



The Family of Learning Trust

TERMS OF REFERENCE FOR LOCAL GOVERNING BODY

THE ACADEMY

EFFECTIVE DATE: [1st January 2018]

1. INTRODUCTION

- 1.1 **THE FAMILY OF LEARNING TRUST** (the “Trust”) has set up a multi-academy trust to serve the needs of the local community in Calderdale. The Trust is an exempt charity and company limited by guarantee governed by a Board of Trustees (the “Trustees”) who are accountable to the Department for Education and have overall responsibility and ultimate decision-making authority for all the work of the Trust, including the establishing and running of the academies operated by the Trust.
- 1.2 The Trust serves three categories of academies within the Trust – sponsored academies, supported academies and supporting academies. The category allocation is very important because it dictates the constitution of the LGB, the extent to which responsibilities are delegated to the Academy, and the funding arrangements.
THE ACADEMY (the “Academy”) is currently one of the academies within the Trust and is operated by the Trust.
- 1.3 The category allocation is linked to the performance of the Academy in relation to the quality of teaching and learning, standards, governance, finance, and buildings. The category will be reviewed at the first meeting of the academic year of the Trustees. Depending on the outcome of the review, the Academy may either stay in the same category or be moved to another.
- 1.4 The Trustees reserves the right to change the category at any time if it considers this to be in the interests of the Academy and the wider Trust family.
- 1.5 The Trustees have overall legal responsibility for the operation of the Trust and the academies within it, however, the Trustees intends to work in partnership with its family of academies.
- 1.6 In order to assist with the discharge of their responsibilities, the Trustees have established a Local Governing Body (“LGB”) for each of the academies with the Trust.
- 1.7 These terms of reference have been put in place by the Trust from the Effective Date in accordance with the provisions of the Trust’s Articles of Association (the “Articles”) and it should be read in conjunction with those Articles. In any conflict between any provision of these terms of reference and the Articles, the Articles shall prevail.
- 1.8 The LGB shall be a committee established pursuant to Articles 100 to 104 (inclusive) of the Articles.
- 1.9 The Trustees may review these terms of reference at any time but shall review them at least annually.
- 1.10 These terms of reference may only be amended by the Trustees.



2. **CONSTITUTION OF THE LGBS**

2.1 Members of the LGB shall be known as “**governors**”.

2.2 The Trustees have the right to appoint such persons to the LGB as they shall determine from time to time

2.3 Subject to clause 2.2, the composition of the Local Governing bodies for the Academy shall be as follows:

2.3.1 the Head teacher of the Academy;

2.3.2 up to [2] staff governors;

2.3.3 up to [3] parent governors;

2.3.4 up to [3] Trust appointed governors; and

2.3.5 up to [3] co-opted governors.

2.4 The procedure for the appointment and the removal of governors shall be as set out in Appendix 1.

3. **PROCEEDINGS OF THE LGB**

3.1 The proceedings for meetings of the LGB shall be as set out in Appendix 2.

4. **RELATIONSHIP BETWEEN THE BOARD AND LGB**

4.1 The LGB shall in carrying out its role:

4.1.1 promote high standards and aim to ensure that students and pupils are attending a successful school which provides them with a good education and supports their well-being;

4.1.2 be responsible to the Trustees for its actions and follow the expectations of governors as laid down by the Trustees;

4.1.3 aim to establish that it is competent, accountable, independent and diverse that promotes best practice in governance; and

4.1.4 aim to ensure that its governors promote and uphold high standards of conduct, probity and ethics.

4.2 The Trustees shall support the work of the LGB by:

4.2.1 setting a clear strategic vision to allow the LGB to set and achieve its own aims and objectives within such vision;

4.2.2 ensuring that systems are put in place to allow the governors to be presented with timely and good data to allow the LGB to analyse Academy performance in order to support and challenge the Head teacher and the senior leadership team of the Academy; and

4.2.3 ensuring that the governors have access to high quality training.

4.3 Without prejudice to the Trustees’ other rights to remove any governor and the Trustee’s rights to amend these terms of reference at any time, where the Trustees have concerns about the performance of an LGB they may amongst other actions:



- 4.3.1 require the relevant LGB to adopt and comply with a governance action plan in such form as determined by the Trustees;
 - 4.3.2 suspend or remove any or all of the matters delegated to the LGB; or
 - 4.3.3 suspend or remove any or all of the governors of the relevant LGB.
- 4.4 The Trustees may require a governance action where:
- 4.4.1 the Academy has a deficit budget (both revenue and capital) in excess of £50,000;
 - 4.4.2 an Ofsted judgement less than Good; and
 - 4.4.3 the Trustees, acting reasonably, have significant concerns about the governance of the Academy.
- 4.5 The Trustees may vary the matters delegated where:
- 4.5.1 the LGB act outside its delegated powers and limitations;
 - 4.5.2 the LGB are in breach of these terms of reference; and
 - 4.5.3 an event or circumstance occurs which requires governance action to be taken pursuant to clause 4.4.
- 4.6 The Trustees may remove governors where:
- 4.6.1 the Academy is in material breach of its funding arrangements;
 - 4.6.2 the LGB is in material breach of these terms of reference or has persistently breached these terms of reference; or
 - 4.6.3 an event or circumstance occurs which requires governance action to be taken pursuant to clause 4.4.
- 4.7 The circumstances listed in paragraphs 4.4, 4.5 and 4.6 are illustrative only and shall not limit the rights of the Trustees to suspend or remove any or all of the matters delegated to the LGB.

