the fulfilment of the Objects. The Trustees also have a duty to the DBE to uphold the Objects and to have regard to any advice of the DBE and to, where appropriate, follow any directives issued by them.
- 3.3 Trustees will have regard to the interests of the other Academies for which the Trust is responsible in deciding and implementing any policy or exercising any authority in respect of the Academy.
- 3.4 Article 101 provides for the appointment by the Trustees of committees to whom the Trustees may delegate certain of the functions of the Trustees. In further recognition of the Trustees' power to delegate under Articles 102 and 105, responsibility for the running of the Academy from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Governing Body of the Academy.
- 3.5 The constitution, membership and proceedings of the Local Governing Body is determined by the Trustees (acting in accordance with the provision of this Scheme of Delegation) and this Scheme of Delegation expresses such matters as well as acknowledging the authority delegated to the Local Governing Body in order to enable the Local Governing Body to run the Academy and fulfil the Academy's mission.

4. CONSTITUTION OF THE LOCAL GOVERNING BODY

4.1 **Members of the Local Governing Body**

- 4.1.1 The number of people who shall sit on the Local Governing Body shall be not less than three and not greater than twelve, except in exceptional circumstances determined by the Trustees.
- 4.1.2 The Local Governing Body shall use its reasonable endeavours to ensure that the Local Governing Body has the following members:
 - 4.1.2.1 One staff member, appointed under clause 4.2.2;
 - 4.1.2.2 Two parent members elected or appointed under clause 4.2.5;
 - 4.1.2.3 the head teacher of the Academy (the “Head teacher”);
 - 4.1.2.4 at least one member put forward by the parochial church council [“PCC”] of the parish in which the school sits, or the Diocese of Chichester, which may ordinarily be the parish clergy [and]
 - 4.1.2.5 any additional members, if appointed by the Trustees at the request of the Secretary of State of Education (the “Secretary of State”) pursuant to clause 102c) of the Master Funding Agreement entered into between the Trust and the Secretary of State governing the affairs of the Trust; and
- 4.1.3 The Local Governing Body may also have co-opted members appointed under clause 4.3.
- 4.1.4 The Trustees shall also be entitled to attend any meetings of the Local Governing Body.
- 4.1.5 Senior members of staff employed by the Trust, including the Chief Executive, Chief Financial Officer and Director of Education, may attend by invitation, but will not be entitled to serve on the Local Governing Body. Senior members of Trust staff attending a meeting of the Local Governing Body shall not count towards the quorum for the purposes of the meeting and shall not be entitled to vote on any resolution being considered by the Local Governing Body.

4.1.6 All persons appointed or elected to the Local Governing Body shall give a written undertaking to the Trustees to uphold the Objects of the Trust.

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

4.2.1 The Local Governing Body shall recommend to the Trustees the appointment of up to 12 persons to serve on the Local Governing Body, having regard to any recommendations and views of the Trustees in relation to ensuring that the people serving on the Local Governing Body between them have an appropriate range of skills and experience and due attention is given to succession planning.

4.2.2 The Local Governing Body may recommend to the Trustees the appointment of persons who are employed at the Academy to serve on the Local Governing Body through such process as they may determine, provided that the total number of such persons (including the Head teacher) does not exceed one third of the total number of persons on the Local Governing Body. The positions held by those employed at the Academy (e.g., teaching and support staff) may be taken into account when considering appointments.

4.2.3 Unless the Trustees agree otherwise, in appointing persons to serve on the Local Governing Body who are employed at the Academy the Local Governing Body shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the Academy (excluding the Head teacher) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Body.

4.2.4 The Head teacher shall be treated for all purposes as being an ex officio member of the Local Governing Body.

4.2.5 Subject to clause 4.2.9, the parent members of the Local Governing Body shall be elected by parents and carers of registered pupils at the Academy and they must be a parent or registered carer of a pupil at the Academy at the time when they are elected.

