



# Truro and Penwith Academy Trust

## Scheme of Delegated Authority

SoDA Date:	12 May 2021
Academy:	Newlyn School
SoDA considered and adopted by Local Governing Board on:	March 2022
Signed on behalf of the Local Governing Board:	
Chair of Local Governing Board:	Patsy Williamson

Confirmation statement to be completed and returned for the attention of the Company Secretary to:

[admin@tpacademytrust.org](mailto:admin@tpacademytrust.org)

TPAT, Academy House, Truro Business Park, Threemilestone, Truro TR4 9LD



**Truro and Penwith**  
Academy Trust

## Scheme of Delegated Authority

*“Inspiring learning every day”*

Approved by Board of Trustees: 16 May 2018

Implementation Date: 1 June 2018

Review Date: September 2022

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## **1 INTRODUCTION TO TRURO AND PENWITH ACADEMY TRUST**

Truro and Penwith Academy Trust is a partnership of primary and secondary schools in Cornwall with the shared vision to improve the life chances of all children and young people in its Academies.

The Trust has grown over time with the strategic intention to align hubs of Academies around the centres of operation of Truro and Penwith College, the founding sponsor organisation for the Trust.

The shared ethos for the Trust is to expect high quality learning and teaching in all its Academies to benefit all children and young people, supporting effective professional development to improve teaching, leadership and professional support.

## **2 VISION**

Our vision is to improve the life chances for all children and young people in our Academies.

In order to achieve this, we will:

- recognise and encourage local distinctiveness and individuality
- inspire our Academies to become beacons of aspiration in the communities they serve
- focus on improving learning and teaching for all – to enable all children and young people to have the best possible learning experience, leading to the highest levels of achievement
- work in partnership with the Cornwall Teaching School and our associates to provide bespoke support and improvement activities of the highest quality in our Academies
- work with our Academies to facilitate partnership working and enable all staff to receive high quality development opportunities
- build on Truro and Penwith College's example in high quality leadership and governance and benefit from the expertise of the College to promote excellence in all aspects of education
- support our Academies to be financially sustainable and to retain reserves
- acknowledge the diverse nature of the communities our Academies serve and encourage their full engagement in helping local Academies achieve outstanding outcomes for their students
- be an employer of choice – valuing the skills, contribution and expertise of all employees.

### **3 INTRODUCTION**

This Scheme of Delegated Authority (SoDA) identifies the key responsibilities required in connection with the overall governance and management of the Trust and its Academies.

The SoDA sets out the delegation by the Trustees under the Trust's Articles of Association. It is designed to set out clearly the respective roles and responsibilities across all layers of governance. The different layers of governance are explained in more detail in section 5 (Layers of Governance: Roles and Responsibilities) of this SoDA.

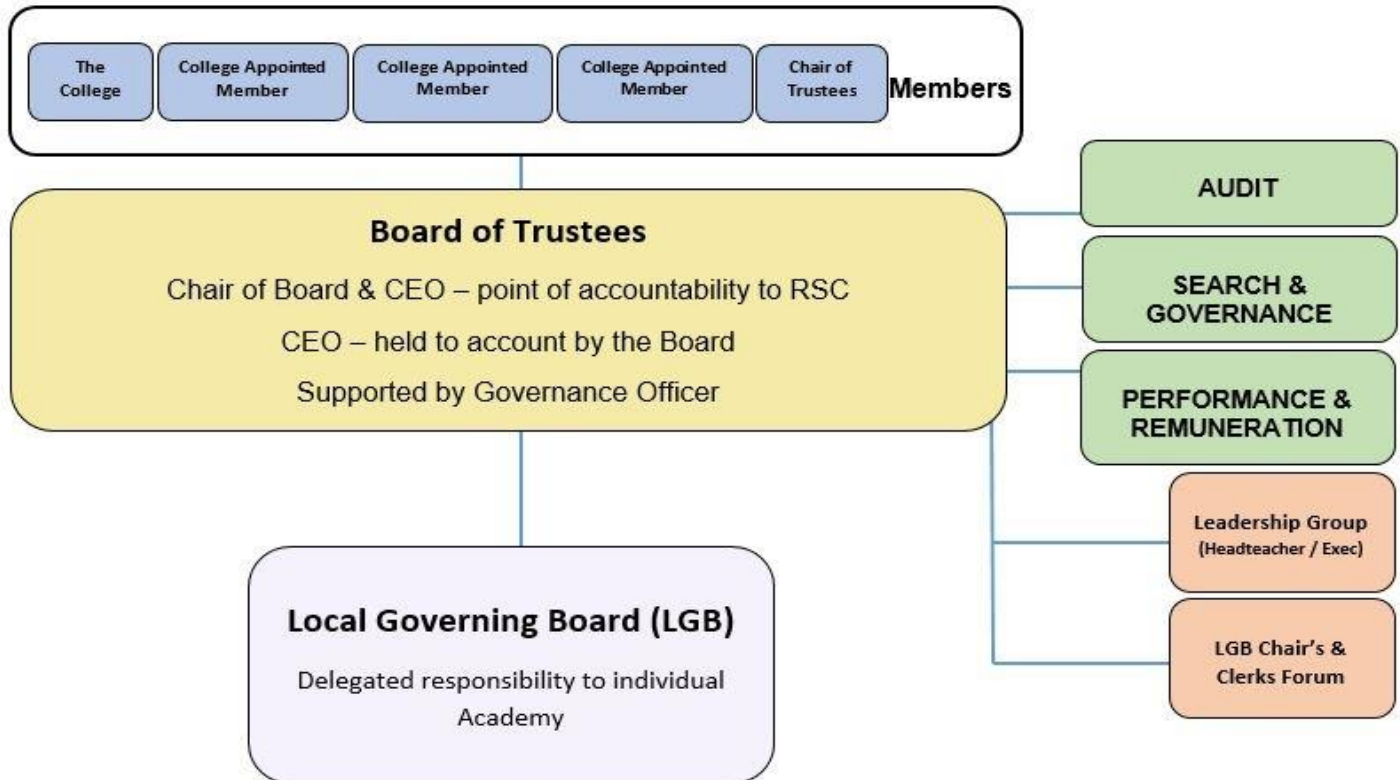
This SoDA should be read in conjunction with the Trust's Financial Procedures Manual (FPM). The FPM is reviewed annually by the Board of Trustees to ensure compliance with the Academies Financial Handbook (AFH).

