

UNIVERSITY OF CHICHESTER (MULTI) ACADEMY TRUST

THE FLYING BULL ACADEMY

SCHEME OF DELEGATION

EFFECTIVE DATE: 01/04/2014

1 INTRODUCTION

- 1.1 As a charity and company limited by guarantee, University of Chichester (Multi) Academy Trust (the "Academy Trust"), is governed by a Trust Board (the "Trustees"), who oversee and are responsible for the management and administration of the Academy Trust and the academies run by the Academy Trust. The Flying Bull Academy (the "Academy") is one of the academies.
- 1.2 The Trustees are accountable to external government agencies, including the Education and Skills Funding Agency and the Department for Education (including any successor bodies), for the quality of the education that the Academy Trust and its academies provide and for their management of public funds. They are required to have systems in place for the assurance of quality, safety and good practice, as well as educational outcomes.
- 1.3 In order to help the Trustees discharge these responsibilities, they appoint people who are based more locally to the Academy to serve on a board (the "Local Governing Body") that has been established to ensure the good governance of the Academy.
- 1.4 This Scheme of Delegation explains the ways in which the Trustees fulfil their responsibilities for the leadership and management of the Academy Trust and its academies, the respective roles and responsibilities of the Trustees and the members of the Local Governing Body and the commitments from and to each other to ensure the success of the Academy.
- 1.5 This Scheme of Delegation has been put in place by the Trustees and shall take effect on and from 01 April 2014 (the "Effective Date") in accordance with the provisions of the Academy Trust's Articles of Association (the "Articles"). It should be read in conjunction with those Articles and references in this Scheme to numbered Articles are to the relevant article of the Articles.

2 ETHOS AND MISSION STATEMENT

2.1 The Academy Trust's Object as defined in the Articles is:

"to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing schools ("the mainstream Academies") offering a broad and balanced curriculum or educational institutions which are principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless alternative provision is made for them ("the alternative provision Academies") or 16 to 19 Academies offering a curriculum appropriate to the needs of its students ("the 16 to 19 Academies") or schools specially organised to make special educational provision for pupils with Special Educational Needs ("the Special Academies")."

2.2 The Academy Trust is a multi-academy trust company with an eclectic, cross-phase family of academies with the common aim of continuous school improvement through challenge, collaboration and support.

2.3 The Academy Trust's ethos is to work in partnership with schools and believes that this work liberates, energises and develops teachers and schools to improve teaching and improve all educational outcomes for children.

2.4 The Academy Trust's academies are a family. Each of its academies is unique and is encouraged to meet the individual needs of the children and communities that it serves.

2.5 The Academy Trust's aims are to:

- Promote high aspirations and success for all;
- Ensure progressive and sustained improvement in standards of education and pupils' rates of progress;
- Create a creative, dynamic, engaging and relevant curriculum delivered by high quality staff, in order to deliver excellent outcomes for all children;
- Develop learning environments which engage and inspire pupils' learning and development;
- Value and ensure the continual professional learning of all staff;

- Support and build leadership and management capacity within and across academies;
- Develop a local learning community where parents and carers are valued and encouraged to engage;
- Embrace opportunities presented by the new educational landscape in a way that is coherent with its strategic direction;
- Generate levels of surplus, sufficient to secure sustainability and create funds to support investment in its academies and the delivery of its vision;
- Achieve a shared sense of mission and belonging across the community of academies so that the vision is owned by the whole Trust and understood by its partners; and
- Work collaboratively with other academies within the Trust and with other schools/academies within the wider community, sharing resources, knowledge and best practice and supporting each other.

2.6 The Academy Trust's vision is for all young people to be inspired by an excellent education that raises their aspirations and enriches their lives.

2.7 The Academy Trust's mission is:

to create a vibrant inclusive and aspirational family of academies, transforming life chances for pupils through excellent teaching and learning

2.8 The Academy will work collaboratively with the other academies run by the Academy Trust, the University of Chichester, and with other schools/academies within the wider community as may be appropriate. They will share resources, knowledge and best practice as may be appropriate, supporting each other to:

2.8.1 achieve consistently high standards of learning and teaching;

2.8.2 develop cost-effective curriculum design and collaboration, which optimises opportunities for students and provides added value for them;

2.8.3 provide support, building upon individual specialisms and/or areas of identified strength between the schools, to improve key aspects of performance; and

- 2.8.4 achieve best value in service delivery and financial management, especially where partnership working can add value.

