



# Scheme of Governance and Delegation

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## Our Schools

Austhorpe Primary School

Colton Primary School

Coppice Valley Primary School

Crawshaw Academy

Harrogate Grammar School

Meadowfield Primary School

Oatlands Junior School

Rossett Acre Primary School

Templenewsam Halton Primary School

Temple Learning Academy

Temple Moor High School

Western Primary School

Whitkirk Primary School

## 1. INTRODUCTION

As an exempt charitable company limited by guarantee, Red Kite Learning Trust is governed by its Members and a board of Trustees. The Trustees are responsible for, and oversee the general control, management and administration of the Trust and the academies run by the Trust. Each Academy within the Trust will usually have a '**Local Governing Board**' (LGB), which is more locality-based and is established to compliment and support the work of the Trustees within the Scheme of Governance and Delegation set by the Trust. An LGB may have responsibility for one or more Academy. The LGBs have a focus on the quality of education, culture and wider curriculum within each setting, whilst also ensuring they fulfil the other responsibilities delegated to them within the Scheme of Governance and Delegation. Where appropriate a shared LGB may be set up where the context is judged by the Trustees to support this.

The local tier of governance performs an important role in the overall governance model as LGBs are the 'eyes and ears' of the Trustees within the individual Academies. They are expected to have a close working knowledge of the Academy, the experience of the pupils who attend it and the views of parents, staff and other stakeholders. They will be guided in their work by the Ofsted Inspection Framework, but not limited by this. LGBs are not encumbered with the higher level regulatory, compliance and strategic responsibilities that lie with the Trustees and can have a sharp focus on the provision within their Academy. LGBs must however always be mindful to be, 'eyes on, hands off' and not interfere with or subvert the professional domain of those leading the Academy. Curiosity, creativity, challenge and support are all welcome.

A crucial role of the LGB is engagement with the local community, including parents, residents, local businesses and other stakeholders. All our Academies have a commitment to working to support their local communities and develop relationships that can enhance the curriculum and wider experience of our children.

Although LGBs are focused on 'their' Academy they are expected to recognise and engage with the wider work of our Trust and help share our commitment to support all our 8,500 children, not just those they see in their own setting. Collaboration is encouraged and supported at all levels across our Trust, including at governance level. "We are our Trust".

The governance arrangements of the Trust are further detailed in Appendix 4.

Each Academy shall also be a subscriber member of the Red Kite Alliance ("**RKA**").

The Members and Trustees are accountable to the Department for Education (DfE) for the quality of the education they provide, and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.

The Trust is an exempt charity under the Academies Act 2010 and as such is accountable to the Charity Commission.

The Trust has entered into a Master Funding Agreement dated 22<sup>nd</sup> July 2015. The Trust has also entered into a Supplemental Funding Agreement dated 22<sup>nd</sup> July 2015 in relation to each Academy within the Trust at that time and further Supplemental Funding Agreements as other Academies have joined the Trust.

This Scheme of Governance and Delegation explains the ways in which the Members, Trustees and Governors of the LGB fulfil their responsibilities for the leadership and management of the Academies and the commitments to each other to ensure the success of the Academies.

This Scheme of Governance and Delegation has been put in place by the Trustees 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. References in this Scheme to numbered Articles are to the relevant clause of the Articles.

## 2. MISSION, VALUES AND GOALS OF THE TRUST

### Our Trust Mission

Nurturing ambition, delivering excellence and enriching children's lives.



### Our Trust Values



#### Collaboration

We pull together to deliver the best outcomes for every child in every school, working with professional generosity and openness for the common good. We share joy in our achievements - personal and collective.



#### Integrity

We put ethical leadership and excellent governance at the heart of our Trust, serving our schools and communities with fairness, honesty and transparency and a hunger for social justice.



#### Respect

We champion equity, equality and diversity. We treat our children, families, staff and partners with respect and kindness - modelling our values and wanting the very best for each other.

### Our Trust Goals



#### We champion learning

Learning together creatively with a rich and broad curriculum, where great teaching and confident reading are fundamental to enriching children's lives.



#### We promote wellbeing

Ensuring the wellbeing of every child and member of staff in our Trust.



#### We invest in our people

Supporting every member of staff throughout their career to be the best that they can be.



#### We innovate with technology

Enabling all learners to harness technology, ensuring all have access at home, and innovating with technology for learning.



#### We are our Trust

Growing together collaboratively we will strengthen our Trust for the benefit of our children, our staff, our communities and our environment.