- 4.2.6 The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent or carer of a registered pupil at the Academy. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot.
- 4.2.7 The arrangements made for the election of the parent members of the Local Governing Body shall provide for every person who is entitled to vote in the election to have an opportunity to do so by electronic submission, post or, if they prefer, by having their ballot paper returned to the Academy.
- 4.2.8 Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that they are entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 4.2.9 The number of parent members of the Local Governing Body required shall be made up by persons appointed by the Trustees if the number of parents standing for election is less than the number of vacancies.
- 4.2.10 In appointing a person to be a parent member of the Local Governing Body pursuant to clause 4.2.9, the Trustees shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.
- 4.2.11 The first parent and staff members of the Local Governing Body shall be those people who filled those positions on the Governing Body of the predecessor School at its closure (provided they remain eligible under this Scheme of Delegation), who shall serve on the Local Governing Body for the remainder of the terms of office for which they were elected to the predecessor Governing Body.

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

4.3.1 The Local Governing Body may appoint up to seven persons to be “Co-opted” to the Local Governing Body. A person who shall be “Co-opted” to the Local Governing Body means a person who is to serve on the Local Governing Body without having been elected to serve on the Local Governing Body. The Local Governing Body may not co-opt a person who is employed at the Academy if thereby the number of persons employed at the Academy serving on the Local Governing Body would exceed one third of the total number of persons serving on the Local Governing Body (including the Head teacher).

4.4 **Term of office**

4.4.1 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 ex officio positions. Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected (including being “Co-opted” again) to the Local Governing Body.

4.5 **Resignation and removal**

4.5.1 A person serving on the Local Governing Body shall cease to hold office if they resign their office by notice to the Local Governing Body (but only if at least three persons will remain in office when the notice of resignation is to take effect).

4.5.2 A person serving on the Local Governing Body shall cease to hold office if they are removed by the person or persons who appointed them. 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 a person or persons who appointed them, any failure to uphold the values of the Trust and/or the Academy or to act in a way which is appropriate in light of this Scheme of Delegation will be taken into account. A person may also be removed by the Trustees acting reasonably and in good faith, and further only after the Trustees have given due regard to any representations by the Local Governing Body.

4.5.3 If any person who serves on the Local Governing Body in their capacity as an employee at the Academy ceases to work at the Academy, then

they shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of his or her work at the Academy.

4.5.4 Where a person who serves on the Local Governing Body resigns their office or is removed from office, that person or, where they are removed from office, those removing them, shall give written notice thereof to the Local Governing Body who shall inform the Trustees.

4.6 **Disqualification of members of the Local Governing Body**

4.6.1 No person shall be qualified to serve on the Local Governing Body unless they are aged 18 or over at the date of their election or appointment. No current pupil of the Academy shall be entitled to serve on the Local Governing Body.

4.6.2 A person serving on the Local Governing Body shall cease to hold office if they are absent without the permission of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months and the Board of Trustees resolves that their office be vacated.

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

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

4.6.3.2 they are the subject of a bankruptcy restrictions order or an interim order.

4.6.4 A person shall be disqualified from serving on the Local Governing Body at any time when they are subject to a disqualification order or a disqualification undertaking under the Trust Trustees Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

4.6.5 A person serving on the Local Governing Body shall cease to hold office if they would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

- 4.6.6 A person shall be disqualified from serving on the Local Governing Body if they have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.
- 4.6.7 A person shall be disqualified from serving on the Local Governing Body at any time when they are:
- 4.6.7.1 included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or
 - 4.6.7.2 disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or
 - 4.6.7.3 barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).
- 4.6.8 A person shall be disqualified from serving on the Local Governing Body if they are a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.
- 4.6.9 A person shall be disqualified from serving on the Local Governing Body where they have, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 72 of the Charities Act 1993.
- 4.6.10 After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body if they have not provided to the Chair of the Local Governing Body a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the Chair or the Head teacher confirm their

unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

4.6.11 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body; and they were, or were proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Governing Body who shall inform the Trustees.

4.6.12 This clause 4.6 and paragraph 2 of the Appendix shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body.

5. DELEGATED POWERS

5.1 General Provisions

5.1.1 Subject to provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Trust following a special resolution, the management of the business of the Academy shall be delegated by the Trustees to the Local Governing Body who may exercise all the powers of the Trust in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing Body which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme of Delegation, the powers given by this Scheme of Delegation shall not be limited by any special power given to the 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.