5. **DELEGATED POWERS**

General principles

- 5.1 In the exercise of its delegated powers and functions, the governors of the LGB shall:
- 5.1.1 ensure that the Academy is conducted in accordance with the objects of the Trust, the terms of any trust governing the use of the land which is used for the purposes of the Academy, any agreement entered into with the Secretary of State for the funding of the Academy and these terms of reference;
 - 5.1.2 promptly implement and comply with any policies or procedures communicated to the LGB by the Trustees from time to time;
 - 5.1.3 review its own policies and practices on a regular basis, in view of any advice or recommendations made by the Trustees;
 - 5.1.4 work closely with the Trustees and act with integrity, objectivity and honesty in the best interests of the Trust and the Academy;



- 5.1.5 be open about decisions and be prepared to justify those decisions;
 - 5.1.6 keep confidential all information of a confidential nature obtained by them relating to the Academy and the Trust; and
 - 5.1.7 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.
- 5.2 Governors shall be expected to report to the Trust against KPIs which have been set for the Academy and 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.
- 5.3 Appendix 3 sets out the powers retained by the Trust, and the powers delegated from the Trustees to the CEO, the Finance Director of the Trust, the LGB, and the Head teacher of the Academy.
- 5.4 For the avoidance of doubt, where a power is not expressly delegated to the LGB or the Head teacher of the Academy it will be deemed to have been retained by the Trust regardless of whether it is specified in Appendix 3.
- 5.5 Appendix 3 may be reviewed by the Trustees at any time but shall be reviewed at least annually. 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.
- 6. FUNDING**
- 6.1 A recharge is levied on each of the academies in the Trust to cover the cost of centrally provided services. These services include the provision of a coherent package for school improvement which is tailored to the needs of each individual academy.
- 6.2 Supporting academies will be given the opportunity to bid for school improvement projects to help academies in the two other categories. They will be paid for this from the centrally provided services pot.
- 7. WORKING AS A FAMILY**
- 7.1 All academies within the Trust family will be expected to contribute to one or more of the following:
- 7.1.1 development and maintenance of school policies;
 - 7.1.2 sharing of best practice;
 - 7.1.3 provision of emergency cover;
 - 7.1.4 mentoring and coaching of staff; and
 - 7.1.5 recruitment, training and appraisal of governors for the LGBs in the Trust.
- 8. FURTHER INFORMATION**
- 8.1 For further information about this document, please contact the Trust's Finance Director at The Family of Learning Trust, Mount Pleasant Avenue, Halifax, HX1 5TN, telephone number: 01422 345004.



APPENDIX 1 – APPOINTMENT AND REMOVAL OF GOVERNORS

1. STAFF GOVERNORS

- 1.1 The Trustees shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the Academy and, where there are any contested posts, shall hold an election by a secret ballot.
- 1.2 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 Trustees. The Trustees may delegate the running of the election to the LGB.

2. PARENT GOVERNORS

- 2.1 Parent governors of the LGB shall be elected by parents of registered pupils at 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.
- 2.2 The Trustees shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent governors. The Trustees may delegate the running of the election to the LGB.
- 2.3 Where a vacancy for a parent governor is required to be filled by election, the Trustees shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 2.4 Any election of persons who are to be the parent governors which is contested shall be held by secret ballot. The arrangements made for the election of the parent governors shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the Academy by a registered pupil at the Academy.
- 2.5 Where the number of parents standing for election is less than the number of vacancies, the Trustees may appoint a person who is the parent of a registered pupil at the Academy or, where it is not reasonably practical to do so, a person who is the parent of a registered pupil of another Academy run by the Trust.

3. CO-OPTED GOVERNORS

- 3.1 Co-opted governors of the LGB shall be appointed by the Trustees. He or she must be:
 - 3.1.1 a person who lives or works in the community served by the Academy; or
 - 3.1.2 a person who, in the opinion of the Trustees, has the necessary skills set and is committed to the government and success of the Academy.
- 3.2 The Trustees may not appoint an employee of the Trust as a co-opted governor.

4. TRUST APPOINTED GOVERNORS

- 4.1 The Trustees may appoint Trust appointed governors to the LGB.



4.2 The Trustees will decide on the appointments at a meeting of the Board of Trustees and may appoint any person to be a governor that they consider fit.

5. **TERM OF OFFICE**

5.1 The term of office for any governor shall be 4 years, save for the Head teacher of the Academy (as applicable) who shall remain a governor until he or she ceases to work at the Academy.

5.2 Subject to remaining eligible to be a particular type of governor, any person may be re-appointed or re-elected to the LGB.

6. **RESIGNATION AND REMOVAL**

6.1 A person serving on the LGB shall cease to hold office if:

6.1.1 he resigns his office by giving notice in writing to the clerk of the LGB;

6.1.2 the Head teacher or a staff governor ceases to work at the Academy;

6.1.3 the Trustees terminate the appointment of a governor whose presence or conduct is deemed by the Trustees, at their sole discretion, not to be in the best interests of the Trust or the Academy.

6.2 For the avoidance of doubt, a parent governor shall not automatically cease to hold office solely by reason of their child ceasing to be a pupil at the Academy.

