

EMLC ACADEMY TRUST

SCHEME OF DELEGATION

EFFECTIVE DATE: 1 September 2016

CONTENTS

- 1. INTRODUCTION**
- 2. VISION AND VALUES**
 - 2.1 Vision and Values
 - 2.2 Principles for Effective Partnership
- 3. ACCOUNTABILITY: GOVERNANCE AND MANAGEMENT STRUCTURES**
 - 3.1 Overall Structure
 - 3.2 Role of Members
 - 3.3 Role of the Trustees and the Strategic Board
 - 3.4 Role of the CEO, Managing Director and the Executive Team
 - 3.5 Role of the Local Board¹
 - 3.6 Other Committees and Further Delegation
- 4. THE ROLE OF THE LOCAL BOARDS AND THE ROLE OF THE PRINCIPAL**
 - 4.1 Delegated Authority and Responsibilities
 - 4.2 School Budget
 - 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**

¹ Other options include School Community Board, Academy Committee or School Advisory Committee

5.1 Supervision and Reporting

5.2 Intervention

6. FUNCTIONING OF THE LOCAL BOARD

6.1 Constitution of the Local Board

6.2 Appointment of members of the Local Board

6.3 Term of office

6.4 Resignation and removal of members of the Local Board

6.5 Disqualification of members of the Local Board

6.6 Appointment of Chair and Vice Chair

6.7 Meetings

6.8 Quorum for Meetings

6.9 Notices

APPENDICES

1. SUMMARY OF KEY DELEGATED RESPONSIBILITIES

1. INTRODUCTION

- 1.1 EMLC Academy Trust (referred to herein as the “**Trust**”) was established on 19th July 2012. In consequence of it entering into both a Master Funding Agreement and a number of Supplemental Funding Agreements (the “**Funding Agreements**”), the Trust is a multi-academy trust capable of operating and maintaining a number of academies (the “**Academies**”).
- 1.2 The Trust is both a company limited by guarantee, registered at Companies House (Company Number 8149829) and, by virtue of its charitable object “to.... advance, for the public benefit, education in the United Kingdom..... by establishing schools” i.e. the Academies, is a charity. The Trust is not a registered charity but an “exempt” charity, regulated by the Secretary of State for Education, who acts as the principal regulator.
- 1.3 The Trust’s constitution is set out in its “**Articles of Association**” and this Scheme of Delegation has been put in place in accordance with the provisions of the Articles and should be read in the light of them.
- 1.4 **Notwithstanding the level of delegated responsibility, the Trustees remain legally responsible for all matters in connection with the academies.**
- 1.5 The purpose of this Scheme of Delegation is to provide clarity as to the role and responsibilities of those who contribute to the governance and oversight of the Academies and the Trust itself. All those with governance and management responsibilities must be familiar with this Scheme of Delegation so that appropriate steps can be taken to ensure there is sufficient and proper challenge of those with leadership responsibilities, to ensure that senior leaders are held to account for the performance of the Academies and that there is financial stability within the Trust.
- 1.6 The Trustees reserve the right (in their absolute discretion) to review and alter this Scheme of Delegation and the level of delegated responsibility at any time, noting that it is likely to be reviewed for its effectiveness at least every two years. Whilst the Scheme cannot take the form of a legally binding contract between the Trust and the Academies and is subject to the overriding duty on the Trustees of the Trust to act freely and in the best interest of the Trust and the Academies, in so far as the Trustees are able they agree to abide by the provisions of it and will consult on any significant changes.
- 1.7 The Effective Date of this Scheme of Delegation is 1 September 2016.

2. VISION AND VALUES

Vision and Values

2.1 The Trust's mission is as follows:

“Every Child Deserves to be the Best That They Can Be”

The mission of the Trust is to deliver inspirational academies that stand with the best in the world. We will develop a chain of academies where every child has the right to get the very best from any academy they are in. All our academies will provide outstanding education for its pupils so that each child thrives socially, emotionally, culturally and academically and are then ideally positioned to maximize their life opportunities in and beyond whatever the stage of their education. We want each of our academies to be recognised as a centre of educational excellence. We will achieve this through highly effective leadership, high quality teaching and learning which result in all children achieving the highest standards of achievement possible for them.

We are driven by the moral purpose of making a significant difference to the educational achievement of every child in our academies.

The Trust is sponsored by EMLC a charity registered with company number 04813638 and charity number 1101512.

2.2 Principles for Effective Partnership

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

2.2.1 Equal Partners

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

knowledge and best practice, to fulfil the Trust's mission, vision and values.

2.2.2 Transparency

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

2.2.3 Subsidiarity

Decisions are to be taken at the level nearest to those affected by those decisions which is compatible with the principles of solidarity and support for the common good, avoiding unnecessary bureaucracy and aiming in so far as possible to make changes to established practices only where it can be demonstrated there is a reasonable need and in order to learn from experience or adapt to changing circumstances. Where governance responsibility is delegated appropriate decision making authority will be given. The parameters of such authority will be clear and those to whom responsibility is given will be required to report to those who retain overall responsibility.