This SoDA will be reviewed on a regular basis by the Board of Trustees. In the event that any material changes are proposed to this SoDA, the Board of Trustees will have regard to any representations of the LGB. However, this SoDA may only be altered or revoked by the Board of Trustees.

This SoDA may be terminated or amended by the Trustees at any time by giving notice in writing to the LGB. In considering any material changes to this SoDA, including termination, the Trustees will have regard to any views of the LGB.

## 4 GOVERNANCE OVERVIEW

### Governance Structure Diagram:



## **5 LAYERS OF GOVERNANCE: KEY ROLES AND RESPONSIBILITIES**

The Trust is a company limited by guarantee and, in accordance with the Academies Act 2010, is an exempt charity.

The Trust's three core layers of governance are Members, Trustees and Local Governing Boards. We have set out below an overview of the key roles and responsibilities across the different layers of governance.

### **Members**

The Members have ultimate control over the Trust, with the ability to appoint some of the Trustees and the right to amend the Trust's Articles of Association. The Articles of Association describe the legal governance of the Trust. The Articles describe how Members are recruited and replaced and how many of the Trustees can be appointed to the Board of Trustees by the Members. The Members can also remove Trustees. The Board of Trustees submits an annual report to the Members on the performance of the Trust.

### **Trustees**

The Trustees are responsible for the general control of the Trust in accordance with the provisions set out in the Articles of Association and this SoDA. The Board of Trustees is the accountable body for the performance of all Academies within the Trust and, as such, must:

- Ensure clarity of vision, ethos and strategic direction;
- Hold the CEO to account for the educational performance of the Academies and their pupils, and the performance management of staff; and
- Oversee the financial performance of the Trust and make sure its money is well spent.

As mentioned above, the Trust is a company limited by guarantee and an exempt charity. Therefore, Trustees must comply with company, education and charity law requirements. This results in the terms 'Trustees' and 'Directors' being used interchangeably. The use of the term 'Trustee' also distinguishes these individuals from those who are executive officers with the job title of 'Director'.

The Board of Trustees is permitted to exercise all the powers of the Trust. The Board of Trustees delegates, to the CEO, responsibility for the day-to-day operations of the Trust.

The Trustees (with the consent of the Members where changes to the Board of Trustees are at issue) have the right to review and adapt the Trust's governance structure at any time, which includes revoking delegation.

The Board of Trustees meets on a half-termly (or more frequently if necessary) basis. The Board of Trustees has two committees: Audit and Performance and

Remuneration, to undertake core functions. These committees are made up of Trustees with the relevant skills.

## **Conflicts of Interest**

A conflict of interest is any situation in which a Trustee's or a LGB Governor's personal interests (or those of a person or body connected to him or her), influence or appear to influence or affect that individual's decision-making.

The Trust has adopted, and expects Trustees and LGB Governors to adhere to the Code of Conduct.

## **The Trust's Committees:**

There are two Committees appointed by the Trust, as follows:

### **Audit Committee**

With responsibility in summary:

- provide independent oversight of and advice to the Trust Board on the adequacy and effectiveness of the organisation's financial control and reporting systems;
- recommend to the Members the appointment of suitable External Auditors and to advise the Board on both financial and non-financial internal scrutiny arrangements, taking a risk-based approach to commissioning topics of each internal audit report;
- regularly review the risk register for the Trust;
- ensure that adequate levels of external and internal audit are maintained and act as a point of escalation for any concerns identified during audit visits;
- to take such decisions as are devolved to it by the Board - except where the Board has formally delegated decision-making authority to the Committee, its role is advisory.

The Committee meets three times a year on a cycle consistent with the financial activities and requirements of the Trust.

### **Performance and Remuneration Committee**

With responsibility in summary:

- To oversee the performance appraisal and salary review of the Trust's Chief Executive and Senior Leaders, and Headteachers
- To consider and determine the annual performance-related pay progression increases and other terms and conditions of the Headteachers taking account of recommendations from the Local Governing Board as well as affordability, budgetary implications and the framework of pay and conditions for other Trust employees
- To consider and determine the annual pay and other terms and conditions of the Chief Executive and Senior Leaders in the Trust, taking account of affordability, budgetary implications and the framework of pay and conditions for other Trust employees

The Committee meets annually or more frequently if required.



## **CEO**

The CEO is the Accounting Officer with overall responsibility for the operation of the Trust's finances and must ensure that the organisation is run with effectiveness and stability, avoiding waste and securing value for money.

The CEO has responsibility for the operation of the Trust, including the performance of the Trust's Academies and is responsible for all staff across the Trust. The CEO works with a senior team of the Director of Education, Director of Human Resources and the Director of Business and Finance.

## **Headteachers**

Headteachers are responsible for the day-to-day leadership and management of their Academies. All Headteachers will report to both the Chair of their LGB and the CEO.

The Headteachers will work with the CEO and Director of Education to establish standards, sharing school development and improvement plans.

## **Local Governing Boards**

The Local Governing Boards (LGBs) are Committees of the Board of Trustees and have delegated decision-making powers in accordance with this SoDA. The LGBs shall each hold at least three meetings in every school year.

There are eight elements to effective governance\*:-

- The right people around the table;
- Understanding the role and responsibilities;
- Good chairing;
- Professional clerking;
- Good relationships based on trust;
- Knowing the school – its data, staff, parents, children and community;
- Commitment to asking challenging questions; and
- Confidence to have courageous conversations in the interests of the pupils.