## **TRUST (Decision Level 1)**

### **3. MEMBERS' POWERS AND RESPONSIBILITIES**

- 3.1 The Members of the Trust provide challenge to and scrutiny of the Trustees in relation to the governance and operation of the Trust. The Members also have the power to appoint Trustees and remove those Trustees. The Members operate independently of the Trustees and have a financial liability to the Trust in the event that it is wound up.
- 3.2 The Trust has five Members, who have been appointed on the basis that they have the skills, experience and independence required to serve the needs of all the Academies operated by the Trust in the best interests of the young people they care for. Further appointments of Members of the Trust will be on the basis of recommendations received, interviews and the passing of a special resolution of the Members to appoint such additional Members as they think fit.
- 3.3 Members present and entitled to vote at each Members' meeting shall elect, by ordinary resolution, one of their number to be the chair.
- 3.4 Subject to the Articles, Members will meet on a tri-annual basis: once in the Autumn term to review the outcomes of the Trust's Academies; in the Spring term and in the Summer term to consider the Trust's strategic plan and its alignment with the agreed Mission, Values and Goals of the Trust. In addition to these meetings, there will also be the Annual General Meeting (AGM) of the Trust. The AGM provides an opportunity for the Members to question the Trustees regarding the progress made towards its strategic goals and fidelity to the Trust values.

### **4. TRUSTEES' POWERS AND RESPONSIBILITIES**

- 4.1 Subject to the Articles, the Trustees are responsible, among other things, for three core strategic functions:
- 4.1.1 setting the ethos, vision and strategic direction for the Trust and its Academies;
  - 4.1.2 holding the CEO and Executive Group to account for the educational performance of the Academies and their pupils and the ethical and effective support and management of staff; and
  - 4.1.3 ensuring financial probity by making sure the Trust is solvent, well-run and delivering the Trust's charitable outcomes for the benefit of the public.
- 4.2 Subject to the Articles, the Members may intervene or mediate where the Trustees are unable to reach agreement. Medium and short-term strategic planning, management of Trust functions and the setting of policy for the Trust is carried out by the Trustees. The Trustees will be engaged in business planning, monitoring of budgets, performance monitoring, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required at individual Academies, if this is seen to be in the best interests of the young people concerned.
- 4.3 The Trustees will carry out an annual review to consider its structures and practice, making use of the experiences of other similar organisations and periodically seeking external expertise.
- 4.4 The Trustees have a duty to act in the fulfilment of the Trust's charitable objects, as set out in its Articles which are as follows:

*The Academy Trust's objects ("the Objects") are specifically restricted to the following:*

- a. 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 the Academies offering a broad and balanced curriculum;*
- b. to provide childcare facilities and adult training to develop the capacity and skills of parents-to-be and parents with children primarily but not exclusively under five years old in such a way that they are better able to identify and help meet the needs of children;*
- c. to promote, for the benefit of the inhabitants of the areas in which the Academies are situated, the physical, intellectual and social development of primarily but not exclusively children under five years old and in particular those who are socially or economically disadvantaged;*
- d. to develop the capacity and skills of those inhabitants of the areas in which the Academies are situated who are socially and economically disadvantaged in such a way that they are better able to identify and meet their own needs and those of their dependants and to participate more fully in society;*
- e. to relieve poverty amongst the inhabitants of the areas in which the Academies are situated;*
- f. to relieve unemployment in the areas in which the Academies are situated for the public benefit in such ways as the Trustees may think fit, including the provision of assistance in finding employment;*
- g. to advance the health of the inhabitants of the areas in which the Academies are situated; and*
- h. to provide recreational and leisure time facilities for the public benefit to advance community development and the social welfare of the inhabitants of the areas in which the Academies are situated."*

- 4.5 Trustees will have regard to the interests of the other Academies for which the Trust is responsible in deciding and implementing any policy or exercising any authority in respect of each Academy.
- 4.6 The Members may appoint up to eleven Trustees.
- 4.7 Articles 100, 101 and 104 provide for the appointment by the Trustees of committees to whom the Trustees may delegate certain of the functions of the Trustees. In further recognition of the Trustees' power to delegate under Articles 105 and 106, responsibility for the running of each Academy from the Effective Date will be delegated to the committee established by this Scheme of Governance and Delegation and which shall be known as the **Local Governing Board (LGB)** of the Academy.
- 4.8 The constitution, membership and proceedings of the LGB is determined by the Trustees and this Scheme of Governance and Delegation expresses such matters as well as acknowledges the authority delegated to the LGB in order to enable the LGB to support the Trust and the Executive group in running the Academy.
- 4.9 The Trustees retain authority and responsibility for those areas detailed in Appendix 3. The Scheme of Governance and Delegation may be varied in response to the individual circumstances of the Academy, for example following an Ofsted category Three/Four Judgement and/or in relation to the loss of key leaders and/or the risk of prejudice to the education of the young people attending the Academy. Any change to the Scheme of Governance and Delegation shall require and be subject to the approval of the Trustees. Any changes to the Governance of the Trust as detailed in Appendix 4 shall require and be subject to the approval of the Members.