2.2.4 Solidarity

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

2.2.5 The Common Good

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

3. ACCOUNTABILITY: GOVERNANCE AND MANAGEMENT STRUCTURES

3.1 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. The Members are appointed by EMLC.
- 3.1.3 The corporate management and both “trustee” and “director” responsibility for the Trust is vested in the “**Trustees**”, who will also be trustees for charity law purposes and company directors registered with Companies House. The Trustees are personally responsible for the actions of the Trust and the academies and are accountable to the Members, the Secretary of State for Education and the wider community for the quality of the education received by all pupils of the academies and the expenditure of public money. The Trustees are required as trustees and pursuant to the Funding Agreements to have systems in place through which they can assure themselves of the quality, safety and good practice of the affairs of the Trust. The Trustees meet as a board of Trustees, generally known as the “**Strategic Board**”. All Trustees have the same responsibility to act in the best interests of the Trust and the academies, irrespective of their role on the Board i.e. whether appointed in an executive capacity, such as the “**Managing Director**”, or nominated by one or more of the academies.
- 3.1.4 The Trustees oversee the management and administration of the Trust and the academies run by the Trust and delegate authority and responsibility to others, including executive officers and school leadership teams who can undertake the day-to-day management of the academies. The Strategic Board will continue to have the necessary strategic and legal oversight of the Trust and will monitor all

activities; determining the strategic direction of the Trust, assessing the performance of the academies and establishing and reviewing the policies and practices governing the life of the academies.

3.1.5 Articles 101–104 provide for the appointment by the Trustees of committees or working groups to whom the Strategic Board may delegate certain functions and responsibilities. In addition to the committees referred to later in this Scheme of Delegation, the Strategic Board has established “**Local Boards**” (Local Governing Bodies and Academy Improvement Boards as appropriate to the needs of the academy) for the academies to support the Strategic Board and the leadership teams within the academies. The Local Boards are accountable to the Strategic Board in relation to any matter delegated to it.

3.1.6 Article 107 states that the responsibility for appointing the Managing Director and any principal or headteacher of an Academy (“**Principal**”) is vested in the Strategic Board and under Article 105 the Strategic Board may delegate such power and responsibility to such persons as are required for the proper management and organisation of the Trust and the relevant academy as the case may be. All Principals will report to the Managing Director, who in turn reports to the Strategic Board. Notwithstanding this, the Local Boards will play an active part in supporting the Principal and will liaise as appropriate with the Managing Director and the Strategic Board more generally in relation to the oversight of executive officers and leadership teams within the Trust.

3.1.7 A “**Summary of Key Delegated Responsibilities**” 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 separation between the Members and the Trustees as “this enables members who are independent of the

trustees to provide challenge and scrutiny to the board” (Governance Handbook November 2015).

3.2.2 The Department for Education recommends that the Trust has five members, but fewer may be possible and the Articles only require three. Some of the Members may also be Trustees, provided these are not employees of the Trust. The appointment of the Members by EMLC will reflect the strategic relationship between the Trust and the EMLC charity and the Members’ role is to reinforce this relationship to ensure both organisations grow together and preserve the shared values and principles underpinning both.

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; 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 also of the Strategic Board to make such appointments), recognising EMLC’s power also to appoint Trustees.

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

3.3 Role of the Trustees and the Strategic Board

3.3.1 The Trustees have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and maintaining of the academies (which includes taking existing schools

into the Trust and opening new schools). The Trustees have the power to direct change where required.

- 3.3.2 As trustees of a charity, the Trustees have a fiduciary duty to act in good faith in the best interests of the charity. This duty includes a responsibility to do the following:
- 3.3.2.1 to ensure compliance with any legal obligations;
 - 3.3.2.2 to report on the charity's activities (the Trust must prepare accounts in accordance with the Statement of Recommended Practice for Charities, the so called "**Charity SORP**" and any reporting requirements of the Education Funding Agency);
 - 3.3.2.3 to fulfil the charitable object of the charity as set out in its constitution (i.e. the **Articles of Association**) and to act in a way which is compliant with the rules of the charity contained in the Articles;
 - 3.3.2.4 to act with integrity and to avoid any personal conflicts of interest and not to misuse any charity funds or assets;
 - 3.3.2.5 to act prudently in the financial management of the Trust, avoiding putting any assets, funds or reputation of the Trust at undue risk;
 - 3.3.2.6 to exercise reasonable care and skill, using personal knowledge and experience to ensure the Trust is well run and efficient; and
 - 3.3.2.7 to act responsibly, getting advice from others, including professional advisors, where appropriate.
- 3.3.3 The Trustees must act independently and in the best interest of the Trust, even if those interests conflict with those of the body or organisation that might have appointed or nominated such Trustee to serve on the Strategic Board. This will include a conflict of loyalty where there is no obvious benefit involved, as well as a conflict of interest. The Strategic Board has adopted a formal **Conflict of Interest Policy** 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 EFA's guidance on "related party transactions" which all those involved in the running of the Trust must have regard to. This does recognise however the fundamental and necessary relationships between the Members, the Trustees and the academies in both governance and management terms and that individuals may serve in a number of capacities and at numerous levels within the Trust.