\* Ref: National Governors Association eight aspects of effective governance

## 6 COMPOSITION OF THE LGB

The Board of Trustees is ultimately accountable and therefore the Board of Trustees must approve the composition of the LGB. The total number of Governors on the LGB cannot be less than 8 and no more than 16 (or no more than 20 where the LGB has responsibility for more than one Academy). The number of employees of the Trust on the LGB, including the Headteacher, cannot exceed one third of the total number of Governors on the LGB.

The LGB should seek to ensure that the Governors serving on the LGB between them have an appropriate range of skills and experience and that due attention is given to succession planning.

LOCAL GOVERNING BODY			
Type of Governor	Number	Term of Office	How they are appointed
Headteacher	1	Indefinite	The Headteacher or Head of School (as applicable) of the Academy shall be treated for all purposes as being an ex officio Governor of the LGB.
Chair of LGB	1	Annual election	The Chair of the LGB shall be appointed by a majority vote of the LGB governors. The Board of Trustees reserves the right to remove or appoint a Chair if the need arises.
Parent governors	2 Per LGB Or 3 if more than 2 Academies covered by LGB	Up to 4 years	Parent governors shall be elected by the parents of registered pupils of the Academy. He or she must be a parent of, or have parental responsibility for, a pupil at the Academy at the time when he or she is elected.
Staff governors	max 2 for each Academy	Up to 4 years	Staff governors shall be elected by the staff of the Academy.
Co-opted governors	max. 9	4 years	Co-opted governors are selected by the LGB
Trust governors	max. 2	4 years	Trust Governors may be appointed by the Board of Trustees in certain circumstances – these positions are not filled unless required..

Trustees shall be entitled to attend meetings of the LGB provided that they have first informed the Chair of the LGB of their intention to attend. Any Trustee attending a meeting of the LGB shall be entitled to speak but shall not be entitled to vote.

Subject to remaining eligible to be a particular type of Governor on the LGB, any person may be re-appointed or re-elected to the LGB for a second term of office. Proposals to re-appoint or re-elect for a third term of office require the prior approval of the Board of Trustees.

Support and guidance will be provided to enable Governors to develop the necessary skills and knowledge to fulfil their duties as a member of the LGB. Governors will be expected to attend training events and to avail themselves of relevant development opportunities. The Trustees reserve the right to declare certain essential training mandatory for all Governors.

## **7 LGB REMOVALS AND DISQUALIFICATIONS**

A Governor shall no longer serve on the LGB if he or she:

- resigns by giving notice in writing to the Chair of the LGB
- is removed by the Board of Trustees, with notice given, in writing. A copy of the notice is then forwarded to the Chair of the LGB
- is disqualified from being a charity trustee pursuant to the Charities Acts 2011 and 2016
- is subject to disqualification in accordance with the Articles of Association.

If at any time, whether before or after appointment, the Trustees reasonably believe that a Governor is unsuitable to hold such an appointment, the Trustees may direct that such Governor shall resign (or be prevented from taking office). The Trustees shall only use this power in exceptional circumstances.

## **8 PROCEEDINGS OF THE LGB**

### **Appointment and removal of Chair and Vice Chair**

The appointment of the Chair of the LGB shall be determined annually by the LGB Governors and the appointment shall be ratified by the Trustees other than in exceptional circumstances. A person employed by the Trust (whether or not at the Academy) shall not be eligible to be appointed as Chair. See Section 6 Composition of the LGB.

The Governors of the LGB shall elect a Vice Chair annually from among their number. A person who is employed by the Trust (whether or not at the Academy) shall not be eligible for election as Vice Chair.

The Chair and/or Vice Chair may at any time resign his/her office by giving notice in writing to the LGB which will inform the Board of Trustees. The Chair or Vice Chair shall cease to hold office if:

- he/she ceases to serve on the LGB;
- he/she is employed by the Trust whether or not at the Academy;
- he/she is removed from office in accordance with this SoDA.

## **Committees**

The LGB may establish committees which may include individuals who are not Governors, provided that such individuals are in a minority.

The LGB may delegate to a subcommittee or any person serving on the LGB, the Headteacher or any other holder of an executive office, such of their powers or functions as they consider desirable. Any such delegation may be made subject to any conditions either the Trust or the LGB may impose and may be revoked or altered. The person or committee shall report to the LGB in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the LGB immediately following the taking of the action or the making of the decision.

Any committees established by the LGB will have clear terms of reference setting out their responsibilities to the LGB and the Trust.

## **Meetings**

The LGB shall meet at least termly.

Each Governor shall be given at least seven clear days notice before the date of a meeting and a copy of the agenda and relevant papers unless the Chair determines that there are matters demanding urgent consideration in which case shorter notice may be given.

The convening of a meeting and its proceedings shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda and relevant papers.

Subject to the provisions contained in this SoDA, the LGB may regulate its proceedings as the governors think fit.

## **Quorum**

The quorum for a meeting of the LGB shall be 40% of the total number of Governors of the LGB (rounded up to a whole number) at the date of the meeting.

The quorum for a meeting of an LGB committee shall be 40% of the total membership of the committee (rounded up to a whole number) at the date of the meeting.

## **Voting**

Every question to be decided at a meeting of the LGB shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every Governor shall have one vote. Where there is an equal division of votes, the Chair of the meeting shall have the casting vote.

A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the LGB or of a committee of the LGB, shall be valid and effective as if it had been passed at a meeting duly convened and held. Such a resolution may

consist of several documents in the same form signed by one or more Governors and may include electronic communication.

### **Conflicts of Interest**

The clerk to the LGB shall maintain a register of the interests of the Governors (including, but not limited to personal financial interests as defined below). This register shall be made available on request to persons wishing to inspect it and must be published on the Academy website.