7. **DISQUALIFICATION OF GOVERNORS OF THE LGB**

7.1 A person shall be disqualified from serving on the LGB if he would not be able to serve as a Trustee in accordance with Articles 68-80 of the Articles.

8. **APPOINTMENT AND REMOVAL OF CHAIR AND VICE CHAIR**

8.1 The Chair and Vice Chair of the LGB shall be appointed by the Trustees and may be removed from office by the Trustees at any time.

8.2 The term of office of the Chair and Vice Chair shall be 1 year. Subject to remaining eligible to be a governor, any governor may be re-appointed as Chair or Vice Chair of the LGB by the Trustees.

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

8.3.1 he ceases to serve on the LGB;

8.3.2 he is employed by the Trust whether or not at the Academy; or

8.3.3 in the case of the Vice Chair, he is appointed to fill a vacancy in the office of the Chair.

8.4 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. Where the Vice Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice Chair, the governors of the LGB shall elect one of their number to act as chair for the purposes of that meeting.



9. **COMMITTEES**

- 9.1 Subject to the prior agreement of the Trustees, the LGB may establish subcommittees who may include individuals who are not members of the LGB, provided that such individuals are in a minority.
- 9.2 The LGB may delegate to a subcommittee or any person serving on the LGB, subcommittee, the Head teacher 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 Trustees or the LGB may impose and may be revoked or altered. The person or subcommittee 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.



Appendix 2 – Proceedings of the LGB

1. MEETINGS

- 1.1 The LGB shall meet at least once in every term and shall hold such other meetings as may be necessary.
- 1.2 Meetings of the LGB shall be convened by the clerk to the LGB, who shall send the governors written notice of the meeting and a copy of the agenda at least seven clear days in advance of the meeting. Where there are matters demanding urgent consideration, the Chair or, in his absence, the Vice-Chair, may waive the need for seven days' notice of the meeting and substitute such notice as he thinks fit.
- 1.3 Any governor shall be able to participate in meetings of the governors by telephone or video conference provided that he has given reasonable notice to the clerk of the LGB and that the governors have access to the appropriate equipment.
- 1.4 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 or any defect in the election, appointment or nomination of any person serving on the LGB.

2. QUORUM

The quorum for a meeting of the LGB, and any vote on any matter at such a meeting, shall be any three of the governors of the LGB, or, where greater, any one third (rounded up to a whole number) of the total number of governors of the LGB at the date of the meeting, which must include at least one governor appointed by the Trust.

3. VOTING

- 3.1 Every matter to be decided at a meeting of the LGB shall be determined by a majority of the votes of the governors present and entitled to vote on the matter. 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 governor may not vote by proxy.
- 3.2 Any governor who is also an employee of the Trust shall withdraw from that part of any meeting of the LGB at which his remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 3.3 A resolution in writing, signed by all the governors shall be valid and effective as if it had been passed at a meeting of the governors duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the governors.

4. CONFLICTS OF INTEREST

- 4.1 Any governor who has or may have any relevant direct or indirect business or pecuniary interest which conflicts or may conflict with his duties as a governor of the LGB shall disclose that fact to the LGB as soon as he becomes aware of it. A person must absent himself from any discussions of the LGB in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academy and any relevant business or pecuniary interest.



4.2 The LGB must comply with, and assist the Trustees with compliance of, the provisions of the Academies Financial Handbook, particularly in respect of conflicts of interests, the principles applying to connected party relationships, and maintaining a register of interests.

5. **MINUTES OF MEETINGS**

5.1 At every meeting of the LGB the minutes of the last meeting shall be taken as the first agenda item after any apologies and, if agreed to be accurate, shall be signed as a true record.

5.2 The clerk to the LGB shall ensure that a copy of the agenda for every meeting of the governors, the draft minutes of every such meeting (if they have been approved by the Chair of that meeting), 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 to the Clerk of the Trustees.



The Family of Learning Trust

MULTI-ACADEMY TRUST

APPENDIX 3

Scheme of Delegation





SCHEME OF DELEGATION

FINANCE			
RESPONSIBILITY	Head teacher	Local Governing Body (LGB)	Full MAT Board
<ul style="list-style-type: none"> • Budget Forecast 	<p>The Head teacher will have primary responsibility for preparing the draft Budget in consultation with the LGB and with the support of the MAT Finance Director as necessary during May in accordance with a pre-arranged timetable, on conversion initially this will be done in November.</p>	<p>The Head teacher will refer the Draft Budget to the LBB prior to the submission</p>	<p>The full MAT Board will approve the consolidated Budget Forecast for the MAT including the individual academy budget prior to submission to the EFA by 31 July, initially by mid June.</p>
<p>Submission of consolidated Budget Forecast by 31 July for the following financial year including capital projects</p>	<p>The Head teacher will submit the draft budget to the Trust Board.</p>	<p>Recommendations for approval for revision to the budget must be made by the LGB.</p>	<p>The initial Budget Forecast for a newly converting academy will be based on the Pre-Academy Report and must be approved by the full MAT Board before the school converts to academy status and joins the MAT - December on conversion.</p>
<p>Revisions to budget during the year as appropriate</p>	<p>The Head teacher may draft revisions to the budget during the year as appropriate with involvement from members of the LGB keeping the MAT Finance Director informed who has to agree any revision and inform the Trustees of recommendations</p>	<p>Recommendations for approval for revision to the budget must be made by the LGB.</p>	