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

3.3.4.1 to determine and fulfil the shared vision and ethos of the Trust and the academies, acknowledging the uniqueness of each individual academy and the needs of the communities they serve;

3.3.4.2 to develop a strategic plan for the Trust and to effectively communicate that plan so this can be implemented across the Trust and all the academies, including deciding on any future expansion of the Trust and developing the relationship that the Trust has with the Secretary of State for Education (including also the Department for Education, the Education Funding Agency and Ofsted);

3.3.4.3 to develop and support strategic partnerships with other bodies and organisations, including service providers and government agencies, which will further the Trust's strategic plan;

3.3.4.4 to provide challenge and support to the Managing Director and the Principals;

3.3.4.5 to determine and ensure the implementation of policies and procedures which it is intended will achieve a consistently high standard of education and financial prudence across the Trust dealing with (but not limited to) the following:

- Human Resources/Employment

- Audit & Risk Management
- Financial Management
- Contingencies and Reserves
- Governance
- Health & Safety
- Safeguarding
- Standards and Educational Performance
- Operational Matters
- Data Management
- Complaints and Appeals
- Legal Compliance

3.3.4.6 to make or facilitate the making of suitable appointments of individuals who will serve on the Local Boards, including removing such individuals who fail to fulfil the expectations of them as set out in this Scheme of Delegation (Trustees are not expected to serve on a Local Board but occasional overlap is permitted);

3.3.4.7 to approve the overall Trust budget and the heads of expenditure within the academies establishing a **Finance Committee** to support the Strategic Board in this function;

3.3.4.8 to supervise the effectiveness of the academies and the Principals, ensuring there is regular reporting through the Managing Director and proper management of outcomes and objectives, intervening if necessary in accordance with the procedures set out in this Scheme of Delegation;

3.3.4.9 to formally appoint the Managing Director and the Principals, supporting or undertaking their performance management by the Managing Director (as appropriate) and ensuring there are programmes in place for the professional development and review of performance of all staff;

3.3.4.10 to ensure there is a comprehensive system of support in place within the academies, emphasising the benefits of

collaborative working across the academies and procurement efficiencies for common services and resources;

3.3.4.11 to ensure there is a proper system for the internal audit of the accounts of the Trust (including the academies) and the financial procedures followed by the academies, facilitating the preparation of the Trust's accounts, establishing a formal **Audit Committee** which will be responsible for reviewing the finances of the Trust and the academies and carrying out periodic internal audits of the academies' financial processes, procedures and accounting records;

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

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

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

3.3.5 Specific skills may be needed if a Trustee is to take responsibility for and lead on a specific area, or to undertake the role of the Chair of the Trust. A regular skills audit will be undertaken and Trustees should expect to be able to articulate their contribution to the success of the Trust and the academies.

3.4 **Role of the CEO, Managing Director and the Executive Team**

3.4.1 The "**Executive Team**" is the executive arm of the Strategic Board, focusing on operations and resources (including HR, finance and policies) and supporting the educational performance of the Academies. The Executive Team works directly with the staff in each Academy to ensure that the Trust's strategic plan (incorporating the Academies development plans) is being implemented and the required outcomes are achieved in accordance with the direction and vision of the Strategic Board.

- 3.4.2 The CEO is seconded to provide leadership and strategic support to the Trust executive. The MD is operationally responsible to the Board and is line-managed by the CEO.
- 3.4.3 The Managing Director will be the “**Accounting Officer**” for the Trust, who is personally responsible to Parliament and to the accounting officer of the EFA for the resources under the control of the Trust. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which they are answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; for ensuring value for money; and for the efficient and effective use of all the resources in their charge. Essentially the Accounting Officer must be able to assure Parliament and the public of high standards of probity in the management of public funds.
- 3.4.4 The primary responsibilities of the Executive Team are:
- 3.4.4.1 to manage the processes for schools joining the Trust (including carrying out appropriate due diligence and identifying any actions required to address areas of weakness or opportunities for improvement);
 - 3.4.4.2 to advise on and facilitate or provide (as required) the necessary operational and management support to each Academy, advising on policies in core areas of the operation in accordance with the requirements of the Strategic Board. These core areas include legal compliance, risk management, teaching and learning/standards, training (Governor and staff), finance, HR and ICT;
 - 3.4.4.3 to specify management controls and reporting requirements, audit the associated processes, procedures and outcomes in each Academy, identify and deliver appropriate training and support and (as the Managing Director) report to the Strategic Board on progress and concerns
 - 3.4.4.4 to provide operational and management support to the Principals and senior leadership teams within the Academies (including advising on expenditure and target setting), as well

- as assist the Local Governing Bodies in achieving the collective strategic aims and objectives;
- 3.4.4.5 to advise on staffing structures within the Academies, identifying areas where collaboration will lead to improvements in teaching and learning and/or efficiencies;
 - 3.4.4.6 to implement and review systems for the benchmarking of the Academies across the group (including financial as well as educational performance), developing systems for cross fertilisation and supporting the Strategic Board in maximising the opportunities for resource sharing and collaboration;
 - 3.4.4.7 to ensure that insurance or risk protection cover is put in place and maintained for all risk areas including damage to property, employer liability, public and third party liability and director/trustee liability;
 - 3.4.4.8 to undertake the strategic management of the whole school estate, advising the Strategic Board on areas of risk and assessing the Trust's overall safeguarding responsibilities, including drawing up a long term estate plan which identifies areas in need of expansion and/or development and areas likely to be surplus to requirements;
 - 3.4.4.9 to take a lead on any capital bids and allocations, supporting the Academies' premises teams to carry out works safely and cost effectively; and
 - 3.4.4.10 putting forward budgets for the Trust (and each of the Academies) for the Strategic Board to approve.
- 3.4.5 The Executive Team under the direction of the “**Chief Financial Officer**” will also supervise and facilitate the production of accounts (both at Academy and Trust level) and the auditing of those accounts for disclosure purposes and will report on the activities of all the Academies to the relevant statutory bodies.
 - 3.4.6 The cost of the functions undertaken by the Executive Team and the Strategic Board (including the Managing Director and the CEO) are generally funded on a fair and equal basis by the Academies by the