Any Governor of the LGB or a committee who has or can have any direct or indirect duty or personal interest (including but not limited to any personal financial interest as defined below) which conflicts or may conflict with his/her duties as a member of the LGB or subcommittee shall disclose that fact to the LGB or committee as soon as he/she becomes aware of it. A person must absent themselves from any discussions of the LGB or subcommittee 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).

A member of the LGB or a committee has a personal financial interest if he/she (or any child, stepchild, parent, grandchild, grandparent, brother, sister or spouse of the member or any person living with the member as his or her partner) is in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the Academy.

### **Minutes of meetings**

The minutes of the proceedings of a meeting of the LGB and of any committees shall be drawn up and signed (subject to the approval of the Governors) at the next subsequent meeting by the Chair of the meeting. The minutes shall include a record of all appointments of Governors and all proceedings at meetings of the LGB and of committees of the LGB, including the names of all persons present at each such meeting. The minutes should also include details of decisions taken and actions agreed. The agreed actions from a previous meeting should be included in the agenda for the next meeting.

The LGB shall ensure that a copy of:

- the agenda for every meeting of the LGB;
- the signed minutes of every such meeting; and
- 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. There may be excluded from any item required to be made available any material relating to a named teacher or other person employed, or proposed to be employed, at the Academy, a named pupil at, or candidate for admission to, the Academy and any matter which, by reason of its nature, the LGB is satisfied should remain confidential.

## **Communications**

The LGB shall ensure that the reports in the formats set out in Appendix 3 shall be provided to the Board of Trustees at the frequencies set out in Appendix 3.

The Chair shall ensure that all members of the LGB, when taking up office, shall receive an induction in governance and Academy finance. The Chair shall also ensure that all members of the LGB receive copies of the key Governance Documents as part of their induction.

On occasions it will be necessary for the Chair to act on behalf of the LGB between scheduled meetings. In these circumstances the LGB delegates to the Chair authority to take action on its behalf, providing that the course of action is not contrary to the Funding Agreement, the Financial Procedures, the Memorandum and Articles of Association or other regulations. Any action taken shall be reported to the next LGB meeting.

## **Operational Matters**

The LGB will adopt and will comply with all policies that the Trustees communicate to the LGB from time to time as being Trust policies, usually following a period of consultation.

The LGB may produce and have in place such other policies as it thinks fit provided that such policies do not contradict or conflict with the policies adopted by the full Board of Trustees.

Both the Trustees and all Local Governors 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.

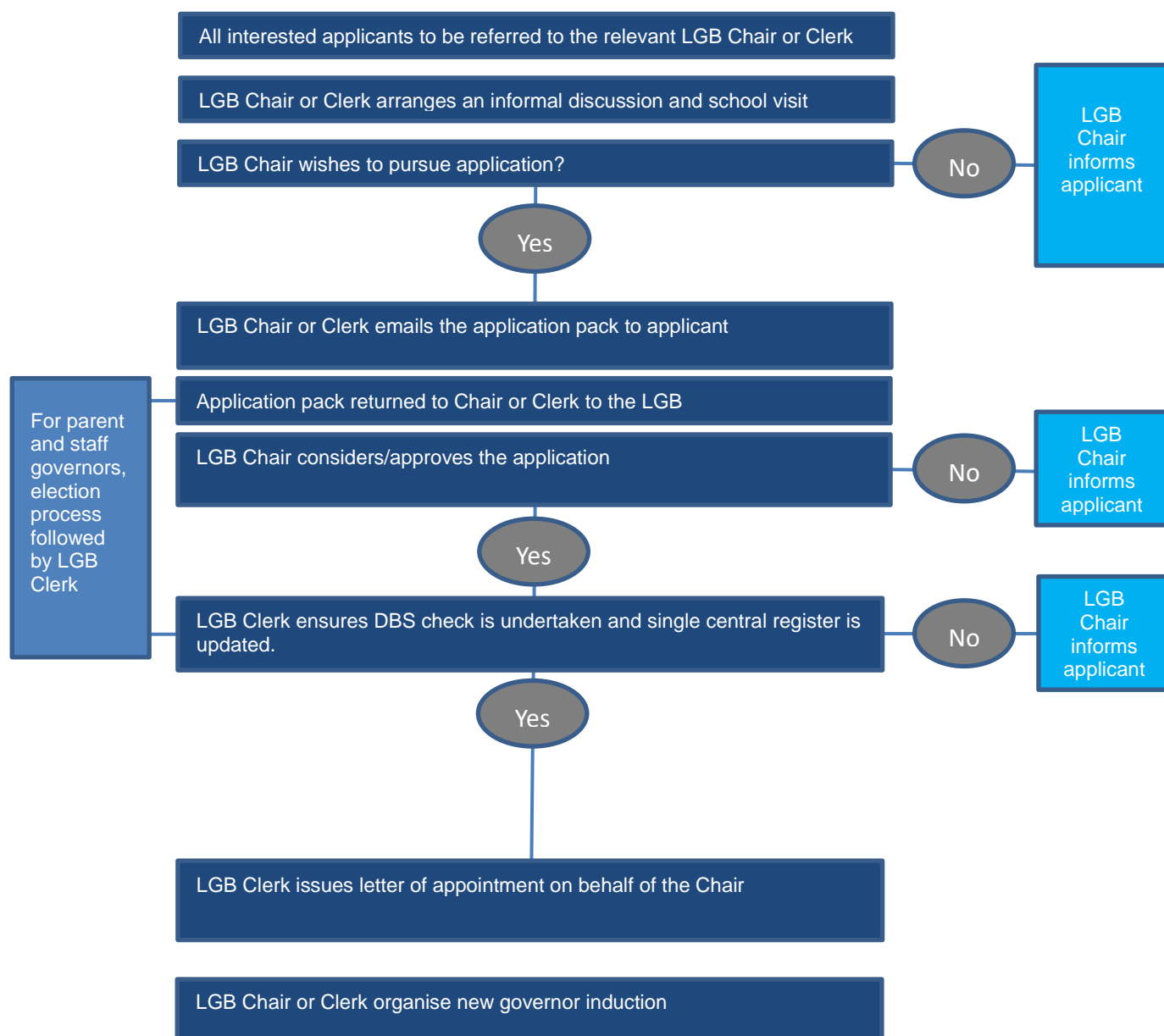
The LGB will review its policies and practices on a regular basis and where necessary will publish up to date policies on the school website.