## **5. EDUCATION BOARD (not part of formal governance structure of Trust – (advisory)**

- 5.1 The Education Board (“**EB**”) is an advisory body made up of the chairs of the LGBs of all Academies operated by the Trust, along with Members and Trustees. It is not intended that the EB is a committee of the Board.
- 5.2 The EB meets once a term and provides an opportunity for each LGB to share best practice and to agree items it wishes the Trustees to consider. The EB is chaired by the Chair of the Trustees to ensure all views are heard and there is direct feedback to the Trustees from the LGBs.
- 5.3 The Chief Executive Officer of the Trust and members of the Core Team shall be entitled to attend EB meetings but shall not be entitled to vote on any matter.
- 5.4 Although not part of the formal governance structure of the Trust, the EB provides useful guidance to the Trustees and ensures that all Academies have their voice heard by the Trustees.

## **6. CHIEF EXECUTIVE OFFICER**

- 6.1 The Trustees shall appoint the Chief Executive Officer of the Trust who shall also be the Accounting Officer of the Trust.
- 6.2 The Chief Executive Officer shall be responsible and accountable to the Trust for the discharge of his or her executive functions. As Accounting Officer, they shall be responsible and accountable to Parliament.

## **7. EXECUTIVE GROUP**

- 7.1 The Executive Group (“**EG**”) consists of the Headteachers/Principals of the Academies and members of the Trust Core Team.<sup>1</sup> The EG plays a vital role in the day-to-day running and organisation of the Trust. It is not intended that the EG is a committee of the Board. Although it is not part of the formal governance structure, the EG advises and informs the Trustees through the CEO who chairs meetings of the EG.
- 7.2 The EG will consider how the Trust can work better to serve the needs of all the Academies and prepare information, reports and recommendations for consideration by the Trustees.
- 7.3 The EG shall meet on a monthly basis.

## **8. AUDIT and RISK COMMITTEE**

- 8.1 The Audit and Risk Committee is a standing committee of the Trustees that provides assurance over the suitability of, and compliance with, the Trust's financial systems and controls. It meets to consider the financial security of the Trust and its approach to risk management in all aspects of its activities. The members of the Audit and Risk Committee will include those Trustees with specific audit and finance experience. The Audit and Risk Committee will consider reports from internal and external auditors employed to work on their behalf by the Trust.

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<sup>1</sup> Definition of core team – The Core Team consists of the Senior Leaders within our Trust who work across the schools and are based at the Trust Head office. The members consist of the CEO, CFO, Trust Executive Officer, Finance Director, Director of HR, Director of Primary Education, Director of Estates, Director of Secondary Education, Director of Learning and Development, Trust Safeguarding Lead and Trust IT Strategy Lead.

Definition of central team – The Central Team is all colleagues who work for the Trust but are not based in a particular school. They deliver on the Trust's central functions and support all of the schools and settings.



- 8.2 The Audit and Risk Committee will meet at least three times a year and report back to the Members and the Trustees. The committee has a key function in ensuring the legitimate and effective use of public money and holding to the values of probity and transparency and the guidance in the Academy Trust Handbook.

## **9. QUALITY OF EDUCATION COMMITTEE**

- 9.1 This Committee focuses on standards, outcomes and provision within all of the Trust schools. The Committee receives a report from the CEO and Directors of Education for Primary and Secondary and is tasked with providing both support and challenge to the Trust in its central role of delivering on its mission to nurture ambition, delivering excellence and enriching children's lives. The Committee will focus on schools "at risk" and/or within an Ofsted category and whether the trust resources have been used effectively to support rapid improvement.

## **10. FINANCE AND RESOURCES COMMITTEE**

- 10.1 This committee looks at all matters in relation to the effective and efficient use of physical, financial and human resources across the Trust. This will include scrutinising financial monitoring, planning and budget setting, capital planning and human resources strategies. The committee will be key to the Trust's work in identifying and utilising resources in order to fulfil the Trust's mission and goals.

## **11. CONSTITUTION AND FUNCTION OF THE LOCAL GOVERNING BOARD (LGB) (Decision Level 2)**

- 11.1 The LGB has responsibility for their designated Academy in accordance with this Scheme of Governance and Delegation. The Trust expects the LGB to operate as the 'eyes and ears' of the Trustees and to ensure that the Academy is led and managed effectively, in accordance with the powers delegated to it, as set out in section 10 below. This tier of LGB governance is in place to ensure the Mission, Values and Goals of the Trust as a whole are delivered. The LGB shall be constituted in accordance with this Scheme of Governance and Delegation. Appointment of governors to the LGB must be through, and from, the Trustees who have a duty to ensure that the LGB is configured appropriately to meet the needs of the Academy and the Trust. The LGB operates under powers delegated to it by the Trustees and these powers may be withdrawn by the Trustees if, in the opinion of a majority of the Trustees (whose decision on the issue shall be final and binding), the LGB has demonstrated that it is not fit for purpose.