FINANCE

RESPONSIBILITY	Head teacher	Local Governing Body (LGB)	Full MAT Board
<ul style="list-style-type: none"> Purchase Order/Invoice Approval 	Where the budget has been approved up to £24,999 in value	£25,000 -£49,999	Over £50,000
<ul style="list-style-type: none"> Approval to accept a quotation from a minimum of 3 or from a formal tendering process 	Where the budget has been approved up to a value of £10,000	Over £10,000 and up to £50,000	Over £50,000
<ul style="list-style-type: none"> Authority to accept a quote/tender other than the lowest 	Where the budget has been approved up to a value of £9,999	£10,000 to £24,999	£25,000 and over
<ul style="list-style-type: none"> Authority to write off bad debts 	Where the budget has been approved up to a value of £249.99	£250 -£999 With approval of FD	£1000 to £45,000(above this requires the Secretary of states approval)
<ul style="list-style-type: none"> Approval for Capital Expenditure not included in the original budget 	The Head teacher with the consultation of the LGB and FD, has the authority to incur additional capital expenditure up to £10,000 in a financial year	The LGB with approval of the Finance director is able to approve additional capital expenditure of upto £50,000	Capital expenditure for projects exceeding £50,000 requires written consent of the MAT Board.
<ul style="list-style-type: none"> Approval for Virements between nominal codes and budget heads. 	<p>The Head teacher may request approval for virements between nominal codes and budget heads on the approved financial plan.</p> <p>The MAT Finance Director must be kept informed and agree the reasons for these virements.</p>	The LGB will monitor the on-going expenditure against budget heads.	



FINANCE

RESPONSIBILITY	Head teacher	Local Governing Body (LGB)	Full MAT Board
<ul style="list-style-type: none"> Reporting and Internal Audit Requirements 	<p>The Head teacher is responsible for providing such information and assistance in relation to reporting and internal auditing as the MAT Board may from time to time require.</p> <p>This will include reporting formally to the Finance Committee at regular intervals as specified.</p>	<p>The Local Governing Body will scrutinise and monitor capital and revenue expenditure to ensure it remains within the limits permitted by this Scheme of Delegation.</p> <p>It will provide a finance report to the MAT Board in such form and at such intervals as the MAT Board may from time to time require.</p>	<p>The MAT Board will review the performance of the academy against its Budget as part of its review of the level of autonomy it should be granted at the first meeting in each financial year.</p> <p>The MAT Board may appoint a Responsible Officer to conduct reviews of processes and procedures to provide assurance that these are efficient and effective.</p>
<ul style="list-style-type: none"> Statutory Audit Procedures 	<p>The Head teacher is to provide such information and assistance in relation to statutory audit procedures as the MAT Board may from time to time require.</p>	<p>The Local Governing Body is responsible for recommending the statutory accounts for approval.</p>	<p>The statutory accounts are signed off by the members at the AGM</p>



HUMAN RESOURCES

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Head teacher Recruitment 		<p>The Local Governing Body will constitute an Appointment Panel as a task group which will be chaired by the chair of trustees. It will provide such support and assistance to the MAT Board with the appointment process as may be required</p>	<p>The CEO will sit on the appointment panel.</p> <p>The MAT Board will make the final decision concerning the appointment of the Head teacher.</p>
<ul style="list-style-type: none"> Senior Leadership Team Recruitment 	<p>The Head teacher will notify the CEO as soon as he/she becomes aware of a potential vacancy in the Senior Leadership Team.</p> <p>The Head teacher will lead the recruitment and appointment process jointly with the HR Director.</p>	<p>The LGB will be represented on the appointment panel with the CEO.</p>	
Teacher Recruitment	<p>The Head teacher will lead the process for filling teacher vacancies in conjunction with the Senior Leadership Team, a representative of the Local Governing Body in following the MAT approved procedures.</p>	<p>The Chair of the Local Governing Body will nominate a representative from amongst its ranks to participate in the teacher appointment process.</p>	
<ul style="list-style-type: none"> Support Staff Recruitment 	<p>The Head teacher will lead the process for filling any vacancy for a member of support staff in conjunction with the Senior Leadership Team and the representative of a Local Governing Body (if appropriate)</p>	<p>The Chair of the Local Governing Body will nominate a representative from amongst its ranks to participate in the recruitment process if appropriate.</p>	



HUMAN RESOURCES

HUMAN RESOURCES			
RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
	following the MAT approved procedures.		
<ul style="list-style-type: none"> • Appointment of External Consultants 	<p>The Head teacher is to notify the CEO of any decision to appoint an external consultant.</p> <p>Any such appointment will be in the name of the MAT.</p>	Any decision concerning the appointment of an external consultant needs to be agreed by the LGB.	
<ul style="list-style-type: none"> • Head teacher Performance Appraisal and Salary Review 		The CEO will carry out the Performance Appraisal and a representative from LGB will be asked to participate in the process and make recommendations to the Trust board.	The MAT Board will approve the decision
<ul style="list-style-type: none"> • Teacher Appraisal and Salary Review 	The Head teacher is to ensure the budget includes any proposed salary reviews in consultation with the MAT Finance Director.	The LGBs will be responsible for approving the Head teacher's recommendations with support from the Finance Director.	The MAT Board will approve salary reviews.
<ul style="list-style-type: none"> • Terms of Employment 	The Head teacher may make proposals with regards to the terms of employment for an individual member of staff e.g. flexible working request.		The responsibility for the contractual terms and conditions for all MAT employees lies with the MAT Board. Decisions concerning any change to the terms of employment of Academy staff (both teaching and support) will lie with the MAT Board.
<ul style="list-style-type: none"> • Reductions in Staffing and Revisions to Staffing Structures 	<p>The Head teacher will consult with the MAT board as soon as possible after becoming aware that reductions in staffing may be necessary.</p> <p>The Head teacher will be responsible for proposing a</p>	The LGB will be consulted regarding any proposals for reducing staffing or revising	<p>The CEO and Finance director will support the Head teacher throughout the process.</p> <p>Decisions concerning the redundancies will lie with the MAT Board.</p>