The LGB shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Trustees may require from time to time.

The LGB shall submit to any inspections by the Trustees and any inspections pursuant to section 48 of the Education Act 2005.

The LGB 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 and the Trustees expressly reserve the unfettered right to review or remove any power or responsibility conferred on the LGB under this SoDA in such circumstances.

## 9 LGB GOVERNOR APPOINTMENT PROCESS



## **10 INTERVENTION TRIGGERS**

The Trust is ultimately responsible for all aspects of the provision of education in accordance with its legal obligations. The Trust desires to delegate many areas of decision making to individual academies but reserves the right to change the level of authority delegated in order to fulfil its legal obligations.

However, if at any time:

- Ofsted rate the Academy as a level 3 (Requires Improvement) or 4 (Inadequate);
- the Academy is predicted to have or has an in-year material deficit budget, either revenue or capital, except where any such deficit is planned and has been approved in advance by the Board of Trustees;
- an event occurs at or in relation to the Academy which is significantly damaging to the reputation of the Trust;
- the LGB is dysfunctional; or
- any event analogous to the above events occurs at or in relation to the Academy,

The Board of Trustees may alter or revoke the authority delegated to the LGB until such time as the Board of Trustees is satisfied that the event that has occurred has been rectified or ceases to cause concern. When making such decisions, the Board of Trustees shall have regard to any representations made by the LGB.

The Trustees have the right (but shall not be required) to direct that all members of the LGB resign their posts and at such time this SoDA shall cease to have effect until such time as the Trustees are satisfied that the event that occurred to trigger the right to exercise these powers has been rectified or ceases to cause concern.

## **11 DELEGATED POWERS**

Subject to the provisions of the Companies Act 2006, to the Academies Financial Handbook, to the Articles of Association, to the DfE Governance Handbook, to the Trust's Financial Procedures Manual, and to any directions given by the Trustees from time to time and in accordance with the terms of this SoDA, the management of the business of the Academy shall be delegated by the Trustees to the LGB who may exercise all the powers of the Trust in so far as they relate to the Academy.

At all times, the Trustees and the LGB shall ensure that the Academy is conducted in accordance with the Articles of Association, the terms of any trust governing the



use of the land which is used for the purposes of the Academy, the funding agreement entered into with the Secretary of State and the Academy, the Academies Financial Handbook and this SoDA.

Appendix 1 of this SoDA sets out the general powers that are delegated to the LGB. Appendix 4 summarises the levels of delegation of responsibilities, obligations and powers within the Trust. Appendix 1 and 4 may be reviewed by the Trustees at any time but shall be reviewed regularly. Trustees reserve the right to remove or alter any delegation at any time, whilst having due regard to, but not being bound by, the views of the LGB.

Any decision to increase or decrease the size of the Academy shall be that of the Trustees who shall have regard to the views and recommendations of the LGB.

The responsibility for the satisfaction and observance of all regulatory and legal matters shall be for the Trustees but the LGB shall do all such things as the Trustees may specify as being necessary to ensure that the Trust is meeting its legal obligations.

No monies received by the Trust (whether or not authority to expend has been delegated to the LGB) shall be paid into any bank account other than a bank account authorised by the Trustees.

If the LGB has a deficit budget or thinks it will have a deficit budget within the next 3 months the Chair of the LGB must notify the Trustees immediately together with reasons for the deficit and a recovery plan..

## **12 NOTICES**

Any notice to be given to or by any person under this SoDA shall be in writing or given using electronic communications to an address provided by that person. Communications to the Board of Trustees may be sent to:

Board of Trustees  
Truro and Penwith Academy Trust  
c/o Governance Officer  
Academy House,  
Truro Business Park,  
Threemilestone,  
Truro  
TR4 9LD

Or to: [governance@tpacademytrust.org](mailto:governance@tpacademytrust.org)

## **13 INDEMNITY**

Subject to the provisions of the Companies Act 2006 and the Trust's Articles every member of the LGB 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/her in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he/she is acquitted or in connection with any application in which relief is granted to him/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 1**

### **General Powers Delegated to the LGB**

#### **1 CONTRACTS**

The LGB shall have the power (subject to the other provisions of this SoDA) to enter into contracts on behalf of the Trust in so far as they relate to the Academy provided that the LGB shall first obtain the written consent of the Trustees to any contracts or expenditure which would commit the Academy and/or the Trust to expenditure (in aggregate) in excess of the financial limits referred to in the Financial Procedures manual.

The LGB should give all contract providers information about its structure, the role of the Trust and details of who is permitted to enter into contracts.

All contracts should be signed by the Headteacher and the Trust's Director of Business and Finance or a Trustee of the Trust.

#### **2 SCHOOL IMPROVEMENT**

School improvement support will be provided through the Trust secondary / primary school improvement model or will be contracted through Cornwall Teaching School (Truro and Penwith College is a designated Teaching School and works in partnership as Cornwall Teaching School). The LGB shall not enter into any contract relating to the provision of school improvement services with any other provider without first obtaining the written consent of the Director of Education.

#### **3 FINANCE**

The Trustees delegate to the LGB the responsibility to plan, manage and expend such of the monies received under the Academy Funding Agreement or otherwise for the purposes of the Academy as may be determined each year by the Trustees. The LGB acknowledges the support provided by the Trust and that certain costs will be incurred by it in undertaking its functions and meeting its responsibilities.