### **11.2 Composition of the Local Governing Board (LGB)**

11.2.1 The number of governors who shall sit on each LGB shall be between nine and eleven.

11.2.2 The LGB shall have the following governors:

11.2.2.1 up to five governors, appointed under clause 11.3.1;

11.2.2.2 up to two staff governors, appointed under clause 11.3.2;

11.2.2.3 at least two, but normally no more than one third of the total number of governors, may be parent/carers governors elected or appointed under clause 11.3.5; discretion may be applied where the total number of governors is less than 9-11, and

- 11.2.2.4 Up to three co-opted governors selected to enhance the skills, experience and diversity of the Board, appointed under clause 11.4 <sup>2</sup>
- 11.2.2.5 the Headteacher/Principal of the Academy.
- 11.2.3 The Trustees (all or any of them) shall also be entitled to serve on the LGB and attend any meetings of the LGB. Any Trustee attending a meeting of the LGB shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the LGB <sup>3</sup>
- 11.2.4 If Trustees sit on the LGB as part of the substantive board they would be counted as a LGB member in terms of the constitution of the board detailed under 11.2.
- 11.2.5 All persons appointed or elected to the LGB shall give a written undertaking to the Trustees that they will perform their role in line with the expectations set out by the Trust in the “Guide to Trustees and Governors”.
- 11.3 Appointment of governors to the LGB
- 11.3.1 The Trust may appoint up to five persons to serve as governors on each LGB, ensuring that the governors on the LGB between them have an appropriate range of skills and experience enabling them to make a significant contribution to the governance of the Academy and ensuring that due attention is given to succession planning.
- 11.3.2 The LGB may appoint up to two persons who are employed at the Academy to serve on the LGB as ‘staff representatives’ through such process as they may determine, being up to one from the teaching staff and up to one from the non-teaching staff, provided that, in doing so, the total number of governors on the LGB who are employees of the Trust (including the Headteacher/Principal and staff representatives) is a maximum of three of the total number of governors on the LGB.
- 11.3.3 Unless the Trustees agree otherwise, in appointing persons to serve on the LGB who are employed at the Academy, the LGB shall invite nominations from, as appropriate, all teaching or non-teaching permanent staff team members, employed under a contract of employment at the Academy (excluding the Headteacher/Principal) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the LGB.
- 11.3.4 The Headteacher/Principal shall be an ex officio governor of the LGB (i.e., a full governor by virtue of their position as Headteacher/Principal).
- 11.3.5 Subject to clause 11.3.9, the parent/carer governors of the LGB shall be elected by parents and carers of registered pupils (i.e., the school admissions register, aka the school roll) at the Academy and he or she must be a parent or carer of a pupil at the Academy at the time when he or she is elected.
- 11.3.6 The LGB shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent/carer governors of the LGB, including any question of whether or not a person is a parent or carer of a registered pupil at the Academy. Any election of persons who are to be the parent/carer governors of the LGB which is contested shall be held by secret ballot.

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<sup>2</sup> The number of governors who are parents with children at the school should not exceed 1/3, not including the Headteacher.

<sup>3</sup> If Trustees sit on the LGB as part of the substantive board they would be counted as a LGB member in terms of the constitution of the board detailed under 11.2