HUMAN RESOURCES

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
	<p>revised staffing structure for the academy, with the support of the Finance Director for consulting the LGB.</p> <p>The Head teacher will be responsible for leading and managing the redundancy process with the support of the HR Director.</p>		
<ul style="list-style-type: none"> Allegations of Gross Misconduct 	<p>The Head teacher is to notify the MAT Board as soon as possible after becoming aware of any circumstances that may need to be dealt with under the Disciplinary Procedure which may be deemed to be Gross Misconduct.</p> <p>The Head teacher/HR Director will ensure that an investigation is conducted into any allegations of gross misconduct in accordance with the Disciplinary Procedure. If the outcome of the investigation is that there is sufficient evidence to substantiate the allegation the Head teacher will refer the matter to a Disciplinary Hearing in accordance with the procedure</p>	<p>In cases of gross misconduct where dismissal may be a possible sanction members of the Local Governing Body may be asked to sit on the panels for the Disciplinary or Appeal hearings which will be conducted in accordance with the Disciplinary Procedure should this be considered to be appropriate.</p> <p>If an allegation of gross misconduct has been made against the Head teacher then the Local Governing Body will be responsible for informing the MAT Board.</p>	<p>The CEO/HR Director will be responsible for arranging the panels consisting of members of the LGB and MAT Board.</p> <p>Decisions concerning the dismissal of any employees lie with the MAT Board.</p> <p>Directors will be asked to sit on panels for Disciplinary and Appeal Hearings</p>



HUMAN RESOURCES

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Disciplinary Allegations that fall short of Gross Misconduct 	<p>The Head teacher is to notify the MAT Board as soon as possible after becoming aware of an allegation.</p> <p>The Head teacher will ensure that an investigation is conducted into any disciplinary allegations in accordance with the Disciplinary Procedure. If the outcome of the investigation is that there is sufficient evidence to substantiate the allegation the Head teacher will refer the matter to a Disciplinary Hearing in accordance with the procedure.</p>	<p>Members of the Local Governing Body will form panels for Disciplinary and Appeal Hearings as may be required and will have the authority to impose sanctions up to, but not including, dismissal.</p> <p>Where an allegation of a less serious nature has been made against the Head teacher then the Local Governing Body will be responsible for informing the MAT Board.</p>	<p>Decisions concerning the imposition of a disciplinary sanction in respect of the Head teacher will lie with the MAT Board. Directors will form the panels of Disciplinary and Appeal Hearings in the case of allegations against Head teachers.</p>
<ul style="list-style-type: none"> Capability Proceedings 	<p>Where a capability issue is identified the Head teacher is responsible for leading and managing the process set out in the appraisal and capability procedures.</p> <p>The Head teacher is responsible for keeping the MAT Board and Local Governing Body informed regarding the progress of the proceedings for any member of teaching or support staff.</p> <p>If there has been insufficient improvement in performance</p>	<p>The LGB will be kept informed by the Head teacher.</p> <p>Where the Head teacher is subject to a capability procedure the CEO and Local Governing Body together are responsible for leading and managing the process set out in the relevant policies.</p>	<p>The CEO is responsible for keeping the MAT Board informed.</p> <p>Decisions concerning the dismissal of any employees lie with the MAT Board.</p> <p>Directors will be asked to sit on panels for final stage Capability and Appeal Hearings</p>



HUMAN RESOURCES

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
	after having followed the capability procedures the final hearing will be referred to a panel of the MAT Board		
<ul style="list-style-type: none"> • Probationary Period Procedure 	The Head teacher is responsible for following the probationary period procedure with every member of staff and confirming them in post. If an employee does not satisfactorily complete their probationary period the Head teacher will be responsible for informing the HR Director.	The Head teacher will keep the Chair of the Local Governing Body informed regarding members of staff that are unlikely to satisfactorily complete their probationary period.	<p>Unless the MAT Board, acting in good faith, has any legitimate reason to do otherwise, it will delegate the responsibility for the dismissal of a member of staff who has failed to satisfactorily complete their probationary period to the Head teacher.</p> <p>Appeals against termination will be heard by a panel of the MAT Board.</p> <p>Where a Head teacher does not satisfactorily complete their probationary period an appeal against termination will be heard by a panel of MAT Directors</p>



ORGANISATION

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none">Academy Improvement Plan (including curriculum and standards)	<p>The Head teacher is to draw up a draft Academy Improvement Plan in conjunction with the MAT School Improvement Advisor and LGB prior to submitting it to the MAT Board.</p> <p>The draft Academy Improvement Plan should be costed with the support of the MAT Finance Director and the expenditure built into the Budget Forecast</p> <p>The Head teacher is to co-operate with the MAT in the ongoing monitoring of the Academy Improvement Plan.</p>	<p>The LGB will approve the School Improvement Plan subject to any modifications it wishes to make.</p>	<p>The CEO will suggest amendments (if required)</p>
<ul style="list-style-type: none">Academy Hours			<p>The MAT Board is responsible for setting the opening and closing times for Academies taking into consideration the views of the Head teachers and Local Governing Bodies</p>