contribution of a percentage of the government funding provided for each Academy (the “**Management Fee**”). This contribution will be set each year against a budget for the shared costs approved by the Strategic Board. The percentage may vary according to the level of activity carried out by the Executive Team. Additional funding received by the Trust from other sources (such as government grants and income received from other schools and organisations in return for traded services) will contribute directly to the shared costs and will offset the Management Fee required from the Academies. An Academy may be asked to reimburse any third party costs payable to consultants where additional support has been agreed or has been necessary.

3.5 The role of the Local Board

- 3.5.1 The role of those serving on a Local Board is an important one, ensuring there is local accountability for the performance of the Trust and the academies and that the academies serve their communities. The Strategic Board has established Local Boards for each of the academies (including any transitional arrangements), for the most part made up of individuals drawn from the academy’s community, both as elected and appointed members.
- 3.5.2 Those serving on such Local Boards are accountable to the Strategic Board and must ensure that at all times they act in good faith and in the best interests of the academies and the Trust, exercising reasonable care and skill having particular regard to personal knowledge and experience. As with the Trustees, the members of the Local Board must comply with the Trust’s Conflict of Interest Policy.
- 3.5.3 Specific skills may be needed if an individual is to take responsibility for and lead on a specific area, or to undertake the role of the Chair of the Local Board. A regular skills audit will be undertaken and members of the Local Board should expect to be able to articulate their contribution to the success of the Trust and the academies.
- 3.5.4 The specific tasks and responsibilities of the members of the Local Board are as follows, with further detail set out in Section 4 of this Scheme of Delegation:

- 3.5.4.1 to monitor how the academy fulfils the vision and ethos of the Trust in so far as it relates to the academy and 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;
- 3.5.4.2 to ensure the safety and wellbeing of all pupils at the academy implementing policies as identified by the Trust;
- 3.5.4.3 to monitor the implementation of the academy's strategy for improvement as set out in its development plan, focussing on the academy's performance and any curriculum and budgeting priorities identified by the Managing Director;
- 3.5.4.4 to support the Principal and senior leadership team in monitoring pupil progress and analysing any performance data in the light of the academy's strategy for improvement and performance targets;
- 3.5.4.5 to support the Strategic Board in providing scrutiny of the academy's senior leadership team for all aspects of the academy's performance;
- 3.5.4.6 to monitor the expenditure of the academy's annual budget in line with the appropriate risk and financial management policies and practices including in particular any adopted by the Strategic Board for application across all the academies;
- 3.5.4.7 to support the Managing Director and the Principal in the development and review (from time to time) of an appropriate staffing structure for the academy, feeding back any experiences which may contribute to robust and accountable monitoring of the performance of staff in line with any policies relating to staff adopted by the Strategic Board;
- 3.5.4.8 to support the Strategic Board in its monitoring and evaluation of the delivery of any central or shared services and functions provided or procured by the Trust for the academies, reporting any issues or concerns to the Managing Director and, if necessary, the Chair of the Strategic Board;

- 3.5.4.9 to contribute to the development and review of any academy policies which the Strategic Board has indicated should be formulated at academy level;
 - 3.5.4.10 to promote the benefits of collaboration with the other academies and to actively seek opportunities to work together either with the aim of improving economic efficiencies within the academies or identifying and implementing best practice;
 - 3.5.4.11 to develop effective links within the academy's community, communicating openly and frequently as appropriate contributing to meeting its responsibilities to the community and serves the community's needs in relation to the safeguarding and education of its pupils; and
 - 3.5.4.12 to engage fully and openly with any inspection of the academy, whether by the Strategic Board, Ofsted or any other appropriate public body to whom the academy is accountable, supporting the Managing Director and the Trustees in providing the necessary background and local context in respect of the Academy and its performance in line with objectives and against targets.
- 3.5.5 The Strategic Board also recognises the role that the Academies play in their communities and the Local Board is free to decide how such support and patronage is given. The Local Board 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 Board shall ensure that any formal collaboration or support with third parties, including with those with whom the Trust has a strategic partnership e.g. EMLC is appropriately documented and the details notified to the Managing Director and Audit Committee to assess effectiveness and where financial support is provided for accounting reasons.

3.6 Committees and Further Delegation

- 3.6.1 Subject to the provisions of the Articles of Association, in addition to the Local Governing Bodies the Strategic Board may establish any other committee or working group to advise and inform the Trustees to support them in their decision making.
- 3.6.2 Provided such power or function has been delegated to the Managing Director, the Managing Director may further delegate to the Principal 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 Strategic Board may impose and shall be consistent with any policy or statement of recommended practice issued from time to time by the Strategic Board and may be revoked or altered by the Strategic Board at any time.
- 3.6.3 Where any power or function of the Strategic Board is exercised by the Managing Director or the Principal or any other holder of an executive or leadership post (as the case may), that person shall report to the Strategic Board in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Strategic Board immediately following the taking of the action or the making of the decision.