- 11.3.7 The arrangements made for the election of the parent/carer governors of the LGB shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if they prefer, by having their ballot paper returned to the Academy by a registered pupil at the Academy.
- 11.3.8 Where a vacancy for a parent/carer governor of the LGB is required to be filled by election, the LGB shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent or carer of a registered pupil at the Academy, is informed of the vacancy and that it is required to be filled by election, informed that they are entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 11.3.9 If the number of parent/carer governors of the LGB is less than two and the number of parents/carers standing for election is less than the number of vacancies, the LGB may appoint one or more parent or carer governors to fill the vacancies left after the election until there is two serving parent/carer governors.
- 11.3.10 In appointing a person to be a parent/carer governor of the LGB, the LGB shall appoint a person who is the parent or carer of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent or carer of a child of compulsory school age.
- 11.3.11 The first parent and staff governors of the LGB may be those people who filled those positions on the governing body of the predecessor school at its closure on transfer to the Trust (provided they remain eligible under this Scheme of Governance and Delegation), who shall serve on the LGB for the remainder of the term(s) of office for which they were elected to the governing body of the predecessor school.
- 11.4 Co-opted governors of the Local Governing Board (LGB)
- 11.4.1 The LGB may appoint up to three persons to be “Co-opted” to the LGB subject to the approval of the Trustees. A person who shall be “Co-opted” to the LGB means a governor who is to serve on the LGB without having been appointed or elected to serve on it. The LGB may co-opt a person who is employed at the Academy or within the wider Trust provided that in doing so the total number of governors on the LGB who employees of the Trust (including the Headteacher/Principal and staff representatives) is less than one third of the total number of governors on the LGB.
- 11.4.2 LGB’s are encouraged to ensure that no more than half of Governors have children at the school. External challenge and objectivity is an important aspect of all governance.
- 11.5 Term of office
- 11.5.1 Subject to clause 11.3.11, the term of office for any governor on the LGB shall be four years, save that this time limit shall not apply to the Headteacher/Principal and persons who are “Co-Opted” to the LGB who shall serve for 1 year. Subject to remaining eligible to be a particular type of governor on the LGB, any person may be re-appointed or re-elected (including being “Co-opted” again) to the LGB. A person serving on the LGB (other than the Headteacher/Principal) should serve a maximum of two terms in any one capacity but can go on to be a governor on the LGB of another of the Trust’s Academies. Co-opted Governors are not limited to two terms of office as this would prevent them serving for any more than two years.
- 11.6 Resignation and removal
- 11.6.1 A person serving on the LGB shall cease to hold office if he resigns his office by notice to the LGB (but only if at least three persons will remain as governors on the LGB when the notice of resignation is to take effect).

- 11.6.2 A person serving on the LGB shall cease to hold office as such if they are removed by the person(s) who appointed them. Whilst acknowledging that no reason needs to be given for the removal of a governor from the LGB by a person(s) who appointed them, any failure to uphold the Mission, Values or Goals of the Trust and/or the Academy and/or to act in a way which is appropriate in light of this Scheme of Governance and Delegation will be taken into account when deciding upon such removal.
- 11.6.3 The Trustees may remove a governor from the LGB after they have given due regard to any representations by the LGB.
- 11.6.4 If any person who serves as a governor on the LGB in their capacity as an employee at the Academy ceases to work at the Academy, then they shall be deemed to have resigned (and shall cease to serve) as a governor on the LGB automatically on termination of their work at the Academy.
- 11.6.5 Where a governor on the LGB resigns or is removed from their office as governor, that person (or, where they are removed from office, those removing them) shall give written notice thereof to the LGB who shall inform the Trustees.

## 11.7 Suspension

- 11.7.1 The Trustees or the LGB, may, by resolution passed at a meeting of the Trustees or the LGB (as the case may be), suspend a person for all or any meetings of the LGB, or of a committee or a task group of the LGB, for a fixed period of up to 6 months where that person has, in the opinion of a majority of the Trustees or LGB acted in a way that is inconsistent with the Mission, Values or Goals of the Trust or Academy (which shall include a failure to undertake training appropriate to their role, whether or not directed to do so by the board of Trustees) and/or has brought or is likely to bring the Trust or the Academy into disrepute.
- 11.7.2 A resolution to suspend a person does not have effect unless the matter is specified as an item of business on the agenda for the meeting.
- 11.7.3 Before a vote is taken on a resolution to suspend, the Trustee or governor (as the case may be) proposing the resolution, must at the meeting state the reasons for doing so. In addition, the person who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting.
- 11.7.4 A person may not be disqualified from continuing to hold office as a governor on the LGB for failure to attend any meeting of the LGB under clause 11.8.1 below while suspended under this clause 11.7.

## 11.8 Disqualification of members of the Local Governing Board (LGB)

- 11.8.1 No person shall be qualified to serve as a governor on the LGB unless they are aged 18 or over at the date of election or appointment. No current pupil of any Academy shall be entitled to serve as a governor on any LGB.
- 11.8.2 A person serving as a governor on the LGB shall cease to hold office as such if they become incapable, by reason of mental disorder, illness or injury of managing or administering their own affairs.
- 11.8.3 A person serving as a governor on the LGB shall cease to hold office if they are absent without the permission of the chair of the LGB from either:
  - a) all the full meetings of the LGB held within a consecutive period of six months; or
  - b) more than 75% of the full meetings of the LGB held within a consecutive period of 12 months; and the LGB resolves that their office be vacated.