5.1.2 In general terms, the responsibility of the Trustees in so far as the business of the Academy is concerned is to determine the policy and procedures of the Trust and to consider and respond to strategic issues. Whilst the Trustees are free to decide what constitutes a strategic issue, having regard to all the circumstances, unless a matter is either (a) identified as a strategic issue or (b) is identified as being

the responsibility of the Trustees under this Scheme of Delegation, the responsibility for such matter will be that of the Local Governing Body.

5.1.3 Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Governing Body and without detracting from the generality of the powers delegated, the Local Governing Body shall have the following powers, namely:

5.1.3.1 to expend certain funds of the Trust as permitted by clause 5.3 in such manner as the Local Governing Body shall consider most beneficial for the achievement of the Object in so far as it relates to the Academy and to invest in the name of the Trust such part of the funds of the Trust for which it has responsibility pursuant to this Scheme of Delegation as it may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the Object; and

5.1.3.2 to enter into contracts on behalf of the Trust in so far as they relate to the Academy subject to limitations in clause 5.3.2.

5.1.4 In the exercise of its powers and functions, the Local Governing Body may consider any advice given by the Head teacher and any other executive officer as well as the Trustees and the DBE.

5.2 **Ethos and Values**

5.2.1 Whilst the Local Governing Body shall be responsible for ensuring that the Academy is conducted in accordance with its vision, ethos and values, and the vision, ethos and values of the Trust, referred to in clause 2, the determination of the Trust's ethos and mission statement shall be the responsibility of the Trustees. The Trustees and Local Governing Body shall not make any alteration to the religious character of the Academy or the conduct of the Academy as a Church of England school without the consent of the DBE.

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

5.3 Finance

- 5.3.1 In acknowledgement of the receipt by the Trustees of funds in relation to the Academy; provided by the Secretary of State, donated to the Trust and generated from the activities of the Trust, the Trustees delegate to the Local Governing Body the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy provided however that an amount of up to but not exceeding 3% (three per cent) of the funds received from the Secretary of State, in respect of children registered at the School from Reception year and above an amount to be determined each year by the Trustees acting reasonably in good faith and in accordance to the Trust's management charge policy, will be retained by the Trust to cover the cost of providing central services to Academies.
- 5.3.2 Whilst the Local Governing Body shall have the power to enter into contracts on behalf of the Trust in so far as they relate to the Academy pursuant to clause 5.1.3, the Local Governing Body shall first obtain the written consent of the Trustees to any contracts or expenditure for any transaction above £10,000, in line with the Trust's Procurement Policy the Trustees agreeing they will act expeditiously in granting or withholding such consent
- 5.3.3 The accounts of the Trust shall be the responsibility of the Trustees but the Local Governing Body shall provide such information about the finances of the Academy as often and in such format as the Trustees shall reasonably require.
- 5.3.4 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 are observed at all times as well as any requirements and recommendations of the Trustees and the Secretary of State.
- 5.3.5 The Local Governing Body shall inform the Trustees of any need for significant unplanned expenditure and will discuss with the Trustees (and others as the Trustees shall require) options for identifying available funding.
- 5.3.6 The Local Governing Body shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing

the financial affairs of the Trust in so far as these relate to the Academy.

5.4 Premises

- 5.4.1 Subject to and without prejudice to clauses 5.3.2 and 5.4.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Trustees (and/or any others) as owners of such buildings and facilities.
- 5.4.2 The Local Governing Body shall in conjunction with the Trustees develop a 5-year estate management strategy that will identify the suitability of building and facilities in light of long-term curriculum needs and the need for and availability of capital investment to meet the Local Governing Body's responsibility to ensure the buildings and facilities are maintained to a good standard.
- 5.4.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Trustees.
- 5.4.4 Insuring the land and buildings used by the Academy will be the responsibility of the Trustees who shall recover the cost from the budget delegated to the Local Governing Body.

5.5 Resources

5.5.1 Head teacher

- 5.5.1.1 The Trustees shall appoint the Head teacher with the proper involvement of the Local Governing Body and the DBE through representation on the recruitment panel and in line with Department for Education and National Governance Association best practice. The Trustees and the Local Governing Body may delegate such powers and functions as they consider are required by the Head teacher for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Trustees and the Local Governing Body and for the direction of the teaching and curriculum at the Academy).