4. **THE ROLE OF THE LOCAL BOARDS AND THE ROLE OF THE PRINCIPAL**

When a new academy joins the Trust, governance will normally be vested in an Academy Improvement Board (AIB) to improve the performance of that academy at a pace. When the academy is sufficiently improved the AIB will be replaced by a Local Board (LB). On occasions as decided by the Strategic Board an academy will have an LB from the outset.

4.1 **Delegated Authority and Responsibilities**

4.1.1 Those to whom delegated responsibility is given must acknowledge the limitations on their authority and must not act outside of their authority. Any wilful disregard of the matters expressed in this Scheme and in particular the Terms of Reference for the Local Board is likely to lead to a removal of delegated authority. No alteration of the Articles or change to the Scheme or removal of delegated authority shall invalidate any prior act of the Local Board which would have been valid if that alteration or withdrawal had not been made.

4.1.2 As a matter of general principle, the Local Board and the academy more generally will adopt and will comply with all policies adopted by the Strategic Board and will comply with any direction issued by the Strategic Board and have regard to any advice given.

4.2 **School Budget**

4.2.1 The Local Board shall oversee the exercise of the following powers which have been delegated to the Principal and the academy's senior leadership team, namely:

4.2.1.1 to develop a budget for expending the funds of the Trust approved by the Strategic Board in agreement with the Trust, and monitor expenditure against that budget; and

4.2.1.2 to enter into contracts on behalf of the Trust in so far as they relate to the academy and are within the scope of the Principal's and/or Local Board's responsibility as set out in this Scheme of Delegation

subject to compliance with the policies and procedures set out in the EMLC Academy Trust Finance Manual circulated to all academies.

- 4.2.2 No Trust monies (whether or not authority to expend has been devolved to the academy) shall be paid into any bank account other than a bank account authorised by the Strategic Board.
- 4.2.3 The Trust's accounts shall be the responsibility of the Strategic Board but the relevant Principal shall provide such information about the academy, as often and in such detail and format as the Chief Financial Officer and/or the Finance and Audit Committee shall reasonably require, in order to carry out an internal audit of the academies in accordance with the requirements of the Academies Financial Handbook. Without prejudice to the above, the Principal shall provide management accounts in an approved format to the Chief Financial Officer and/or the Finance and Audit Committee at least once per term (three times per year) or as requested by the Finance and Audit Committee.
- 4.2.4 The Local Board shall monitor how the academy follows the Trust's controls, policies and procedures to ensure the safeguarding of funds and assets, satisfying the requirements of the Academies Financial Handbook and the obligations on the Trust in the Funding Agreements as well as any requirements and recommendations of the Chief Financial Officer and/or the Finance and Audit Committee and the Education Funding Agency.
- 4.2.5 The Strategic Board acknowledges the Local Board's right and intention to use any voluntary (i.e. non grant) funds (including any restricted funds) raised by the academies for the purposes for which they have been raised and otherwise solely at the discretion of the Local Board provided this is within the charitable object of the Trust. Proper accounts will be kept by the Principal 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.
- 4.2.6 The Strategic Board also acknowledges that from time to time the Academies themselves may seek to generate additional funds by undertaking certain activities, such as: 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.

- 4.2.7 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 Strategic Board with particular advice from the Chief Financial Officer. Any income generated from such activities will be reported separately and retained centrally for the benefit of all the academies in the Trust.
- 4.2.8 The Local Board will ensure the Principal fulfils any requirements of the Executive Team and notifies the Chief Financial Officer (or as directed) as soon as reasonably practicable following the occurrence of an event where loss has been suffered or is threatened. The responsibility for notifying the insurers or the EFA (as the case may be) is the Principal's. The Chief Financial Officer and the Principal will provide each other with all necessary information and assistance as may be helpful in the management of any claims.

4.3 **Curriculum and Standards**

- 4.3.1 The Managing Director shall be responsible for the setting and review of the education plan outlining the curriculum priorities for the academies in recognition of the Strategic Board's obligation to the Secretary of State to provide a broad and balanced curriculum.
- 4.3.2 Whilst the Principal shall be responsible for the standards achieved by the academy and the pupils attending the academy, the Local Board shall support the Principal in setting targets and reviewing the performance data, both following such advice and recommendations of the Managing Director as they might issue from time to time in relation to benchmarking and locally agreed priorities.
- 4.3.3 The Principal will be responsible for the curriculum on a day-to-day basis and for implementing any strategic plan for the improvement of standards and attainment at the academy, with the support of the Local Board.
- 4.3.4 The Principal shall develop and with the support of the Managing Director implement any action plan designed to address any area in need of improvement in the academy and the Local Board shall

support the Principal, promoting any necessary action and helping to communicate messages to staff and parents as need be.

4.3.5 The Local Board, with the Trust's knowledge, 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 Board 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 The formal power to appoint all staff, including the Principal of each Academy, is vested in the Strategic Board, who will delegate appointment decisions to the Managing Director, involving the relevant Principal for academy staff or further delegating appointment decisions to the Principal where agreed.

4.4.2 The Strategic Board may delegate such powers and functions as they consider are required by the Principal for the internal organisation, management and control of the academy (including the implementation of all policies approved by the Strategic Board for the direction of the teaching and learning and curriculum at the academy).