3 TRUSTEES' POWERS AND RESPONSIBILITIES

- 3.1 The Trustees have overall responsibility and ultimate decision-making authority for all the work of the Academy Trust, including the establishing and running of academies. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required.
- 3.2 The Trustees have a duty to act in the fulfilment of the Academy Trust's objects.
- 3.3 Trustees will have regard to the interests of the Academy and the other academies for which the Academy Trust is responsible, when deciding and implementing any policy or exercising any authority in respect of the Academy.
- 3.4 Article 100 provides for the appointment by the Trustees of committees to whom the Trustees may delegate certain of the functions of the Trustees. In further recognition of the Trustees' power to delegate under Article 105, responsibility for the running of the Academy from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Governing Body of the Academy.
- 3.5 The constitution, membership and proceedings of the Local Governing Body is determined by the Trustees and this Scheme of Delegation expresses such matters, as well as acknowledges the authority delegated to the Local Governing Body in order to enable the Local Governing Body to run the Academy and fulfil the Academy's mission.
- 3.6 The Local Governing Body and individual members of the Local Governing Body, including the Head Teacher, must ensure that they have full knowledge and understanding of the master funding agreement made between the Secretary of State for Education and the Academy Trust dated 16 August 2016 or any replacement thereof (the "Master Funding Agreement") and the supplemental funding agreement made between the Secretary of State for Education and the Academy Trust dated 19 March 2014 or any replacement thereof relating to the Academy (the "Supplemental Funding Agreement") .

They must ensure that the Academy operates within the terms and conditions laid down in these documents at all times.

4 CONSTITUTION OF THE LOCAL GOVERNING BODY

4.1 Members of the Local Governing Body

4.1.1 The number of people who shall sit on the Local Governing Body shall be not less than six but, unless otherwise determined by the Trustees, shall not be subject to any maximum.

4.1.2 Subject to clauses 4.1.3 to 4.1.5, the Local Governing Body shall have the following members:

- (a) up to [6] members, subject to a minimum of 3 members, appointed under clause 4.2.1;
- (b) up to [2] staff members, subject to a minimum of 1 member, appointed under clause 4.2.2 and 4.2.3;
- (c) up to [2] parent members, subject to a minimum of 1 member, elected or appointed under clause 4.2.5 unless there are 2 parent members of an advisory body in respect of the Academy that is established under clause 15 of the Master Funding Agreement (an "Advisory Body"); and
- (d) the head teacher or principal of the Academy (the "Head Teacher").

4.1.3 The Local Governing Body may also have co-opted members appointed under clause 4.3.

4.1.4 The Trustees (all or any of them) or their agent shall also be entitled to serve on the Local Governing Body and attend any meetings of the Local Governing Body.

4.1.5 If the Trustees have reason to believe that the Academy's standards are failing or the Academy is deemed to be in special measures, the Trustees may take steps to remove the Local Governing Body and appoint an interim board in its place. The composition of the interim board shall be decided by the Trustees, having due regard to requirements imposed by the Articles and the Master Funding Agreement.

4.1.6 For the purposes of clause 4.1.5 above it is for the Trustees to determine, at their entire discretion, whether the Academy's standards are failing or the Academy is deemed to be in special measures, and thus whether an interim board is established. This will be done taking into account a wide range of evidence, which will include an external review of standards. An interim board may also be established for a new school at the discretion of the Trustees.

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

4.2.1 The Trustees, or if directed to do so by the Trustees, the Local Governing Body, having regard to any recommendations and views of the Trustees, may appoint up to [6] persons to serve on the Local Governing Body. The Trustees and the Local Governing Body shall ensure that the people serving on the Local Governing Body shall between them have an appropriate range of skills and experience to fulfil their responsibilities, as defined in this Scheme of Delegation. When making the initial and subsequent appointments, the Trustees shall give due consideration to succession planning.

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

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

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

- 4.2.5 Subject to clause 4.2.9, the parent members of the Local Governing Body shall be nominees with identified skills and where there are any contested posts, the Local Governing Body shall hold an election. He or she must be a parent of a registered pupil at the Academy at the time when he or she is elected and/or appointed for their skills in accordance with the provisions of this Scheme of Delegation.
- 4.2.6 The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent of a registered pupil at the Academy and has the required skills. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot.
- 4.2.7 The arrangements made for the election of the parent members of the Local Governing Body, if such election is required, shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if s/he prefers, by having his or her ballot paper returned to the Academy by a registered pupil at the Academy.
- 4.2.8 Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to ensure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, is informed that s/he is entitled to stand as a candidate and vote at the election, and is given an opportunity to do so.
- 4.2.9 The number of parent members of the Local Governing Body required (in the event that there are not at least 2 parent members of an Advisory Body for the Academy) shall be made up by persons appointed by the Local Governing Body if the number of parents standing for election is less than the number of vacancies.
- 4.2.10 In appointing a person to be a parent member of the Local Governing Body pursuant to clause 4.2.9, the Local Governing Body shall appoint a person who is the parent of a registered pupil at the Academy or, where it is not reasonably practical to appoint a parent of a registered

pupil at the Academy, a person who is the parent of a child of compulsory school age.

- 4.2.11 The first parent and staff members of the Local Governing Body shall be those people who filled those positions on the governing body of the Flying Bull Primary School (the "Predecessor School") immediately before that school converted to become the Academy (provided that they remain eligible under this Scheme of Delegation, circumstances allow this, and they are willing to do so). They shall continue for their remaining term of office that would have applied to them as a member of the governing body of the Predecessor School, had the Predecessor School continued to exist.