ORGANISATION

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Term Times 	The Head teacher will propose the changes	The LGB will make recommendations	The MAT Board is responsible for setting the term times for Academies taking into consideration the views of the Head teachers and Local Governing Bodies
<p>Polices Requiring Consistency Across the MAT e.g. Safeguarding, HR</p>	The Head teacher will be responsible for ensuring that MAT policies and procedures are applied across the academy	The Local Governing Body will note the policies requiring consistency across all the academies as approved by the MAT Board and monitor their implementation.	<p>Polices requiring consistency across the Trust will be drafted by the CEO or relevant MAT Officer</p> <p>The MAT Board will approve all such policies and any amendments to them.</p>
<ul style="list-style-type: none"> Other Academy Policies 	The Head teacher will have responsibility in consultation with the LGB for developing Academy specific policies and as statutorily required.	The Local Governing Body WILL approve Academy specific policies and monitor their implementation.	



ASSET MANAGEMENT

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Negotiation and renegotiation of contracts, HP, Leasing, Services and other Agreements <p>Processes and procedures must be in accordance with the Financial Regulations Manual</p>	<p>The Head teacher will consult with the MAT Finance Director of any proposal to negotiate or renegotiate any external contracts, leases or other service agreements.</p>	<p>The LGB will be kept informed.</p>	<p>The Trust Board will authorise and approve all contracts.</p>
<ul style="list-style-type: none"> Disposal of Assets <p>Processes and procedures must be in accordance with the Financial Regulations Manual</p>	<p>The Head teacher may authorise the disposal of assets up to and including a market value of £5,000 (either as one item or in total) having first consulted the MAT Finance Director for advice. Records must be kept of all disposals.</p>	<p>The LGB is to be informed of any asset disposals and will monitor these to ensure procedures are being followed.</p>	<p>The MAT Board must obtain approval from the DfE in writing if it proposes to dispose of an asset for which a capital grant in excess of £20,000 was paid</p>
<ul style="list-style-type: none"> Premises Maintenance Programme 	<p>Each year the Head teacher will ensure that a Premises Maintenance Programme has been drawn up, taking into consideration the most recent Condition Survey. This will be added to the AIP (Academy Improvement Plan). The MAT Facilities Manager will work with the Finance Director on this.</p> <p>The Premises Maintenance Programme must be costed and the expenditure built in to the Budget Forecast</p>	<p>The Local Governing Body is responsible for monitoring the implementation of the Premises Maintenance Programme.</p>	<p>The MAT Board is required to approve the Premises Maintenance Programme making any amendments it sees fit.</p>



ASSET MANAGEMENT

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Health and Safety 	<p>The Head teacher along with the Facilities Manager is responsible for:</p> <ul style="list-style-type: none"> developing a health and safety culture throughout the academy ensuring that staff are aware of their responsibilities drawing up site specific health and safety procedures (with the support of the MAT Facilities Manager as appropriate) ensuring staff are aware of their responsibilities updating the LGB 	<p>The LGB shares the overall responsibility for health and safety. It is responsible for:</p> <ul style="list-style-type: none"> Appointing a Governor with responsibility for Health and Safety monitoring and reviewing the effectiveness of health and safety procedures Providing training opportunities. Report to the MAT board on Health and Safety risks or issues that arise 	<p>Provide strategic direction in the importance of Health and Safety</p> <p>Appoint independent auditors to provide monitoring, annual checking, advice and report on compliance with the Health and Safety policy and any relevant legislation.</p>
<ul style="list-style-type: none"> Legal Claims <p>A legal quickline is available for advice as part of the central services arranged through the MAT</p>	<p>The Head teacher is to notify the Chair of Governors/CEO of any actual or potential claims or proceedings affecting the Academy as soon as becoming aware of them.</p> <p>The Head teacher will act on any instructions received from the CEO/MAT Board.</p>	<p>The Local Governing Body will act on any instructions received from the CEO/ MAT Board.</p>	<p>The MAT Board may instruct the Head teacher/CEO and/or the Local Governing Body to take such action as it may reasonably require in relation to the defence or prosecution of any claim or proceedings.</p>



STRATEGY

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Partnering Arrangements (eg membership of TSAs) 	<p>The Head teacher is to notify the Chair of the Trust of any proposals to enter into, renew, amend or terminate any partnering arrangement.</p> <p>The Head teacher will provide such further information and assistance as the MAT Board may need in order to make a decision concerning the arrangement.</p>	<p>The LGB will be kept informed.</p>	<p>The CEO is required to approve any proposals for partnering arrangements</p>
<ul style="list-style-type: none"> Expansion of existing facilities/taking on new premises <p>Processes and procedures must be in accordance with the Financial Regulations Manual, the DfE Academies Financial Handbook and all statutory requirements</p>	<p>The Head teacher is to notify the CEO/MAT Board of any proposal to expand any existing facilities at the Academy.</p> <p>The Head teacher is responsible for drawing up a Finance case for the expansion proposal in consultation with the LGB and MAT Finance Director prior to submission to the MAT Finance Committee/MAT Board</p>	<p>The LGB will be kept informed.</p>	<p>The Finance Director/CEO will produce a report with recommendations to the MAT Board.</p> <p>The MAT Board will review any Finance Case and decide whether to approve it or not.</p>