The services which will be provided by the Trust are set out in Appendix 2. The Academy acknowledges the following:

- the Trust will normally expect a percentage of the Academy's budget GAG funding to be paid to the Trust each financial year to pay for or contribute to the payment for the services provided by the Trust as set out in Appendix 2;
- details of how and what the budget deduction will cover are set out in Appendix 2;
- the Trust may on such notice as is reasonable add or remove services to be provided and vary the amount which the Academy will contribute to the funding of these services.

The LGB shall ensure that all funds received by the Academy are spent in a manner as the LGB shall consider most beneficial for the achievement of the

objective of the Trust (as set out in the Articles of Association) in so far as it relates to the Academy and according to the Trust Financial Procedures manual. The LGB 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. The LGB 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 and are delegated to them.

The Trust operates a single bank account and all payments from this account shall be signed by at least two signatories authorised by the Trustees.

The accounts of the Trust shall be the responsibility of the Trustees but the LGB shall provide such information about the finances of the Academy as often and in such format as the Trustees shall request.

The LGB shall inform the Trustees of any need for significant unplanned expenditure (revenue and/or capital) and will discuss with the Trustees (and others as the Trustees shall require) options for identifying available funding.

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, subject to Appendix 4, delegate to the LGB the responsibility to manage and expend allocated monies received on account of the Academy for the purposes of the Academy.

The Trustees acknowledge the LGB's right and intention to use any voluntary (i.e. non grant) funds (including any restricted funds) raised by the LGB for the purposes for which they have been raised and otherwise solely at the discretion of the LGB provided this is for the purposes of education. Accounts are held centrally by the Trust and show 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 accounts of the Trust.

#### **4 PREMISES**

The use of monies apportioned in the budget for the routine maintenance of the buildings and facilities used by Academy and all aspects of building compliance will be the responsibility of the LGB.

The LGB 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.

The Trustees shall have regard to, but not be bound by, the views of the LGB in developing any mid to long term estate management strategy.

Insuring the land and buildings used by the Academy will be the responsibility of the Trustees the cost of which is met by the top slice from school budgets.

The Trust deals centrally with any occurrence of an event for which an insurance claim needs to be made. The Academy shall notify the Director of Business and Finance for submission of any claim.

## 5 HUMAN RESOURCES

### *Headteacher*

The Trustees shall be responsible for the appointment of the Headteacher but shall include the LGB in the decision making process and take due account of the views of the LGB prior to making an appointment.

The Trustees shall decide the pay and pay progression of the Headteacher and the CEO shall work with the LGB to undertake the annual performance review of the Headteacher.

### *Other staff*

The Trustees are responsible for the appointment, dismissal and contractual management and compliance of all other staff (to include teaching and non-teaching staff) to be employed by the Academy, but may delegate all or any of these powers to the LGB as they see fit.

Where appointment of staff is delegated to the LGB, the LGB shall:

- comply with all policies dealing with staff issued by the Trustees from time to time;
- take account of any pay terms set by the Trustees;
- adopt any standard contracts or terms and conditions for the employment of staff issued by the Trustees; and
- manage any claims and disputes with staff members having regard to any advice and recommendations given by the Trustees.

The LGB shall carry out the performance management of all staff and shall put in place procedures for the proper professional and personal development of staff.

## 6 CURRICULUM AND STANDARDS

The LGB 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. The LGB 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. The Headteacher will make regular written reports to the LGB which will be forwarded to the Director of Education. At the beginning of each academic year the LGB shall submit to the Director of Education a curriculum plan for approval by the Trustees.

Subject to the provisions of any statutory admissions code, the LGB shall be responsible for the review from time to time of the Academy's admissions policy. The Trustees shall be ultimately responsible for the setting and approval of the admissions policy and no change will be made to the admissions criteria without the consent of the Trustees.

## 7 **SAFEGUARDING**

In addition to the implementation of the Trusts Safeguarding Policy, **if a serious safeguarding issue arises the Chair of the LGB or Headteacher shall inform the Trustees and CEO as soon as practicable.**

## 8 **EXTENDED SCHOOL AND BUSINESS ACTIVITIES**

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, shall be the responsibility of the LGB, such activities shall only be undertaken in a manner consistent with any policy set by the Trustees and provided that the LGB shall have regard to the viability of such activities and possible financial implications including taxation.

## **APPENDIX 2**

### **Schedule of services and support provided centrally by the Trust**

#### **BUSINESS MANAGEMENT**

- Annual accounts and Trustees report preparation
- Internal and External Audit for the Trust
- Preparation and submission of bi annual ESFA Budget Returns, Annual Accounts Return and Land and Buildings Returns
- Quarterly VAT Returns
- Teachers Pensions End of Year preparation and Audit Certification
- Management accounts preparation (10 times per financial year) and review including attendance at key LGB meetings if required
- Central finance system provision and maintenance
- Finance system training and ongoing support for users
- Central payment function, liaison with suppliers accounts and bank
- General procurement advice, help with obtaining quotes
- Bank charges
- Payroll processing charges
- Payroll support and enquiries, payroll checking and authorisation of monthly payroll
- HR support including recruitment of key staff, support for investigations for senior staff, coordination of recruitment within Hubs (geographic clusters of schools), change management processes
- Estate advice and support on compliance and estate performance and Health and Safety and central on-line monitoring system (e.g. Safe SMART)
- General Legal support (post conversion excluding property related e.g. nursery leases/sub leases )
- Freedom of Information support and co-ordination
- Data Protection Regulations monitoring and policy development
- Insurance Cover (excluding overseas travel, motor and engineering inspection/insurance currently provided by the Protection Arrangement:  
<https://www.gov.uk/government/publications/risk-protection-arrangement-rpa-for-academies>)
- Support and assistance with the academisation and transition process.