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

- 4.3.1 The Trustees may appoint up to [3] persons to be co-opted to the Local Governing Body. A person who shall be co-opted to the Local Governing Body means a person who is to serve on the Local Governing Body without having been appointed or elected to serve on the Local Governing Body under clauses 4.2.1 to 4.2.11 inclusive. The Trustees may not co-opt a person who is employed at the Academy if, as a consequence, the number of persons employed at the Academy serving on the Local Governing Body would exceed one third of the total number of persons serving on the Local Governing Body (including the Head Teacher).

4.4 **Term of office**

- 4.4.1 Subject to clause 4.4.2, the term of office for any person serving on the Local Governing Body shall be 4 years, save that this time limit shall not apply:
- (a) to the Head Teacher;
 - (b) to persons who are co-opted to the Local Governing Body in accordance with clause 4.3.1 and who are specifically requested to serve for 1 year for a particular purpose, who shall serve for 1 year (or such other term as the Trustees may determine at the date that individual is co-opted);
 - (c) subject to clause 4.2.11, to the first parent and staff members of the Local Governing Body; and

- (d) to Parent Local Governing Body members who shall serve to the end of the academic year that their child leaves the Academy, if applicable.

4.4.2 The Trustees may re-appoint a member of the Local Governing Body for further terms at their absolute discretion, subject to the person remaining eligible for such appointment.

4.5 **Resignation and removal**

4.5.1 A person serving on the Local Governing Body shall cease to hold office if s/he resigns his or her office by notice to the Local Governing Body (but only if at least three persons will remain in office when the notice of resignation is to take effect).

4.5.2 A person serving on the Local Governing Body shall cease to hold office if s/he is removed by the person or persons who appointed him or her. Any failure to uphold the values of the Academy Trust and/or the Academy or to act in a way which is not appropriate in light of this Scheme of Delegation will be taken into account. A person may also be removed by the Trustees, but only after the Trustees have given due regard to any representations by the Local Governing Body.

4.5.3 If any person who serves on the Local Governing Body in his or her capacity as an employee at the Academy ceases to work at the Academy then s/he shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of his or her work at the Academy.

4.5.4 Where a person who serves on the Local Governing Body resigns 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/clerk of the Local Governing Body, who shall inform the Trustees.

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

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

- 4.6.2 A person serving on the Local Governing Body shall cease to hold office if he or she becomes incapable by reason of mental disorder illness or injury of managing or administering his or her own affairs.
- 4.6.3 A person serving on the Local Governing Body shall cease to hold office if he or she is absent, without the permission of the chair of the Local Governing Body, from all the meetings of the Local Governing Body held within a period of six months, and the Local Governing Body resolves that his or her office be vacated.
- 4.6.4 A person shall be disqualified from serving on the Local Governing Body if:
- (a) his or her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
 - (b) he or she is the subject of a bankruptcy restrictions order or an interim order.
- 4.6.5 A person shall be disqualified from serving on the Local Governing Body at any time when he or she is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- 4.6.6 A person serving on the Local Governing Body shall cease to hold office if he or she would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- 4.6.7 A person shall be disqualified from serving on the Local Governing Body if he or she has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court, on the grounds of any misconduct or mismanagement in the administration of the charity for which he or she was responsible or to which he or she was privy, or which he or she by his or her conduct contributed to or facilitated.
- 4.6.8 A person shall be disqualified from serving on the Local Governing Body at any time when he or she is:

- (a) included in the list kept by the Secretary of State under section 2 of the Safeguarding Vulnerable Groups Act 2006; or
 - (b) disqualified from working with children in accordance with Section 7 of the Safeguarding Vulnerable Groups Act 2006; or
 - (c) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).
- or
- (d) If the person has a section 128 direction issued by the Secretary of State
- 4.6.9 A person shall be disqualified from serving on the Local Governing Body if he or she is a person in respect of whom a direction has been made under section 142 of the Education Act 2002, or is subject to any prohibition or restriction which takes effect as if contained in such a direction.
- 4.6.10 A person shall be disqualified from serving on the Local Governing Body where he or she has, at any time, been convicted of any criminal offence, excluding any offences that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offences 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 or any statutory re-enactment or modification of that provision.
- 4.6.11 After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body if he or she has not provided to the chair of the Local Governing Body, a disclosure and barring service certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would, in the opinion of either the chair or the Head Teacher, confirm that person's unsuitability to work with children, that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

- 4.6.12 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body, and he or she was, or was proposed, to so serve, he or she shall, upon becoming so disqualified, give written notice of that fact to the Local Governing Body, who shall inform the Trustees.
- 4.6.13 This clause 4.6 and paragraph 2 of Appendix 1 shall also apply to any member of any committee of the Local Governing Body, who is not a member of the Local Governing Body.