- 11.8.4 A person shall be disqualified from serving as a governor on the full meetings of the LGB held within a period of six months if:
- 11.8.4.1 they have been declared bankrupt and/or their estate has been seized from their possession for the benefit of creditors and the declaration or seizure has not been discharged, annulled or reduced; or
  - 11.8.4.2 they are the subject of a bankruptcy restrictions order or an interim order.
- 11.8.5 A person shall be disqualified from serving as a governor on the bankruptcy restrictions order at any time when they are 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 or any equivalent order or undertaking under any statutory re-enactment or modification of those provisions).
- 11.8.6 A person serving as a governor on the LGB shall cease to hold office as such if they would cease to be a director by virtue of any provision in the Companies Act 2006 or are disqualified from acting as a trustee by virtue of sections 178 to 180 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision) or would otherwise be found to be unsuitable by the Secretary of State for Education under the provisions of the relevant funding agreements.
- 11.8.7 A person shall be disqualified from serving as a governor on the LGB if they have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity, for which they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.
- 11.8.8 A person shall be disqualified from serving as a governor on the LGB where they have, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence, except where a person has been convicted of any offence which falls under sections 178 to 180 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- 11.8.9 After the Academy has opened, a person shall be disqualified from serving as a governor on the LGB if they have not provided to the chair of the LGB a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997 (or any statutory re-enactment or modification of that provision). In the event that the certificate discloses any information which would in the opinion of either the chair of the LGB or the Headteacher/Principal confirm their unsuitability to work with children that person shall be disqualified from serving as a governor on the LGB. If a dispute arises as to whether or not a person shall be disqualified from serving as a governor on the LGB, a referral shall be made to the Secretary of State for Education to determine the matter. The determination of the Secretary of State for Education shall be final.
- 11.8.10 Where, by virtue of any provision in this Scheme of Governance and Delegation, a person becomes disqualified from serving as a governor on the LGB on which they were, or were proposed to so serve, they shall upon becoming so disqualified give written notice of that fact to the LGB who shall inform the Trustees.
- 11.8.11 All members of the LGB (and Trust Board) must act in the best interests of all the children in the Trust, not just those in the Academy in which they serve. "We are our Trust".

## **12. SENIOR LEADERSHIP TEAM (SLT) (Decision Level 3)**

- 12.1 The Senior Leadership Team (SLT) of each Academy consists of the Headteacher/Principal, Deputies and others.
- 12.2 The Headteacher/Principal, supported by the other members of the SLT for each Academy, shall take responsibility for day-to-day operational decisions, enforce policy and oversee processes at an individual Academy level.
- 12.3 The SLT will work with a collaborative mindset, acting with professional generosity to share ideas, innovate and drive continuous improvement across all Academies within the Trust.
- 12.4 As a key interface with families and local communities, the SLT will visibly demonstrate the Trust's Values of collaboration, integrity and respect and work in the best interests of the children served by each Academy within the Trust. It is incumbent upon the SLT to escalate any emerging critical issues to the Trust.

## **13. DELEGATED POWERS**

### **13.1 General Provisions**

13.1.1 Subject to clause 13 below and in accordance with the provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Trust following a special resolution, the management of the business of the Academy may be delegated by the Trustees to the LGB, who may then exercise delegated powers as instructed by the Trust in so far as they relate to the Academy. The Trustees delegate the day-to-day responsibility for the quality of education provided by the Academy. The quality of education will be judged in relation to the current Education Inspection Framework or any subsequent framework or regulations introduced by the Government's regulator for schools, and our mission to nurture ambition, deliver excellence and enrich children's lives. The running of the Academy on a day-to-day basis is the responsibility of the Headteacher/Principal and their team with oversight from the Trust Executive reporting to the CEO. Although the Trustees are ultimately accountable for the quality of education across all the schools, LGBs are expected to act as the "eyes and ears" of the Trust and provide day to day challenge and support to the school leadership team. In carrying out their role, LGBs will need to gain accurate insights into the work of the institution by regular engagement with leaders, staff, pupils and parents and review appropriate data and information provided by the school and Trust.

13.1.2 In general terms, the responsibility of the Trustees in so far as the business of the Academy is concerned is to:

- Ensure that the Mission, Values and Goals of the Trust are central to leadership at all levels and an appropriate culture is developed and maintained.
- Monitor the quality of education provided by the Academy and ensure attention and resources are directed to those most in need.
- Ensure the implementation of the policy and procedures of the Academy and to consider and respond to strategic issues.
- Ensure that the services the Trust has agreed to provide centrally are delivered effectively.
- Ensure that the Academy works within determined budgetary limits.
- Ensure that key areas of risk and compliance, including safeguarding and health and safety are managed consistently across the Academy and other Academies and different settings within the Trust.

- Ensure that its Academies work together for the mutual benefit of all within the Trust.
- Engage in a level of shared planning and strategic oversight expressed in a Strategic Plan for the Trust. 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 Governance and Delegation, the responsibility for such matter will be delegated to the LGB.