5.5.1.2 The Trustees shall ensure that the Head teacher is a practising Christian (of a denomination belonging to the Churches together in Britain and Ireland) unless otherwise agreed with the Diocese. Any Head teacher must be committed to giving active and practical support to the Christian vision, ethos and Anglican traditions of worship.

5.5.2 **Other Staff**

5.5.2.1 The Local Governing Body shall be responsible for the appointment and management of all other staff to be employed at the Academy provided that the Local Governing Body shall:

5.5.2.1.1 comply with all policies dealing with staff issued by the Trustees from time to time;

5.5.2.1.2 take account of any pay terms set by the Trustees;

5.5.2.1.3 adopt any standard contracts or terms and conditions for the employment of staff issued by the Trustees, which shall be in line with nationally agreed Burgundy or Green book terms;

5.5.2.1.4 manage any claims and disputes with staff members having regard to any advice and recommendations given by the Trustees.

5.5.2.2 The Local Governing Body shall be responsible for the performance management of all staff (excluding the Head teacher) and shall put in place procedures for the proper professional and personal development of staff.

5.5.2.3 The performance management of the Head teacher will be the responsibility of the Board of Trustees who may delegate such responsibilities (other than any performance management review of the Head Teacher, which shall be the responsibility of the CEO of the Trust) to relevant senior officers of the Trust. Unless the Head teacher agrees otherwise, a suitably qualified and experienced External Advisor will be part of the review. The Chair of the Local

Governing Body shall be invited to participate in the performance management process on behalf of the Local Governing Body but may delegate this to another member of the Local Governing Body aside from any member employed at the Academy.

5.6 Curriculum and Standards

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

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

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

5.6.4 Subject to any required consultation processes, any decision to expand the Academy shall be that of the Trustees but who shall have regard to the views of the Local Governing Body.

5.7 Extended Schools and Business Activities

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

5.8 Regulatory Matters

5.8.1 The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Trustees but the Local Governing Body

shall do all such things as the Trustees may specify as being necessary to ensure that the Trust is meeting its legal obligations.

6. OPERATIONAL MATTERS

- 6.1 The Local Governing Body and the Trust shall comply with the obligations set out in the Appendix which deals with the day-to-day operation of the Local Governing Body.
- 6.2 The Local Governing Body will subject to the terms and conditions of this Scheme of Delegation adopt and will comply with all Trust-wide policies of the Trustees communicated to the Local Governing Body from time to time.
- 6.3 Both the Trustees and all members of the Local Governing Body have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Trust and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
- 6.4 The Local Governing Body will review its policies and practices on a regular basis, having regard to recommendations made by the Trustees from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.
- 6.5 The Local Governing Body shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Trustees may reasonably require from time to time.
- 6.6 The Local Governing Body shall positively and proactively engage with any relevant inspections, including all Ofsted inspections (including inspections pursuant to section 48 of the Education Act 2005) together with other inspections as required, including internal and external audit processes to enable the Trust to comply with the Academies' Financial Handbook or any successor regulations.
- 6.7 The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Trustees in the event that intervention is either threatened or is carried out by the Secretary of State. The Trustees expressly reserve 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.

7. ANNUAL REVIEW

- 7.1 This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy.
- 7.2 Notwithstanding this being the first Scheme of Delegation to apply in respect of the Academy, the Trustees will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it after first seeking consent of the Diocesan Corporate Member.
- 7.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Trustees will have regard to and give due consideration of any views of the Local Governing Body.

8. APPEAL

- 8.1 This Scheme of Delegation is considered binding from the Effective Date. The Local Governing Body may appeal any decision made by the Trust where it considers the decision was not made in accordance with the Scheme of Delegation.
- 8.2 If a Local Governing Body wishes to appeal a decision made by the Trust Executive, the Chair of the Local Governing Body must write to the Chair of the Board of Trustees. The Chair of the Board of Trustees will convene a panel of no less than three Trustees who will consider the appeal after first considering representation from the Trust Executive.
- 8.3 If a Local Governing Body wishes to appeal a decision made by the Board of Trustees, the Chair of the Local Governing Body must write to the Members of the Trust. The Members will convene a panel of no less than three Members, who will consider the appeal after first considering representation from the Trust Executive and the Board of Trustees. The Members decision shall be final.