5 DELEGATED POWERS

5.1 General Provisions

- 5.1.1 Subject to the provisions of Appendix 2 to this Scheme of Delegation, the Companies Act 2006, the Articles and to any directions given by the Members of the Academy Trust following a special resolution, the management of the business of the Academy shall be delegated by the Trustees to the Local Governing Body, who may exercise all the powers delegated to it by the Trustees in accordance with the terms of this Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing Body which would have been valid if that alteration had not been made or that direction had not been given.
- 5.1.2 Subject to provisions of Appendix 2 to this Scheme of Delegation, in general terms, the responsibility of the Trustees in so far as the business of the Academy is concerned, is to determine the policy and procedures of the Academy and to consider and respond to strategic issues. Whilst the Trustees are free to decide what constitutes a strategic issue, having regard to all the circumstances, unless a matter is identified as a strategic issue and/or is identified as being the responsibility of the Trustees under this Scheme of Delegation, the responsibility for such matter will be that of the Local Governing Body.
- 5.1.3 Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Governing Body and without detracting from the generality of the powers delegated, the Local Governing Body shall have the following powers, namely:
- (a) to expend certain funds of the Academy Trust as permitted by clause 5.3 in such manner as the Local Governing Body shall

consider to be most beneficial for the achievement of the Object in so far as it relates to the Academy, and

- (b) to enter into contracts on behalf of the Academy Trust in so far as they relate to the Academy and meet the financial regulations.

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

5.1.5 Any bank account in which any money of the Academy Trust in so far as it relates to the Academy is deposited, shall be operated in the name of the Academy Trust. All cheques and orders for the payment of money, including electronic payments, from such an account, shall be signed/authorised by at least two signatories authorised by the Trustees.

5.2 **Ethos and Values**

5.2.1 Whilst the Local Governing Body shall be responsible for ensuring that the Academy is conducted in accordance with the Academy Trust's ethos and values referred to in clause 2, the determination of the Academy's personalised ethos and mission statement shall be the responsibility of the Local Governing Body, who shall not make any alteration to the character of the Academy or the conduct of the Academy without the consent of the Trustees.

5.2.2 At all times, the Trustees and the Local Governing Body shall ensure that the Academy is conducted in accordance with the Object and any agreement entered into with the Secretary of State for the funding of the Academy.

5.3 **Finance**

5.3.1 Not less than 90 days before the commencement of each financial year of the Academy Trust ("Financial Year"), and at such time as directed by the Academy Trust's Director of Financial and Commercial Services, the Local Governing Body shall submit a balanced budget for the Academy for that year ("Budget") to the Trustees for approval, which shall not be unreasonably withheld or delayed. The provisions of clause 5.3.2 shall be taken into account in preparing the Budget.

- 5.3.2 In acknowledgement of the receipt by the Trustees of funds in relation to the Academy that are provided by the Secretary of State, donated to the Academy Trust and generated from the activities of the Academy Trust, the Trustees delegate to the Local Governing Body the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy, less an amount to be determined each year by the Trustees acting reasonably.
- 5.3.3 Whilst the Local Governing Body shall have the power to enter into contracts on behalf of the Academy Trust in so far as they relate to the Academy, provided that the expenditure on such contracts is taken into account in the relevant Budget, and subject to the provisions of Appendix 2, the Local Governing Body shall first obtain the written consent of the Trustees to any contracts or expenditure for any single matter above £10,000.
- 5.3.4 The accounts of the Academy Trust shall be the responsibility of the Trustees, but the Local Governing Body shall provide such information about the finances of the Academy as often and in such format as the Trustees shall reasonably require.
- 5.3.5 The Local Governing Body shall ensure that proper procedures are put in place for the safeguarding of funds, and that the requirements of the Academies Financial Handbook and the Academy Trust's Financial Policies and Procedures are observed at all times, as well as any requirements and recommendations of the Trustees and the Secretary of State.
- 5.3.6 The Local Governing Body shall inform the Trustees of any need for significant unplanned expenditure and will discuss with the Trustees (and others as the Trustees shall require) options for identifying available funding.
- 5.3.7 The Local Governing Body shall develop appropriate risk management strategies in compliance with and consistent with those applicable to the Academy Trust as a whole, and shall at all times adopt financial prudence in managing the financial affairs of the Academy Trust in so far as these relate to the Academy.

5.4 Premises

- 5.4.1 Subject to and without prejudice to clauses 5.3.3 and 5.4.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities, and the legal responsibilities of the Trustees (and/or any others) as owners of such buildings and facilities. The Local Governing Body must ensure that the Academy complies with minimum standards as laid down in the relevant statutes or regulations at all times. Should a member of the Local Governing Body become aware that the Academy is in breach of its responsibilities, or that a breach is considered to be probable, the chair of the Local Governing Body must advise the Chief Executive Officer of the Academy Trust within one working day of the breach or potential breach being identified.
- 5.4.2 The Local Governing Body shall, in conjunction with the Trustees, develop a 5-year estate management strategy that will identify the suitability of buildings and facilities, in light of long term curriculum needs and the need for and availability of capital investment to meet the Local Governing Body's responsibility to ensure the buildings and facilities are maintained to a good standard.
- 5.4.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Trustees.
- 5.4.4 Insuring the land and buildings used by the Academy will be the responsibility of the Trustees who shall recover the cost from the Academy's Budget.