Examples of strategic issues are:

- 13.1.2.1 an increase in planned admission numbers/an expansion of the Academy's capacity;
  - 13.1.2.2 significant change in staffing levels or structure, including leadership; or
  - 13.1.2.3 significant change in the curriculum which could make it non-compliant with DfE/Ofsted guidance or our Trust's Mission and Values.
- 13.1.3 Except as provided for in this Scheme of Governance and Delegation, in addition to all powers hereby expressly conferred upon the LGB and without detracting from the generality of the powers delegated, the LGB shall have the following powers, namely:
- 13.1.3.1 to expend certain funds of the Trust as permitted by this Scheme of Governance and Delegation and included in the Academy's local annual income and expenditure budget agreed with the Trust, in such manner as the LGB shall consider most beneficial for the achievement of our Trust's agreed Mission and Goals, and
  - 13.1.3.2 to enter into contracts on behalf of the Trust in so far as they relate to the Academy and are within the financial limits and have complied with all of the processes and procedures set out in the then current Finance Policy and Procedures document.
- 13.1.4 In the exercise of its powers and functions, the LGB must consider any advice given by the Chief Executive Officer and any other member of the Trust's Core Team as identified on its website from time to time and shall act in accordance with any advice, instruction and/or direction given by the Trustees and/or the Chief Executive Officer.
- 13.1.5 Any bank account in which any money of the Trust in so far as it relates to the Academy is deposited shall be operated by the Trust on behalf of the Academy. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Trust.
- 13.1.6 In the event of an LGB significantly exceeding their delegated powers the Trustees and/or the CEO can request the LGB to report, explain and justify their actions to the Trust Board at their next meeting.
- 13.1.7 The LGB may set up 'task groups' to consider particular issues or development areas that then report back to the full LGB where decisions are made.
- 13.1.8 The LGB shall be responsible for ensuring that the Academy is conducted in accordance with the Mission Values and Goals referred to in clause 2.
- 13.1.9 In particular, but not by way of limitation, the LGB will always act in a way that reflects their responsibility for all the children in the Trust, not just those in the Academy or setting for which they have direct responsibility.

- 13.1.10 At all times, the Trustees and LGB shall ensure that the Academy is conducted in accordance with the objects of the Trust, and any agreement entered into with the Secretary of State for Education for the funding of the Academy.
- 13.1.11 In acknowledgement of the receipt by the Trustees of funds in relation to the Academy (which are provided by the Secretary of State for Education, donated to the Trust and generated from the activities of the Trust), the Trustees delegate to the LGB the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy that are included in the Academy's local annual income and expenditure budget agreed with the Trust, less an annually agreed charge for centralised services, staffing and initiatives and the total allocation of Devolved Formula Capital received from the Secretary of State for Education. These amounts shall be determined each year by the Trustees, acting reasonably. The Trustees may, after consulting with their school/academy, decide to 'pool' elements of funding to allow it to fairly address needs across the community of schools.
- 13.1.12 An Academy must set a budget which leads to a minimum closing unrestricted reserve of 4% of its annual GAG funding. Where this is not possible in any one year, the Academy must seek and obtain approval from the Trustees and must formulate a clearly costed, time-bound plan to achieve financial sustainability, deemed to be at least 4% of annual GAG income held by way of a reserve. Trustees would normally expect an Academy to achieve financial sustainability i.e., at least 4% reserve, within a three-year planning cycle, and the explicit permission of the Trustees is required for any longer financial recovery period. Trustees expect all Academies to operate with reserves of between 4% and 8%.
13. 1.13 Whilst the LGB shall, within the Academy's local annual income and expenditure budget agreed with the Trust, have the power to enter into contracts on behalf of the Trust or the power to delegate that power to the Headteacher/Principal and/or Business Manager of the Academy, in so far as they relate to the Academy, the LGB shall first obtain the written consent from the Trust to any contracts or expenditure for any single matter above £10,000. Reference must be made to the Finance Policy and Procedures For all contracts that are proposed to be entered into and the LGB must ensure compliance with all of the relevant limitations and required procedures.
- 13.1.14 The accounts of the Trust shall be the responsibility of the Trustees but the LGB shall provide such information about the finances of the Academy as often and in such format as the Trustees and/or the Chief Financial Officer of the Trust ("Chief Finance Officer") shall reasonably require.
- 13.1.15 The LGB shall ensure that procedures are put in place for the safeguarding of delegated funds and that the requirements of the [Academy Trust Handbook](#) are observed at all times as well as any requirements and recommendations of the Trustees, the Chief Financial Officer and/or the Secretary of State for Education.
- 13.1.16 The LGB shall inform the Trustees and the Chief Financial Officer of any need for significant unplanned expenditure and in advance of incurring such expenditure, will discuss with the Trustees and the Finance Director (and others as the Trustees and/or the Chief Financial Officer shall require) options for identifying available funding.
- 13.1.17 The LGB shall comply fully with the Trust risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Trust insofar as these relate to the Academy. Where the management of delegated financial affairs of the Academy will result in a budget deficit or when the Academy is (or in the opinion of the Chief Executive Officer would be if an Ofsted inspection was carried out) placed in "special measures" or deemed to have "serious weaknesses" or any equivalent Ofsted rating, the Trustees have the power to withdraw financial delegation.