APPENDIX A

FUNCTIONING OF THE LOCAL GOVERNING BODY

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

- 1.1 The members of the Local Governing Body shall each school year, at their first meeting in that year, elect a chair and a vice-chair from among their number to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph 1.3. Neither a person who is employed by the Trust (whether or not at the Academy) nor a person who is at the time of election already a Director of the Trust shall be eligible for election as chair or vice-chair.
- 1.2 Subject to paragraph 1.4, the chair or vice-chair shall hold office as such until their successor has been elected in accordance with this clause 1.
- 1.3 The chair or vice-chair may at any time resign their office by giving notice in writing to the Local Governing Body. The chair or vice-chair shall cease to hold office if:
 - 1.3.1 he or she ceases to serve on the Local Governing Body;
 - 1.3.2 they are employed by the Trust whether or not at the Academy;
 - 1.3.3 they are removed from office in accordance with this Scheme of Delegation; or
 - 1.3.4 in the case of the vice-chair, they are elected in accordance with this Scheme of Delegation to fill a vacancy in the office of chair.
- 1.4 Where by reason of any of the matters referred to in paragraph 1.3, 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.
- 1.5 Where the chair is absent from any meeting or there is at the time a vacancy in the office of the chair, the vice-chair shall act as the chair for the purposes of the meeting.
- 1.6 Where in the circumstances referred to in paragraph 1.5 the vice-chair is also absent from the meeting or there is at the time a vacancy in the office of vice-chair, the members of the Local Governing Body shall elect one of their number to act as a chair for the purposes of that meeting, provided that the person

elected shall neither be a person who is employed by the Trust whether or not at the Academy nor a Trustee.

1.7 Any election of the chair or vice-chair which is contested shall be held by secret ballot.

1.8 The chair or vice-chair may only be removed from office by the Trustees at any time in accordance with this Scheme of Delegation.

2. CONFLICTS OF INTEREST

2.1 Any member of the Local Governing Body who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with their duties as a member of the Local Governing Body shall disclose that fact to the Local Governing Body as soon as they become aware of it. A person must absent themselves from any discussions of the Local Governing Body in which it is possible that a conflict will arise between their duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).

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

2.3 In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.

2.4 Any disagreement between the members of the Local Governing Body and the Head teacher or any subcommittee of the Local Governing Body shall be referred to the Trustees for their determination.

3. THE MINUTES

3.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and recorded electronically by the person authorised to keep the minutes of the Local Governing Body; and shall be signed (subject to the approval of the members of the Local Governing Body) at the same or next subsequent meeting by the person acting as chair thereof. The minutes shall include a record of:

- 3.1.1 all appointments of officers recommended by the Local Governing Body; and
- 3.1.2 all proceedings at meetings of the Local Governing Body and of committees of the Local Governing Body including the names of all persons present at each such meeting.
- 3.2 The chair shall ensure that copies of minutes of all meeting of the Local Governing Body (and such of the subcommittees as the Trustees shall from time to time notify) shall be provided to the Trustees as soon as reasonably practicable after those minutes are drafted.

4. COMMITTEES

- 4.1 Subject to this Scheme of Delegation, the Local Governing Body may establish any subcommittee. The constitution, membership and proceedings of any subcommittee shall be determined by the Local Governing Body but having regard to any views of the Trustees. The establishment, terms of reference, constitution and membership of any subcommittee shall be reviewed at least once in every twelve months.