5.5 **Resources**

- 5.5.1 Head Teacher
- (a) The Chief Executive Officer of the Academy Trust, on behalf of the Trustees, shall appoint the Head Teacher. The Trustees and the Local Governing Body may delegate such powers and functions as they consider are required by the Head Teacher for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Trustees and the Local Governing Body, the

line management of staff and the direction of the teaching and curriculum of the Academy).

5.5.2 Other Staff

- (a) Subject to the provisions within Appendix 2, the Head Teacher, supported by the Local Governing Body shall be responsible for the appointment and management of all other staff to be employed at the Academy, provided that the Local Governing Body shall:
- (i) involve the Chief Executive Officer of the Academy Trust or a representative of the Chief Executive Officer in all senior leadership appointments, including the appointment of the Business Manager;
 - (ii) comply with all policies dealing with staff issued by the Trustees;
 - (iii) comply with any statutory requirements and any pay terms set by the Trustees;
 - (iv) adopt any standard contracts or terms and conditions for the employment of staff issued by the Trustees;
 - (v) manage any claims and disputes with staff members in compliance with model disciplinary procedures for the Academy which are approved by the Trustees and having regard to any advice and recommendations given by the Trustees; and
 - (vi) Seek Trustees' approval for any unqualified teacher appointments.
- (b) Subject to the provisions within Appendix 2, the Local Governing Body shall ensure the effective performance management of all staff (excluding the Head Teacher) in line with the policies established by the Trustees and shall put in place procedures for the proper professional and personal development of staff.

5.6 Curriculum and Standards

- 5.6.1 The Local Governing Body shall be responsible for keeping the curriculum under review within the framework of the Academy Trust-wide curriculum statement and 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 with excellent educational attainment for all.
- 5.6.2 The Local Governing Body shall be responsible for the standards achieved by the Academy and the pupils attending the Academy, but shall have regard to any views, policies and actions required by the Trustees in recognition of the Trustees' obligation to the Secretary of State for Education. The Local Governing Body shall be responsible for ensuring that the policies and actions identified as necessary by the Trustees are carried out effectively and in a timely manner.
- 5.6.3 The Local Governing Body shall be responsible for ensuring that the Academy Trust wide admissions policy meets the needs of the Academy and will advise the Trustees if this is not the case and changes are needed. No change will be made to the admissions criteria without the written consent of the Trustees. In exceptional circumstances, the Trustees may instruct the Local Governing Body to revise or replace the Academy's admissions policy. Any such instruction must be implemented without delay.

5.7 **Extended Schools and Business Activities**

- 5.7.1 Any decision to expand the Academy shall be that of the Trustees, who shall have regard to the views of the Local Governing Body.
- 5.7.2 Whilst the undertaking of any activities which would be described as part of the Academy's "extended schools agenda", or any activities designed to generate business income, would be the responsibility of the Local Governing Body, this shall only be undertaken in a manner consistent with any policy set by the Trustees. The Local Governing Body shall have 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 Object and any threat to funding provided by the Secretary of State. No activity should be undertaken that is contrary to the ethos and values of the Academy, the Academy Trust or the University of Chichester.

5.8 **Regulatory Matters**

5.8.1 The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Trustees', but the Local Governing Body shall do all such things as the Trustees may specify as being necessary to ensure that the Academy Trust is meeting its legal obligations. This includes meeting all requirements of the Equality Act 2010 in respect of the Academy and its operations.

6 OPERATIONAL MATTERS

6.1 The Local Governing Body shall comply with the obligations set out in Appendix 1 to this Scheme of Delegation, which deals with the day-to-day operation of the Local Governing Body.

6.2 The Local Governing Body will adopt and will comply with all policies of the Trustees communicated to the Local Governing Body from time to time.

6.3 Both the Trustees and all members of the Local Governing Body have a duty to act independently, and will act with integrity, objectivity and honesty in the best interests of the Academy Trust and the Academy. They shall be open about decisions and be prepared to justify those decisions, except in so far as any matter may be considered confidential.

6.4 The Local Governing Body will review its policies and practices on a regular basis, having regard to recommendations made by the Trustees from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

6.5 The Local Governing Body shall provide promptly 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.

6.6 The Local Governing Body shall submit to any inspections or external reviews required by the Trustees in order to allow them to assess how well the Academy is being managed in light of the additional responsibilities and expectations of schools which are academies.

6.7 The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Trustees, in the event that intervention is either threatened or is carried out by the Secretary of State. The Trustees expressly reserve the unfettered right to review or remove any

power or responsibility conferred on the Local Governing Body under this Scheme of Delegation in such circumstances.