#### **SCHOOL IMPROVEMENT**

- Secondary / Primary School Improvement frameworks including support and challenge through Central Team (Director of Education, Primary Executive Leads), Subject Specialist Leads and coordination and quality assurance of peer review clusters
- Additional monitoring support for schools causing concern or in Ofsted category 3 or 4
- Induction, training and development for LGBs and support with skills analysis, review and monitoring
- Annual INSET – joint days for primary and secondary (minimum of 1 per year)
- External guidance and support for leaders and for governors (e.g. the Key or NGA membership)
- Ofsted support and guidance

## **APPENDIX 3**

### **Reporting Formats and Frequencies**

The LGB shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Trustees may require from time to time, including:

#### **CURRICULUM AND PERFORMANCE**

- attendance data – termly
- performance data (e.g. data from ASP, school data dashboard, end of key stage assessments, GCSEs) – annually
- curriculum plan – annually
- behaviour/exclusions report – termly
- pupil attainment forecasts – termly (or more regularly for schools causing concern)
- headteacher reports – termly;
- self-evaluation summary – annually
- staff attendance data – termly

#### **SAFEGUARDING**

- safeguarding reports – termly except in case of a serious issue when report to be made within 24 hours to the Chair of LGB and Trust CEO

#### **CENTRAL POLICY**

- staff performance and capability – termly
- staff discipline, conduct and grievances – termly
- health and safety – termly except in case of a serious issue when report to be made within 24 hours to the Chair of LGB and CEO
- complaints – termly except in case of a serious issue when report to be made within 24 hours to the Chair of LGB and CEO
- Risk management plan and risk register – annually
- Equality Duty Statement – every four years
- Business Continuity Plan
- Accessibility Plans
- Website compliance self-evaluation including core documents (e.g. pupil premium statement, sports premium statement) – annually

#### **LGB RECORDS AND REPORTING**

- LGB agendas and minutes should be available on request
- any correspondence from or to or contact with the DfE, ESFA, Ofsted, – within 48 hours of contact or correspondence

## APPENDIX 4

### Levels of Delegated Responsibility

*LGB's should bear in mind that even where decisions are delegated, the LGB together with the Trust as a whole remains responsible for decisions made pursuant to such delegated authority.*

No.	Function and Tasks	Board of Trustees	CEO Accounting Officer	Chief Financial Officer	LGB	Headteacher
<b>Central Services</b>						
1.	To determine the scope of mandatory core services to be delivered by the Trust on behalf of its Academies	<b>X</b>				
2.	To identify those additional services to be procured on behalf of individual Academies				<b>X</b>	
3.	To ensure centrally procured services provide value for money			<b>X</b>		
4.	Ensure delivery of core services to Academies		<b>X</b>			
<b>Curriculum and Standards</b>						
5.	Review annually a Trust development plan	<b>X</b>				
6.	Develop an overall Trust development plan		<b>X</b>			
7.	Develop and implement the Academy development plan in line with the Trust development plan				<b>X</b>	
8.	Approval of the curriculum policy				<b>X</b>	
9.	Overall responsibility for standards of teaching		<b>X</b>			
10.	Propose and implement a curriculum policy				<b>X</b>	
11.	Responsibility and accountability for standards of teaching at individual Academies				<b>X</b>	
12.	Responsibility and accountability for an individual child's education				<b>X</b>	
13.	Provision of sex education – to establish and keep a written policy up to date				<b>X</b>	



14.	Prohibit political indoctrination and ensuring the balanced treatment of political issues				X	
15.	Responsibility for ensuring provision of religious education in line with relevant legal requirements				X	
16.	Establish a charging and remissions policy for activities at an individual Academy				X	
17.	Agree targets for pupil achievement	X				
18.	Responsibility for pupil outcomes across the Trust		X			
19.	Propose targets for pupil achievement				X	
20.	Responsibility for pupil outcomes in individual Academy				X	
21.	Review the use of exclusion and decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination				X	
22.	Direct reinstatement of excluded pupils				X	
23.	Approve a behaviour policy				X	
<b>Health and Safety</b>						
24.	Approve a health and safety policy	X				
25.	Propose a health and safety policy		X			
26.	Ensure that health and safety regulations are adhered to and Trust policy implemented				X	
<b>School Organisation</b>						
27.	Approve the times of school sessions and the dates of school terms and holidays	X				
28.	Propose the times of school sessions and the dates of school terms and holidays				X	
29.	Ensure that the school meets for the minimum legal period (39 weeks) in a school year				X	

Information for Parents						
30.	Prepare and publish the school prospectus				X	
31.	Ensure the provision of free school meals to those pupils meeting the criteria				X	
32.	Adoption and review of home school agreements				X	
33.	Ensure website information is compliant with DfE / ESFA expectations for Academies				X	
LGB Procedures						
34.	Draw up governing documents and any amendments thereafter	X				
35.	Hold a full LGB meeting at least three times a year				X	
36.	Appoint the chair of the LGB				X	
37.	Approve a Trustees / LGB Governor Code of Conduct and Expenses Policy	X				
38.	Appoint a trustee to discharge duties in respect of pupils with special needs	X				
39.	Appoint and remove members of the LGB in accordance with SoDA				X	
40.	Maintain a Register of LGB Governors business and pecuniary interests and publish on school website				X	
41.	Discharge duties in respect of pupils with special needs by appointing a responsible person within each Academy				X	
Extended Schools						
42.	Decide to offer additional activities and to what form these should take				X	
43.	Put into place the additional services provided (where necessary)				X	
Safeguarding						
44.	Approve a safeguarding policy for all Academies	X				
45.	Report to the Board on serious safeguarding issues		X			