4.4.3 The appraisal and performance management of the Principal will be undertaken by the Managing Director together with the Chair of the Local Board. Any disciplinary action or capability review will be undertaken by the Strategic Board (at the request of the Managing Director and with their involvement).

4.4.4 The appraisal and performance management of all other staff will be undertaken by the Principal, with the support of the Local Board and/or Managing Director as directed. Any disciplinary action or capability review will be undertaken by the Managing Director in conjunction with the Principal (with a right of appeal to the Strategic Board).

4.4.5 The Local Board will monitor the Principal ensuring that he or she will:

- 4.4.5.1.1 implement and comply with all policies dealing with staff issued by the Strategic Board from time to time;
 - 4.4.5.1.2 take account of any pay terms set by the Strategic Board;
 - 4.4.5.1.3 adopt any standard contracts or terms and conditions for the employment of staff issued by the Strategic Board;
 - 4.4.5.1.4 adopt appropriate and transparent procedures for the recruitment of staff;
 - 4.4.5.1.5 manage any claims and disputes with staff members having regard to any advice and recommendations given by the Executive Team and/or the Trust's insurers or the EFA;
 - 4.4.5.1.6 bring to the attention of the Managing Director and, if required, the Trust's insurers and/or the EFA without delay any claims or disputes with staff that may require a hearing by a panel of members of the Local Board or the Strategic Board where escalation is necessary;
 - 4.4.5.1.7 seek the advice of the Managing Director 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.
- 4.4.5.2 The Principal shall put in place procedures for the proper professional and personal development of staff taking into account any training and support available from or procured by the Executive Team.

4.5 Admissions and Exclusions

- 4.5.1 The Managing Director shall be responsible for the setting and review from time to time of the academy's admissions policy provided that no material change will be made to the admissions criteria without the approval of the Strategic Board.
- 4.5.2 Any decision to expand the academy shall be that of the Strategic Board but who shall have regard to the views of the Principal, the Local Board and the Managing Director.
- 4.5.3 Any appeal against admissions shall be heard by an independent appeal panel established and authorised by the Local Board with the Managing Director.
- 4.5.4 The Local Board shall consider any decision by the Principal to exclude any pupil and will be the appropriate body for reconsidering any decision to readmit required by any independent panel hearing.

4.6 Premises

- 4.6.1 The day to day maintenance and care of the buildings and facilities used in respect of the academy is the responsibility of the Strategic Board (with management responsibility being delegated to the Executive Team), 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 Trust (and/or any others) as owner of such buildings and facilities.
- 4.6.2 The Principal shall support the Executive Team in developing a long term estate management strategy that will identify the suitability of building and facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the Trust's legal responsibility to ensure the buildings and facilities used by each Academy are maintained to a good standard. The Local Board will support the Principal in the implementation of the agreed strategy and will monitor its effectiveness, advising on any change in circumstances which might necessitate a review by the Strategic Board.

- 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 Board but managed by the Principal.
- 4.6.4 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Strategic Board who will delegate management responsibility to the Executive Team.

4.7 **Community Activities and Community Engagement**

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

5. SUPERVISION AND INTERVENTION - RISK MANAGEMENT

5.1 Supervision and Reporting

5.1.1 Notwithstanding the level of delegated responsibility, the Trustees remain legally responsible for all matters in connection with the academies and they are required to have systems in place through which they can assure themselves of quality, safety and good practice in the academies. The Trust has adopted a Risk Management Policy.

5.1.2 The Local Board has been established to advise the Trustees and provide support to the Managing Director and Principal. It will advise on any risks in the operation of the academy at such times and adopting such format specified by the Strategic Board from time to time.

5.1.3 Particular emphasis is given to circumstances which might lead to prosecution or other litigation or public criticism or adverse publicity or damage to the reputation of the Trust. In such events and in order to minimise risk, the Chair of the Local Board or the Principal will immediately advise the Managing Director or other deputy acting on behalf of the Strategic 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 academy staff;

5.1.3.2 any sexual or violent or illegal act against a child committed by any adult while on the premises of the academy or by a member of staff under any circumstances;

5.1.3.3 the suspension or summary dismissal of any member of staff;

5.1.3.4 any safeguarding issue;

5.1.3.5 any matter or circumstance which involves or might reasonably involve the authorities, including the police, the Counter Terrorism Unit (or any similar body) the local authority and/or the Secretary of State for Education;

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

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

5.2 **Intervention**

5.2.1 The Strategic Board is accountable for the performance of the academies, but the responsibility for oversight of the academies' senior leadership team is shared with the Local Board who play an important part in monitoring performance and supporting the senior leadership team.

5.2.2 If at any time the Strategic Board has concerns over the performance of the academy, or any other matter, it will replace the Local Board with an Academy Improvement Board.

5.2.3 In the event that intervention is either formally threatened or is carried out by the Secretary of State, the Strategic Board expressly reserves the unfettered right to review or remove any power or responsibility conferred on the Local Board under this Scheme of Delegation in such circumstances. Transitional arrangements, such as the appointment of an AIB, may be put in place in such circumstances.

5.2.4 The Strategic Board and the Local Board acknowledge the value of maintaining a good working relationship and agree 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 and to use all reasonable endeavours to agree the measures to be taken to improve standards and the performance of the academy and to support each other in the implementation of those measures, including involving the Managing Director and Principal who will support and advise on steps to be taken and facilitate additional support if needed.