- 6.8 The Local Governing Body shall consider the need for any other specific commitments that might be made by the Trustees and the Local Governing Body, e.g. in relation to ethos, character, teachings, collective worship, policies or supporting other schools.
- 6.9 In the exercise of their powers and functions, the Local Governing Body shall consider any advice given by the Trustees.
- 6.10 The Local Governing Body shall adhere to a policy for the admission of pupils to the Academy approved by the Trustees from time to time.

7 ANNUAL REVIEW

- 7.1 This Scheme of Delegation shall operate from the Effective Date in respect of the Academy.
- 7.2 Specific delegations to the Local Governing Body will be reviewed regularly and the level of delegation may be reduced if the Local Governing Body has not been able to deliver a balanced budget and/or appropriate improvements in the educational standards and progress of pupils.
- 7.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Trustees will have regard to, and will give due consideration to, any views of the Local Governing Body through its chair.

APPENDIX 1

FUNCTIONING OF THE LOCAL GOVERNING BODY

1 CHAIR AND VICE-CHAIR OF THE LOCAL GOVERNING BODY

- 1.1 The Chair of the Local Governing Body ("the Chair") is appointed by the Academy Trust's Chief Executive Officer on behalf of the Trustees.
- 1.2 The members of the Local Governing Body shall each school year, at their first meeting in that year, propose one or two vice-chairs from among their number to support the Chair in delivering the responsibilities of the Local Governing Body. They will have due regard to any recommendations, views or objections of the Trustees, and will be subject to the approval of the Trustees. A person who is employed by the Academy Trust (whether or not at the Academy) shall not be eligible for election as vice-chair.
- 1.3 The Chair or vice-chair may at any time resign his or her office by giving notice in writing to the Academy Trust's Chief Executive Officer and the Local Governing Body. The Chair or vice-chair shall cease to hold office if:
 - 1.3.1 he or she ceases to serve on the Local Governing Body;
 - 1.3.2 he or she is employed by the Academy Trust, whether or not at the Academy;
 - 1.3.3 he or she is removed from office in accordance with this Scheme of Delegation; or
 - 1.3.4 in the case of the vice-chair, he or she is appointed in accordance with this Scheme of Delegation to fill a vacancy in the office of Chair.
- 1.4 Where by reason of any of the matters referred to in paragraph 1.3, a vacancy arises in the office of vice-chair, the members of the Local Governing Body shall at its next meeting propose one of their number to fill that vacancy.
- 1.5 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the vice-chair shall act as the chair for the purposes of the meeting.
- 1.6 Where in the circumstances referred to in paragraph 1.5 the vice-chair is also absent from the meeting, or there is at the time a vacancy in the office of vice-chair, the members of the Local Governing Body shall elect one of their number to act as a chair for the purposes of that meeting, provided that the person

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

- 1.7 Any election of the vice-chair which is contested shall be held by secret ballot.
- 1.8 The Chair may only be removed from office by the Academy Trust's Chief Executive Officer on behalf of the Trustees at any time, or in the case of the vice-chair, by the Local Governing Body in accordance with this Scheme of Delegation.
- 1.9 A resolution to remove the vice-chair from office, which is passed at a meeting of the Local Governing Body, shall not have effect unless:
 - 1.9.1 it is confirmed by a resolution passed at a second meeting of the Local Governing Body held not less than fourteen days after the first meeting;
 - 1.9.2 the matter of the vice-chair's removal from office is specified as an item of business on the agenda for each of those meetings; and
 - 1.9.3 it has been approved by the Trustees.
- 1.10 Before a resolution is passed by the Local Governing Body at the relevant meeting as to whether to confirm the previous resolution to remove the vice-chair from office, the person or persons proposing his or her removal shall at that meeting state their reasons for doing so and the vice-chair shall be given an opportunity to make a statement in response.

2 CONFLICTS OF INTEREST

- 2.1 Any member of the Local Governing Body who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest as defined in paragraph 2.2 below), which conflicts or may conflict with his or her duties as a member of the Local Governing Body, shall disclose that fact to the Local Governing Body as soon as he or she becomes aware of it. A person must absent himself or herself from any discussions of the Local Governing Body in which it is possible that a conflict will arise between his or her 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 as defined in paragraph 2.2).
- 2.2 For the purpose of paragraph 2.1, a person has a personal financial interest if he or she is in the employment of the Academy Trust or is in receipt of remuneration or the provision of any other benefit directly from the Academy

Trust, or in some other way is linked to the Academy Trust or the Academy ("Personal Financial Interest").

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

2.4 In any conflict between any directions or decisions of the Trustees and the Local Governing Body, the Trustees' directions or decisions (as applicable) shall prevail.

2.5 Any disagreement between the members of the Local Governing Body and the Head Teacher or any subcommittee of the Local Governing Body shall be referred to the Trustees via the Academy Trust's Chief Executive Officer for their determination.

3 THE MINUTES

3.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and entered into a 'book' kept for that purpose by the person authorised to keep the minutes of the Local Governing Body. It shall be signed (subject to the approval of the members of the Local Governing Body) at the same or next subsequent meeting by the person acting as chair thereof. The minutes shall include a record of:

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

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

3.2 The chair shall ensure that copies of minutes of all meetings of the Local Governing Body and key documents approved (and such of the subcommittees as the Trustees shall from time to time notify) shall be provided to the Trustees as soon as reasonably practicable.