STRATEGY

RESPONSIBILITY	Head teacher	Local Governing Body	MAT Board
<ul style="list-style-type: none"> Other major strategic decisions 	<p>The Head teacher is to notify the CEO of any proposal of a major strategic nature.</p> <p>The Head teacher will provide such further information and assistance as the CEO may need in order to make a recommendation concerning the proposal</p>	<p>The LGB will take the lead generally in developing the Academy's strategy so it:</p> <ul style="list-style-type: none"> becomes and remains a sustainable, vibrant and high-quality provider. Plays an effective part in the wider MAT family; and Contributes to the renewal and sustainability of the community it serves. 	<p>The CEO/Finance Director will assess the viability of any proposal put forward by the Head teacher.</p> <p>The MAT Board will be responsible for approving any major strategic proposal.</p>



The Family of Learning Trust Scheme of Delegated Authority

KEY

Level 0: Members

Level 1: Board of Directors /Trustees (BoD)

Level 2: CEO/Executive Team

Level 3: Local Governing Body (LGB)

Level 4: Head Teacher

Note: Although decisions may be delegated, the members as a whole remain responsible for any decision made under delegation. Although the term 'academy' is used, it should be noted that it is interchangeable with free school, school or any other educational organisation.

The Scheme of Delegated Authority (SoDA) is bespoke to each institution and is based on the assumption that an institution is currently rated a 'outstanding' or 'Good' in their most recent Ofsted inspection. If an institution is a 'Requires Improvement' or 'Inadequate' the (SoD) will be different and then members or Trustees have the right to remove this level of autonomy for the benefit of the overall trust

Key Function	No	Tasks	Decision Level				
			0	1	2	3	4
Admissions	1	Agree Admissions Policy		✓			
	2	Propose Admissions Policy				✓	
	3	Agree PAN annually		✓			
	4	Propose changes to PAN				✓	
Central Services	5	Determine the scope of central services delivered by the MAT			✓		
	6	To ensure centrally provided services provide value for money			✓		
	7	To identify those additional services to be procured on behalf of individual academies					✓
Commercial Ventures	8	To approve any proposed commercial venture (of educational or non-educational character) within the trust		✓			
	9	To cease any commercial venture (of educational or non-educational character) within the trust		✓			
	10	To monitor the impact (educational and financial) of any commercial venture within the trust e.g. teaching school			✓		
Curriculum	11	Approval of curriculum policy		✓			
	12	Propose and implement curriculum policy				✓	



Key Function	No	Tasks	Decision Level				
			0	1	2	3	4
Curriculum (continued)	13	Responsibility for standards in Teaching and Learning					✓
	14	Approve a Sex Education Policy		✓			
	15	Propose a Sex Education Policy				✓	
	16	Arrangements for daily collective workshop					✓
	17	Approve and monitor individual student targets					✓
	18	Accountability for individual student education and achievement				✓	
	19	Responsibility for individual student education and achievement					✓
Discipline/Exclusions	20	Approve Behaviour Policy				✓	
	21	Propose and implement Behaviour Policy					✓
	22	Exclude a student for more than 15 days or permanently (Head teacher can delegate to SLT if out of building)					✓
	23	Review exclusion upon appeal (Independent panel)				✓	
	24	Direct reinstatement of excluded students				✓	
Extended Schools	25	To decide to offer additional activities (and what form these should take)				✓	
	26	To cease providing extended school provision				✓	
	27	To implement the additional services provided					✓
Finance	28	Approve trust budget plans for financial year		✓			
	29	Approve academy budget for financial year				✓	
	30	Prepare the academy budget plan for the financial year			✓		
	31	Monitor trust budget termly			✓		
	32	Monitor academy budget termly				✓	
	33	Monitor monthly expenditure of budget spend					✓
	34	To agree signatories for budget holders in each institution					✓
	35	To approve academy virements and budget adjustments above £50,000		✓			
	36	To approve academy virements and budget adjustments from £25,001 to £50,000			✓		



Key Function	No	Tasks	Decision Level				
			0	1	2	3	4
Finance (continued)	37	To approve academy virements and budget adjustments from £5,001 to £25,000				✓	
	38	To approve academy virements and budget adjustments under £5,000					✓
Governance	39	Approval to order goods/services above the value of £50,000 (with 3 written quotes). ESFA approval may be needed for £100k and above; OJEU rules may also apply		✓			
	40	Approval to order goods/services between £25,001 and £50,000 (with 3 written quotes), OJEU rules may apply				✓	
	41	Approval to order goods/services up to the value of £10,000					✓
	42	Approve changes to governance structures, Terms of Reference, Articles of Association or Funding Agreement	✓				
	43	Recommend changes to the trust's governance structure, Terms of Reference, Articles of Association and/or Funding Agreement		✓			
	44	Approve changes to the Scheme of Delegation		✓			
	45	Recommend changes to the Scheme of Delegation			✓		
	46	Approve requests from other schools to join the trust	✓				
	47	Recommend requests from other schools to join the trust		✓			
	48	Appoint the chair of the Board of Directors/Trustees	✓				
	49	Appoint the chair of the LGBs				✓	
	50	Appoint the Clerk to LGB			✓		
	51	Recruitment of Governors			✓		
	52	Designate link governors as appropriate e.g. Pupil Premium, SEND etc				✓	
	53	Review performance of LGBs		✓			
	54	Suspend and/or dismiss members of LGB		✓			
	55	Set up Register of Business Interests for members	✓				
	56	Set up Register of Business Interests for directors		✓			
57	Set up Register of Business Interests for governors		✓				
60	Approve and set up Directors' Expenses Scheme		✓				