6. FUNCTIONING OF THE LOCAL BOARD

6.1 Constitution of the Local Board

6.1.1 A Local (LB) shall be established at the appropriate time for each of the academies comprising up to 9 members appointed as follows:

6.1.1.1 up to 5 members, appointed by the Trustees;

6.1.1.2 1 staff member, appointed by the LB adopting such process as they may determine;

6.1.1.3 2 parent members, elected or appointed under clause 6.2.1; and

6.1.1.4 the Principal of the Academy, on an ex-officio basis.]

6.1.2 The LB may co-opt members subject to approval in each case by the Strategic Board.

6.1.3 Advisers (including other members of staff in the Academy) may attend meetings provided they do not take part in any decision making.

6.2 Appointment of parent members of the Local Board

6.2.1 The parent member of the LB shall be elected by parents or carers of registered pupils at the academy and he or she must be a parent or carer of a pupil at the academy at the time when he or she is elected.

6.2.2 Any election of persons who are to be the parent members of the LB which is contested shall be held by secret ballot. Where any vacancy exists after inviting nominations, the LB shall have the power to appoint parents to the LB 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 LB shall be 4 years, save that this time limit shall not apply to the Principal 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 members of the Local Board

- 6.4.1 A person serving on the LB shall cease to hold office if he or she resigns his or her office or is removed by the Strategic Board (which the Trustees reserve the power to do without the need to provide any reasons for removal). Any vacancy on a LB will trigger an appropriate appointment or election.
- 6.4.2 If any person who serves on the LB in his or her capacity as an employee ceases to be employed and/or work at the academy then he or she shall be deemed to have resigned and shall cease to serve on the LB automatically on termination of his or her work at the academy.
- 6.4.3 Where a person who serves on the LB 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 LB.

6.5 Disqualification of members of the Local Board

- 6.5.1 No person shall be qualified to serve on the LB unless he or she is aged 18 or over at the date of his or her election or appointment. No current pupil of any academy shall be entitled to serve on the LB.
- 6.5.2 A person serving on the LB 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 LB shall cease to hold office if he or she is absent without the permission of the Chair from all the meetings of the LB held within a period of six months and the LB resolves that his or her office be vacated.
- 6.5.4 A person shall be disqualified from serving on the LB if:
- 6.5.4.1 his or her estate has been sequestered and the sequestration has not been discharged, annulled or reduced;
or
- 6.5.4.2 he or she is the subject of a bankruptcy restrictions order or an interim order.

- 6.5.5 A person shall be disqualified from serving on the LB 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 LB 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 LB 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 LB 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 A person shall be disqualified from serving on the LB if he or she has not provided to the Chair of the LB 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 Managing Director 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 Chair of the Strategic Board to determine the matter. The determination of the Trust Chair shall be final.
- 6.5.10 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the LB, 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 LB.

6.6 Appointment of the Chair and Vice-Chair

6.6.1 The Chair of the LB will be appointed by the Strategic Board. The members of the LB shall each school year, at their first meeting in that year, subject to the approval of the Strategic Board, elect a Vice-Chair from among their number except any person who is employed by the Trust to work at any of the academies.

6.6.2 The role of the Chair of the LB is an important one, demanding yet worthwhile. The Chair forms a vital link between the LB and the Strategic Board and it is important that they maintain a strong and effective relationship between the LB and the Strategic Board. The Chair must be approachable, readily accessible and ready to take issues and ideas raised by the LB seriously.

6.6.3 The Chair's specific duties are to:

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

6.6.3.2 build an effective team, attracting individuals to the LB with necessary skills and experience, promoting equality and diversity, 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 Principal and the Managing Director to ensure there is proper challenge and encouragement;

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

6.6.3.5 hold the members of the LB to account, ensuring the business of the LB 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

6.6.3.6 be available when there is a need to act quickly, taking or supporting the Principal in taking urgent action and making decisions, subject to subsequent ratification by the LB (or the Strategic Board as the case may be).

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

6.6.4.1 he or she ceases to serve on the LB;

6.6.4.2 he or she is employed by the Trust whether or not at the academy;

6.6.4.3 he or she is removed from office in accordance with this Scheme of Delegation; or

6.6.4.4 in the case of the Vice-Chair, he or she is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of the Chair.

6.6.5 Where by reason of any of the matters referred to in paragraph 6.6.4, a vacancy arises in the office of Chair or Vice-Chair; the members of the LB 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 LB shall elect one of their number to act as a chair for the purposes of that meeting.

6.6.8 The clerk to the LB 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 Strategic Board at any time.

6.7 Meetings

6.7.1 The minutes of the proceedings of a meeting of the LB 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 LB and shall be signed (subject to the approval of the members of the LB) at the same or next subsequent meeting by the person acting as chair thereof. The minutes shall include a record of:

6.7.1.1 all appointments of officers made by the LB; and

6.7.1.2 all proceedings at meetings of the LB and of committees of the LB including the names of all persons present at each such meeting.

6.7.2 The Chair shall ensure that copies of minutes of all meetings of the LB shall be provided to the Managing Director as soon as reasonably practicable after those minutes are approved.

6.7.3 Subject to this Scheme of Delegation and provided the LB complies with any requirements of the Strategic Board regarding specific business to be conducted, the LB may regulate its proceedings as it sees fit, provided at all times that there is openness and transparency in matters relating to the LB. The LB is expected to meet once a term.