4 COMMITTEES

4.1 Subject to this Scheme of Delegation, the Local Governing Body may establish subcommittees. The constitution, membership and proceedings of any subcommittees shall be determined by the specification provided by the Trustees having regard to any views of the Local Governing Body. The establishment, terms of reference, constitution and membership of any subcommittee shall be reviewed at least once in every twelve months. The membership of any subcommittee may include persons who do not also serve

on the Local Governing Body, provided that a majority of the members of any such subcommittee shall be members of the Local Governing Body or Trustees. The Local Governing Body may determine that some or all of the members of a subcommittee who are not Trustees or who do not serve on the Local Governing Body, shall be entitled to vote in any proceedings of the subcommittee. No vote on any matter shall be taken at a meeting of a subcommittee unless the majority of members of the subcommittee present either are Trustees' representatives or serve on the Local Governing Body.

5 DELEGATION

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

5.2 Where any power or function of the Trustees or the Local Governing Body is exercised by any subcommittee, any Trustee or member of the Local Governing Body, the Head Teacher or any other holder of an executive office, that person or subcommittee shall report to the Local Governing Body in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Governing Body immediately following the taking of the action or the making of the decision and inform the Trustees via the Academy Trust's Chief Executive Officer.

6 MEETINGS OF THE LOCAL GOVERNING BODY

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

6.2 The Local Governing Body shall meet at least three times in every school year if it has subcommittees, or more frequently if it adopts a flat structure. Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body. In exercising his or her functions under this Scheme of Delegation, the clerk shall comply with any direction:

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

6.2.2 given by the chair of the Local Governing Body or, in his absence or where there is a vacancy in the office of chair, the vice-chair of the

Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned in paragraph 6.2.1 above.

6.3 Any three members of the Local Governing Body or any Trustee may, by notice in writing given to the clerk, requisition a meeting of the Local Governing Body. It shall be the duty of the clerk to convene such a meeting as soon as is reasonably practicable.

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

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

6.4.2 a copy of the agenda for the meeting;

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

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

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

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

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

6.7.2 the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.10, subject to paragraph 6.13.

6.8 Where, in accordance with paragraph 6.7, a meeting is not held, or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by

the clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.

- 6.9 Where the Local Governing Body resolves in accordance with paragraph 6.7 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and the Local Governing Body shall direct the clerk to convene a meeting accordingly.
- 6.10 Subject to paragraph 6.11 and 6.12, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three members.
- 6.11 If the Trustees have appointed any additional members of the Local Governing Body pursuant to the appropriate clause of this Scheme of Delegation, then the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three members of the Local Governing Body and any one of such additional members.
- 6.12 The Local Governing Body may act notwithstanding any vacancies on its board, but, if the numbers of eligible persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies.
- 6.13 The quorum for the purposes of:
- 6.13.1 any vote on the removal of a person in accordance with this Scheme of Delegation; or
- 6.13.2 any vote on the removal of the vice-chair of the Local Governing Body;
- shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters.
- 6.14 The quorum for appointing a parent member shall be any two of the persons who are at that time persons entitled to vote on the matter.
- 6.15 Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.

- 6.16 Subject to paragraphs 6.10 to 6.15, where there is an equal division of votes, the chair of the meeting shall have a casting vote in addition to any other vote he or she may have.
- 6.17 The proceedings of the Local Governing Body shall not be invalidated by
- 6.17.1 any vacancy on the board; or
 - 6.17.2 any defect in the election, appointment or nomination of any person serving on the Local Governing Body.
- 6.18 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Body or of a subcommittee of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body or (as the case may be) a subcommittee of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an electronic communication by or on behalf of the Local Governing Body indicating his or her agreement to the form of resolution providing that the member has previously notified the Local Governing Body in writing of the email address or addresses which the member will use.
- 6.19 Subject to paragraph 6.18, the Local Governing Body shall ensure that a copy of:
- 6.19.1 the agenda for every meeting of the Local Governing Body;
 - 6.19.2 the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;
 - 6.19.3 the signed minutes of every such meeting; and
 - 6.19.4 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 and a copy of them is sent to the Company Secretary of the Academy Trust.
- 6.20 There may be excluded from any item required to be made available in pursuance of paragraph 6.19, any material relating to:
- 6.20.1 a named teacher or other person employed, or proposed to be employed, at the Academy;

- 6.20.2 a named pupil at, or candidate for admission to, the Academy; and
 - 6.20.3 any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential.
- 6.21 Any member of the Local Governing Body shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that:
- 6.21.1 He or she has given notice of his or her 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
 - 6.21.2 the Local Governing Body has access to the appropriate equipment.
- 6.22 If, after all reasonable efforts, it does not prove possible for the person to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.