5. DELEGATION

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

6. MEETINGS OF THE LOCAL GOVERNING BODY

- 6.1 Subject to this Scheme of Delegation, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit.
- 6.2 The Local Governing Body shall meet at least three times in every school year. Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body. In exercising their functions under this Scheme of Delegation the clerk shall comply with any direction:
- 6.2.1 given by the Trustees or the Local Governing Body; or
- 6.2.2 given by the chair of the Local Governing Body or, in their absence or where there is a vacancy in the office of chair, the vice-chair of the Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.
- 6.3 Any three members of the Local Governing Body may, by notice in writing given to the clerk, requisition a meeting of the Local Governing Body; and it shall be the duty of the clerk to convene such a meeting as soon as is reasonably practicable.
- 6.4 Each member of the Local Governing Body shall be given at least seven clear days before the date of a meeting:
- 6.4.1 notice in writing thereof, signed by the clerk, and sent to each member of the Local Governing Body at the contact address provided by each member from time to time; and
- 6.4.2 a copy of the agenda for the meeting;
- provided that where the chair or, in their 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 they direct.
- 6.5 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.
- 6.6 A resolution to rescind or vary a resolution carried at a previous meeting of the Local Governing Body shall not be proposed at a meeting of the Local Governing Body unless the consideration of the rescission or variation of the

previous resolution is a specific item of business on the agenda for that meeting.

- 6.7 A meeting of the Local Governing Body shall be terminated forthwith if:
- 6.7.1 the members of the Local Governing Body so resolve; or
 - 6.7.2 the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.10, subject to paragraph 6.12.
- 6.8 Where in accordance with paragraph 6.7 a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.
- 6.9 Where the Local Governing Body resolves in accordance with paragraph 6.7 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the clerk to convene a meeting accordingly.
- 6.10 Subject to paragraph 6.12, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any half of the members of the Local Governing Body holding office on the Local Governing Body at the date of the meeting. In the case where the total membership of a Local Governing Body is an odd number, the number shall be rounded up.
- 6.11 The Local Governing Body may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.
- 6.12 The quorum for the purposes of:
- 6.12.1 Recommending the appointment of a parent or staff member;
- shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters.
- 6.13 Subject to this Scheme of Delegation, every question to be decided at a meeting

of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.

- 6.14 Subject to paragraphs 6.10 – 6.12, where there is an equal division of votes, the chair of the meeting shall have a casting vote in addition to any other vote they may have.
- 6.15 The proceedings of the Local Governing Body shall not be invalidated by
- 6.15.1 any vacancy on the board; or
 - 6.15.2 any defect in the election, appointment or nomination of any person serving on the Local Governing Body.
- 6.16 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Body or of a subcommittee of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body or (as the case may be) a subcommittee of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an electronic communication by or on behalf of the Local Governing Body indicating his or her agreement to the form of resolution providing that the member has previously notified the Local Governing Body in writing of the email address or addresses which the member will use.
- 6.17 Subject to paragraph 6.18, the Local Governing Body shall ensure that a copy of:
- 6.17.1 the agenda for every meeting of the Local Governing Body;
 - 6.17.2 the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;
 - 6.17.3 the signed minutes of every such meeting; and
 - 6.17.4 any report, document or other paper considered at any such meeting,
- are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.

- 6.18 There may be excluded from any item required to be made available in pursuance of paragraph 6.17, any material relating to:
- 6.18.1 a named teacher or other person employed, or proposed to be employed, at the Academy;
 - 6.18.2 a named pupil at, or candidate for admission to, the Academy; and
 - 6.18.3 any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential.
- 6.19 Any member of the Local Governing Body shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that:
- 6.19.1 he or she has given notice of their intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and
 - 6.19.2 the Local Governing Body has access to the appropriate equipment if after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.
 - 6.19.3 A Local Governing Board may elect 2 co-chairs rather than a chair and vice chair. Any reference to “a” or “the” chair shall be treated and deemed to be a reference to one of both co-chairs, as the case may be.

7. NOTICES

- 7.1 Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Governing Body) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In these Articles, “Address” in relation to electronic communications, includes a number or address used for the purposes of such communications.
- 7.2 A notice may be given by the Local Governing Body to its members either personally or by sending it by post in a prepaid envelope addressed to the member at their 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 her, 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.

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

7.4 Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

8. INDEMNITY

8.1 Subject to the provisions of the Companies Act 2006 every member of the Local Governing Body or other officer or auditor of the Trust acting in relation to the Academy shall be indemnified out of the assets of the Trust against any liability incurred by him or her in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him 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.