46.	Make decisions about serious safeguarding issues – where relevant	X				
47.	Propose a safeguarding policy for all Academies		X			
48.	To oversee security of Trust IT systems, security and privacy of data within current regulations		X			
49.	Ensure that the Trust safeguarding policy is implemented		X			
50.	Inform CEO within 24 hours of any serious safeguarding issue					X
51.	Ensure security of Academy IT systems, security and privacy of data in line with current regulations				X	
<b>Policies</b>						
52.	Approve, annually (or when necessary) those policies required for the Trust and mandatory for all Academies	X				
53.	Propose policies for Trustees to consider required for the Trust and mandatory for all Academies		X			
54.	Implement policies approved by the Board of Trustees				X	
55.	Ensure Trust website is up to date with all required and approved policies		X			
56.	Ensure Academy website is up to date with all required and approved policies				X	
<b>Staffing</b>						
57.	Headteacher appointments and participation in selection panel	X				
58.	Agree a pay policy	X				
59.	Academy senior leadership (deputy) appointments and participation in selection panel				X	
60.	Approval of disciplinary / capability policy and procedures	X				
61.	Dismissal of Headteacher	X				
62.	Suspending a Headteacher and ending period of suspension	X				

63.	Reviewing Headteachers performance appraisal and salary review within agreed budget and ISR Group for school	X				
64.	Pay decisions for Academy staff (excluding Headteacher) within agreed budget				X	
65.	Appoint Academy teachers and non-teaching staff within agreed budget				X	
66.	Dismissal of other staff (excluding Headteacher)				X	
67.	Suspending of other staff (excluding Headteacher) and ending period of suspension				X	
68.	Determining staff complement within agreed budget				X	
69.	Teaching and support staff appraisals and salary reviews within agreed budget				X	
<b>Admissions</b>						
70.	Approve the admissions policy	X				
71.	Propose an Academy admissions policy				X	
72.	Admissions: application decisions				X	
73.	Appeal against LA directions to admit pupil(s)				X	
<b>Premises and Insurance</b>						
74.	To review insurance cover and ensure provision of buildings insurance and personal liability	X				
75.	Approve a school buildings strategy or master plan	X				
76.	Procuring and maintaining buildings, including developing funded maintenance plan				X	
77.	Arranging the security and maintenance of buildings and furniture on a day to day basis					X
78.	Maintaining an inventory of moveable items of equipment and checking inventory annually for fixed assets with a purchase value in excess of £1,000					X

79.	Maintaining a record of all property borrowed by staff					<b>X</b>
80.	Authorising the disposal of surplus assets with an original purchase value in excess of £10,000	<b>X</b>				
81.	Authorising the disposal of surplus assets with an original purchase value less than £10,000				<b>X</b>	
<b>Finance: planning and risk management</b>						
82.	Formulate plans for the use of surplus funds (GAG and other unrestricted), including reserves policy	<b>X</b>				
83.	Ensure insurance arrangements are adequate for all Academies	<b>X</b>				
84.	Approve strategic plan, financial procedures manual and risk register	<b>X</b>				
85.	Review school contingency and business continuity plans	<b>X</b>				
86.	Overall responsibility for security of assets, information and records in compliance with AFH and FPM		<b>X</b>			
87.	Prepare strategic plan and risk register		<b>X</b>			
88.	Prepare financial risk register and strategic plan projections			<b>X</b>		
89.	Ensure Financial Procedures Manual is up to date and staff are trained appropriately			<b>X</b>		
90.	Adhere to Trust Financial Procedures Manual for all LGB responsibilities				<b>X</b>	
91.	Agree school contingency and business continuity plan and school risk register				<b>X</b>	
92.	Overall responsibility for security of school assets, information and records					<b>X</b>
93.	Prepare school contingency and business continuity plans and school risk register					<b>X</b>
94.	Formulate plans for use of surplus funds in accordance with Trust reserves policy				<b>X</b>	
95.	Advise LGB on the use of surplus funds in accordance with Trust reserves policy					<b>X</b>

<b>Finance: budgetary control</b>						
96.	Approve Trust budget and monitor budgetary control reports	<b>X</b>				
97.	Approve financial decision levels and limits in Financial Procedures Manual	<b>X</b>				
98.	Prepare individual school and overall Trust budget, and budgetary control reports			<b>X</b>		
99.	Monitor income, expenditure and cashflow against budget			<b>X</b>		
100	Agree school budget and monitor budgetary control reports				<b>X</b>	
101	Prepare school budget in conjunction with CFO					<b>X</b>
102	Review budgetary control reports to identify any overspending risk					<b>X</b>
103	Ensure compliance with the Financial Procedures Manual in respect of the arrangements for the collection of income, ordering of goods and services and payments within limits set out in the FPM				<b>X</b>	
<b>Finance: payroll</b>						
104	Authorise appointment, changes to contract and pay of Headteachers	<b>X</b>				
105	Ensure internal controls operate in accordance with Financial Procedures Manual			<b>X</b>		
106	Manage the contract with the payroll service provider			<b>X</b>		
107	Approve the payment of salaries			<b>X</b>		
108	Approve staff appointments and changes to contract, except Headteachers, within individual Academy and budget provision				<b>X</b>	
109	Approve staff appointments as delegated by LGB within authorised individual Academy					<b>X</b>

<b>Finance: purchases, payments and creditors</b>						
110	Authorise award of tenders over threshold – above the lower of £100,000 or 5% GAG funding per individual Academy	<b>X</b>				
111	Authorise orders / contracts with a total value of between 3% and the lower of 5% of school's GAG funding or £100,000			<b>X</b>		
112	Authorise orders / contracts with a total value below 3% of school's GAG funding in accordance with Financial Procedures Manual				<b>X</b>	
113	Authorise orders / contracts within financial delegation limits and in accordance with Financial Procedures Manual					<b>X</b>
114	Retention of quotes obtained for goods, works and services in accordance with Financial Procedures Manual					<b>X</b>
115	Authorise tender documents before publication depending on the value and with authorisation of CFO				<b>X</b>	
116	Ensure all invoices are certified by authorised people before entered onto central system and that invoices and accompanying documentation is stored in a secure way and available for inspection for compliance with auditors record keeping expectations					<b>X</b>
<b>Finance: accounts and audit</b>						
117	Approve annual financial and governance statements	<b>X</b>				
118	Appoint internal and external auditors	<b>X</b>				
119	Prepare annual accounts and AAR			<b>X</b>		