Key Function	No	Tasks	Decision Level				
			0	1	2	3	4
Governance (continued)	61	Approve and set up LGB Expenses Scheme				✓	
	62	Appoint a Chief Executive Officer (CEO/Accounting Officer)		✓			
	63	Appoint Company Secretary		✓			
	64	Appoint external auditors for the trust		✓			
	65	Appoint internal auditors or Responsible Person via Audit Committee		✓			
	66	To hold a full BoD meeting at least three times in a school year (or more often if required)		✓			
	67	Approve applications for significant changes to an open academy	✓				
	68	Approve changes impacting the ethos and vision of the trust	✓				
Health and Safety	69	Approve academy Business Continuity Policy		✓			
	70	Monitor implementation of academy Business Continuity Plans				✓	
	71	Approve Health and Safety Policy (including Fire Evacuation Procedures)		✓			
	72	Propose and implement Health and Safety Policy (including Fire Evacuation Procedures)				✓	
	73	Approve a Risk Management Plan		✓			
	74	Propose and implement Risk Management Plan			✓		
Policies and Practices	75	Approve all trust policies*		✓			
	76	Propose policies to the BoD*			✓		
	77	Monitor operation of policies				✓	
	78	Propose Academy policies to LGB					✓
	79	Provision of appropriate buildings and other insurance (including all liability cover)			✓		
	80	Develop and approve trust capital strategy			✓		
	81	Develop and approve academy maintenance strategy				✓	



Key Function	No	Tasks	Decision Level				
			0	1	2	3	4
Safeguarding	82	To approve a Safeguarding Policy				✓	
	83	To implement and monitor a Safeguarding Policy					✓
	84	Complete and maintain a Single Central Record					✓
	85	Appoint a Safeguarding Governor				✓	
School Organisation	86	Approve academy day, term dates and holidays		✓			
	87	Recommend academy day, term dates and holidays					✓
	88	Approve academy prospectus				✓	
	89	To prepare and publish the academy prospectus					✓
	90	Ensure each academy meets the minimum requirement of school days in a year				✓	
Staffing/Recruitment	91	Academy Head teacher appointments			✓		
	92	Attendance on panel for Head teacher appointment				✓	
	93	Appointment of trust staff who directly support the BoD			✓		
	94	Appoint senior leaders in academies					✓
	95	Attendance on panel for appointment of academy senior leaders				✓	
	96	Appointment of any other staff in academies					✓
	97	Approve changes to trust staffing structures			✓		
	98	Approve changes to trust staffing structure (not including redundancies)		✓			
	99	Propose changes to trust staffing structure (not including redundancies)			✓		
	100	Propose changes to academy staffing structure					✓
	101	Appointment of external consultant				✓	
	102	Head teacher Appraisal			✓		
	103	Performance review of the CEO		✓			
	104	Suspend/dismiss the CEO		✓			
	105	Approve pay scale of the CEO		✓			
	106	Suspend/dismiss a trust staff member who directly supports the BoD			✓		



Key Function	No	Tasks	Decision Level				
			0	1	2	3	4
Staffing/Recruitment (continued)	107	Suspend/dismiss an academy Head Teacher/Principal			✓		
	108	Suspension/dismissal of all academy staff (not including the Head teacher)					✓
	109	Approve any dismissal, severance or compensation payments			✓		
	110	Performance review of all academy staff (not including the Head teacher/Principal)					✓
Strategy	111	Approve and review progress of trust improvement plan		✓			
	112	Approve and review progress of each academy improvement plan (SIP)				✓	
	113	Review progress across trust of all SIPs			✓		
	114	Approve and monitor trust Strategic Risk Register		✓			
	115	Approve and monitor each academy Operational Risk Register				✓	

**A list of all current Family of Learning Trust and Academy policies is provided in Annex A (and copies of these policies are available from the relevant website). Where an academy is being incorporated into the trust the existing policies will remain in place until harmonisation with the trust and these will be available locally.*

For clarity and ease of communication, certain key policies are still included in the SoDA e.g. Admissions, Charging and Remissions, Health and Safety and Sex Education.

Further notes:

Conflict of Interests Procedures

- All members of staff or Governors that join the trust are asked to sign a declaration of business and pecuniary interests form prior to starting their employment. Senior Leaders, Governors, Directors and Members are asked to complete a form annually and to inform the Chief Financial Officer if their business interests change within the year. The Chief Financial Officer will collate new registers as required upon new guidance from the ESFA or any other changes that may affect this process.

ESFA consent

- The academy should seek confirmation from the ESFA if it is ever unsure whether consent is required. Certain projects like capital investments, legislative consents and any planning permissions will be sought by the ESFA if required.

Three Quote Policy

- The Finance Director and the Accounting Officer of the Academy Trust have the authority to overrule the three quote rule if three quotes can't be identified due to the nature of the requirement (for example using the Times Educational Supplement to advertise teacher posts) or already committed services.