7 NOTICES

- 7.1 Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Governing Body) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In this Scheme of Delegation, "address" in relation to electronic communications, includes a number or address used for the purposes of such communications.
- 7.2 A notice may be given by the Local Governing Body to its members either personally or by sending it by post in a prepaid envelope addressed to the member at his or her registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Local Governing Body by the member. A member whose registered address is not within the United Kingdom, and who gives to the Local Governing Body an address within the United Kingdom at which notices may be given to him or her, or an address to which notices may be sent using electronic communications, shall be entitled to have notices given to him or her at that address, but otherwise no such member shall be entitled to receive any notice from the Local Governing Body.

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

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

8 INDEMNITY

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

APPENDIX 2

MATTERS RESERVED TO THE TRUSTEES OF THE ACADEMY TRUST

- 1 Altering the name of the Academy.
- 2 Any borrowing (or aggregate borrowings) by the Academy Trust in respect of the Academy, otherwise than as expressly provided in the relevant Budget for the Financial Year and on terms agreed in advance in writing by the Trustees.
- 3 Making any acquisition or disposal of any material asset(s) of the Academy otherwise than in the ordinary course of business.
- 4 Creating or granting any encumbrance, or giving any security or guarantee over the whole or any part of the undertaking or assets of the Academy Trust or the Academy, or agreeing to do so.
- 5 Entering into any partnering or collaboration arrangement, joint venture or other agreement or arrangement for the joint administration or sharing of services of the Academy other than with another academy of the Academy Trust.
- 6 The appointment or dismissal of the Head Teacher of the Academy.
- 7 Approval of all senior leadership appointments including any Deputy Head Teacher, Assistant Head Teacher and/or senior teachers on the leadership scale and the Academy's Finance and/or Business Manager.
- 8 Changes to be organisational structure of the Academy.
- 9 Entering into any capital commitment of £10,000 or more in any financial year of the Academy Trust, or with an aggregate value in excess of £50,000 in total, if greater.
- 10 Any commitment or expenditure that is not taken into account in the relevant Budget for the Financial Year.
- 11 Entering into any contract for goods or services or goods and/or services, in respect of which the Trustees have notified the Local Governing Body that the Academy Trust is in negotiations for or has entered into purchasing arrangements for the supply of goods or services or goods and/or services of a similar nature for one or more academies of the Academy Trust.

- 12 Employing or offering to employ or engage the services of any member of staff for a position for which the Trustees have notified the Local Governing Body that the Academy Trust intends to employ or engage the services of a person or persons to provide services for one or more academies of the Academy Trust.
- 13 Any acquisition or disposal or other transaction concerning the use or occupation of land.
- 14 Prosecution, defence or settlement of litigation or being otherwise material to the interests of the Academy Trust, including but not limited to its reputation or the reputation of the Academy.
- 15 The approval of Budgets and any material changes to them.
- 16 Approval of the appointment of the Academy's legal, audit, and banking advisers.
- 17 This schedule of matters reserved for Trustees' decisions.
- 18 Any decision to cease to operate all or a material part of the Academy's operations.
- 19 The admissions policy(ies).
- 20 Approval of the appointment of any unqualified teachers in teaching positions.
- 21 Approval of pay increases for head teachers.
- 22 Appointment and quality assurance of any professional staff placed in schools by Trustees to provide services.

APPENDIX 3

FUNCTIONING OF AN INTERIM LOCAL GOVERNING BODY

- 1 An Interim Local Governing Body ("ILGB") is a governing body of an academy transferred to the Academy Trust in a "sponsored" capacity (i.e. where a school is required by the DfE to become an academy) or the first year of the operation of a new school.
- 2 The Academy Trust shall appoint members to the Interim Local Governing Body. All the elected parent and staff members of the governing body of the predecessor school may continue to be members for their remaining term of office if the Trustees consider this to be appropriate.
- 3 The Academy Trust shall appoint a chair and vice-chair for the Interim Local Governing Body.
- 4 For an ILGB, the Finance Committee and the Standards Committee (on both occasions) will be supported by the Academy Trust Central Team.
- 5 For an ILGB, staffing decisions will be approved by the Academy Trust and procurement of new contracts (e.g. caretaking, cleaning, IT, school meals etc.) will be ratified by the Academy Trust Executive.
- 6 In the operation of an ILGB, a number of additional delegations will be retained by the Trustees or their nominated representatives:
 - Appointment of the Chair of Governors
 - Appointment of Governors
 - Induction of new Governors
 - Approval of appointment of clerk
 - Induction of new clerks
 - Approval of teaching management and other school appointments
 - Appointment and performance management of the Head Teacher
 - Appointment of Deputies and other leadership positions
 - Approval of pay awards
 - Approval of minutes
 - Approval of salaries at appointment
- 7 In some circumstances, an Interim Executive Board may be used as an interim measure where the Academy Trust's Executive Team governs the school for a short period of time and thus the Academy Trust's Chief Executive Officer and Academy Trust's other executives make all the decisions for the Academy.