6.7.4 Meetings of the LB shall be convened by the clerk to the LB

6.7.5 Any three members of the LB may, by notice in writing given to the clerk, requisition a meeting of the LB; and it shall be the duty of the clerk to convene such a meeting as soon as is reasonably practicable.

6.7.6 Each member of the LB shall be given at least seven clear days before the date of a meeting:

6.7.6.1 notice thereof and sent to each member of the LB at the email address provided by each member from time to time; and

6.7.6.2 a copy of the agenda for the meeting;

provided that where the Chair or, in his absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the notice of a meeting, and the copy of the agenda thereof are given within such shorter period as he directs.

- 6.7.7 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received notice of the meeting or a copy of the agenda thereof.
- 6.7.8 A resolution to rescind or vary a resolution carried at a previous meeting of the LB shall not be proposed at a meeting of the LB unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.
- 6.7.9 A meeting of the LB shall be terminated forthwith if:
- 6.7.9.1 the members of the LB so resolve; or
 - 6.7.9.2 the number of members present ceases to constitute a quorum for a meeting of the LB in accordance with paragraph 6.9, subject to paragraph 6.11.
- 6.7.10 Where in accordance with paragraph 6.7.9 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.
- 6.7.11 Where the LB resolves in accordance with paragraph 6.7.10 to adjourn a meeting before all the items of business on the agenda have been disposed of, the LB 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.

6.8 **Quorum for meetings**

- 6.8.1 Subject to paragraph 6.8.3, the quorum for a meeting of the LB, and any vote on any matter thereat, shall be three providing one of those three is a member appointed by the Trustees.
- 6.8.2 The LB 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.
- 6.8.3 Subject to this Scheme of Delegation, every question to be decided at a meeting of the LB shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the LB shall have one vote, with the Chair having a casting vote in the event of a tie.
- 6.8.4 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the LB, shall be valid and effective as if it had been passed at a meeting of the LB 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 LB 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 LB in writing of the email address or addresses which the member will use.
- 6.8.5 Subject to paragraph 6.8.6, the LB shall ensure that a copy of:
- 6.8.5.1 the agenda for every meeting of the LB;
 - 6.8.5.2 the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;
 - 6.8.5.3 the signed minutes of every such meeting; and
 - 6.8.5.4 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.

- 6.8.6 There may be excluded from any item required to be made available in pursuance of paragraph 6.8.5, any material relating to:
- 6.8.6.1 a named teacher or other person employed, or proposed to be employed, at the academy or the Trust;
 - 6.8.6.2 a named pupil at, or candidate for admission to, the academy; and
 - 6.8.6.3 any matter which, by reason of its nature, the LB is satisfied should remain confidential.
- 6.8.7 Any member of the LB shall be able to participate in meetings of the LB by telephone or video conference provided that:
- 6.8.7.1 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
 - 6.8.7.2 the LB 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 videoconference the meeting may still proceed with its business provided it is otherwise quorate.

6.9 Notices

- 6.9.1 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 LB 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.
- 6.9.2 A notice may be given by the LB 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 LB by the member. A member whose registered

address is not within the United Kingdom and who gives to the LB 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 LB.

- 6.9.3 A member of the LB present, either in person or by proxy, at any meeting of the LB shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.
- 6.9.4 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

SUMMARY OF KEY DELEGATED RESPONSIBILITIES

Members	Trustees	Local Board
<ul style="list-style-type: none"> • determine constitution • oversee the Trustees • recognise any strategic partnerships • delegate governance and management responsibility to the Trustees (appointing and removing Trustees where necessary) 	<ul style="list-style-type: none"> • determine strategic vision and overarching strategic plan • provide strategic leadership and governance • provide challenge and support to senior leaders • develop and decide strategic and operational policies • facilitate collaboration • co-ordinate and oversee shared services and resources • develop and oversee the implementation of action plans • set performance benchmarks • determine curriculum priorities • set overall Trust budget and approve of Academy budgets • monitor expenditure in accordance with appropriate authorisations • develop and implement a risk management strategy • determine the Trust's reserves/contingency policy • ensure appropriate insurance or risk cover is put in place • undertake recruitment and performance management of head teachers and other senior leaders • develop staff training programmes and opportunities for professional development • support the development and building of leadership and governance capacity at Academy level • approve of site and asset management strategy • oversee any significant capital expenditure and building projects • approve of all funding applications • decision maker for all appeals 	<ul style="list-style-type: none"> • be accountable to the Strategic Board • monitor implementation of strategic vision • support senior leadership team • oversee expenditure ensuring the Academy works within its budget and implements the Trust risk and financial management policies • support the senior leadership team in the development and review of an appropriate staffing structure • where appropriate, support the head teacher in the recruitment and performance management of strategic personnel • promote collaboration with other Academies in the Trust • contribute to the development and review of Academy policies (e.g. admissions, pupil behaviour, safeguarding) • provide advice and feedback to the Trustees, ensuring the Academy is meeting the needs of its community • support the senior leadership team in relation to curriculum and budgeting priorities • support the senior leadership team in monitoring pupil progress and analysing performance data • support the implementation of any Academy plan, focussing particularly on school performance targets • undertake all and any appropriate community consultation • provide a point of contact for parents, carers and other members of the local community • maintain effective links with the school community and the wider local community