APPENDIX B

A: Stakeholder provides advice upwards (<) or downwards (>)

X: Stakeholder has responsibility

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	HT
Governance framework						
People	Members: Appoint/Remove	X				
	Trustees: Appoint/Remove	X				
	Role descriptions for members	X				
	Role descriptions for trustees/chair/ specific roles/committee members: agree		X	<A		
	Parent trustee/committee member: elected		X		X	
	Committee chairs: appoint and remove		X	<A		
	LGB chairs: appoint and remove		X	<A	X	
	Clerk to board: appoint and remove		X			
	Clerk to LGB: appoint and remove				X	
Systems and structures	Articles of association: agree and review	X	<A	<A		
	Governance structure (committees) for the trust: establish and review annually		X	<A		
	Terms of reference for trust committees (including audit if required, and scheme for school committees): agree annually		X	<A	Input to SoD	
	Terms of reference for LGB/local committees: agree and review annually		X	<A	Input to SoD	
	Skills audit: complete and recruit to fill gaps		X	<A>	X	A
	Annual self-review of trust board and committee performance: complete annually		X			

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	HT
Systems and structures	Annual self-review of LGB performance: complete annually				X	
	Chair's performance: carry out 360 review periodically		X		X	
	Trustee / committee / LGB member contribution: review annually		X		X	
	Succession: plan		X	<A>	X	A
	Annual schedule of business for trust board: agree		X	<A		
	Annual schedule of business for LGB: agree			A>	X	A
Reporting						
Reporting	Trust governance details on trust and academies' websites: ensure		X	<A		X
	Academy governance details on academy website: ensure		X	<A		X
	Register of all interests, business, pecuniary, loyalty for members/trustees/committee members: establish and publish		X	<A	X	
	Annual report on performance of the trust: submit to members and publish		X	<A		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		X	<A		
	Annual report work of LGB: submit to trust and publish				X	A

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	HT
Being Strategic						
Being Strategic	Determine trust-wide policies which reflect the trust's ethos and values (facilitating discussions with unions where appropriate) including: admissions; charging and remissions; complaints; expenses; health and safety, premises management; data protection and FOI; staffing policies including capability, discipline, conduct and grievance: approve		X	<A	<A	<A
	Determine school-level policies which reflect the school's ethos and values to include e.g., admissions; SEND; safeguarding and child protection; curriculum; behaviour: approve			A>	A	X
	Central spend / top slice: agree		X	<A	Input	
	Management of risk: establish register, review, and monitor		X	<A>	X	A
	Engagement with stakeholders	X	X	X	X	X
	Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		X	<A	<A	<A
	Schools' vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine			A>	X	<A
	Chief executive officer: Appoint and dismiss		X			
School HTs : Appoint and dismiss			A>	X	<A	

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	HT
Being Strategic	Budget plan to support delivery of trust key priorities: agree		X	<A		
	Budget plan to support delivery of school key priorities: agree			A>	X	<A
	Trust's staffing structure: agree		X	<A		
	School staffing structure: agree			A>	X	<A
Holding to account						
Holding to account	Auditing and reporting arrangements for matters of compliance (e.g., safeguarding, H&S, employment): agree		X	<A>	X	A
	Reporting arrangements for progress on key priorities: agree		X	<A>	X	A
	Performance management of the Chief Executive Officer: undertake		X			
	Performance management of school headteacher: undertake			X	X	
	Trustee monitoring: agree arrangements		X	<A		
	LGB member monitoring: agree arrangements				X	A

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	HT
Ensuring financial probity						
Ensuring financial probity	Chief financial officer for delivery of trusts detailed accounting processes: appoint		X	<A		
	Trust's scheme of financial delegation: establish and review		X	<A		
	School's scheme of financial delegation: establish and review		X	<A	Input	
	External auditors' report: receive and respond	X	X	<A	X	A
	CEO pay award: agree		X			
	School headteacher pay award: agree			X	<A	
	Staff appraisal procedure and pay progression: monitor and agree		X	A>	A	X
	Benchmarking and trust wide value for money: ensure robustness		X	<A		
	Benchmarking and academy value for money: ensure robustness				X	A
	Develop trust wide procurement strategies and efficiency savings programme			X		