13.1.18 The LGB should comply at all times with the Trust's Financial Policy and procedures which are reviewed and approved on an annual basis by the Trust Board. The Trust's financial policies and procedures are drawn up to ensure that the individual schools operate appropriately within the scheme of delegation and in line with the regulatory duties of the Trust Board set out by the ESFA.

## 13.2 Premises

13.2.1 The routine maintenance of the buildings and site of the Academy is the responsibility of the LGB working with the leaders of the setting. Although overall responsibility for Health and Safety lies with the Trust, LGBs are the 'eyes and ears' of the Trust and are expected to take responsibility for the day to day safety of people on site. The Trust's Estates Director has the overall responsibility for identifying capital spending priorities and ensuring compliance and H&S systems are in place. LGBs are responsible for ensuring that the systems and processes set out by the Trust are followed at local level.

13.2.2 The Trust's Estates Director must be consulted before any significant – over £10,000 in value or requiring building/planning approval, permanent in nature – works are committed to by an individual LGB. Procurement of such works must comply with the Trust's Procurement Policy and be approved by Estates Director to ensure value for money and the long term interests of the Trust's estates and premises.

13.2.3 The LGB shall, in conjunction with the Trustees, The Trust Estates Director and Chief Financial Officer, develop a five year estate management strategy that will identify the suitability of building and facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the LGB's responsibility to ensure the buildings and facilities are maintained to a good standard.

13.2.4 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Trustees.

13.2.5 Ensuring the land and buildings used by the Academy and/or joining the Risk Protection Arrangement operated by the Department of Education in this regard shall be the responsibility of the Trustees who shall recover the cost from the budget delegated to the LGB.

## 13.3 Resources

### 13.3.1 Key Staff

13.3.1.1 The Trustees shall work with the LGB, supported by the Central HR Team, to appoint/approve the appointment of the Headteacher/Principal and the Deputy Headteacher(s) of the Academy. The Trustees will also, where they deem appropriate, appoint/approve to senior roles within the central team, such as the Chief Financial Officer and Director positions of the Trust. The Trustees and the LGB may delegate such powers and functions as they consider are required by the Headteacher/Principal for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Trustees and the LGB and for the direction of the teaching and curriculum at the Academy).

13.3.1.2 The Trustees may dismiss the Headteacher/Principal and form appeals panels in respect of the same if required.

13.3.1.3 The dismissal of other staff employed by the academy must only be considered following consultation and advice through the Director of HR or the CEO.

### 13.3.2 Other Staff

13.3.2.1 The LGB shall normally be responsible for the appointment of all other staff, supported by the Central HR Team, to be employed at the Academy **and** the LGB shall:

- 13.3.2.2 comply with all policies dealing with staff issued by the Trustees from time to time;
- 13.3.2.3 take account of any pay terms set by the Trustees;
- 13.3.2.4 adopt any standard contracts or terms and conditions for the employment of staff issued by the Trustees;
- 13.3.2.5 re-direct any claims and/or disputes with staff members to the CEO and/or HR Director who may delegate such duties, where appropriate, to other members of the Executive and HR Teams, in their role as the Employer.
- 13.3.2.6 The LGB will ensure that the performance review of all staff is provided, including the Headteacher/Principal, whose performance review will be the responsibility of the CEO/Director of Primary Education/Director of Secondary Education <sup>4</sup> and the Chair of the LGB, and shall put in place procedures for the proper professional and personal development of staff in line with Trust policies and procedures.

#### 13.4 Curriculum and Standards

- 13.4.1 The LGB shall be responsible for the setting, implementation and review of the curriculum but shall comply with any views of the Trustees in recognition of the Trustees' obligation to the Secretary of State for Education to provide a broad and balanced curriculum. All LGBs must ensure that the curriculum is at least as broad and challenging in scope and content as the National Curriculum whilst also reflecting the unique nature of each Academy's context and the needs of the children and families they serve. The curriculum in every Academy must reflect our Trust Mission to, "Nurture ambition, deliver excellence and enrich children's lives".
- 13.4.2 The LGB shall be responsible for the standards achieved by the Academy and the pupils attending the Academy but shall follow such advice and recommendations of the Trustees as they might issue from time to time.
- 13.4.3 The LGB shall be responsible for the annual review of the Academy's admissions policy and making any recommendations for any changes to the Trustees.
- 13.4.4 The LGB shall review and, if necessary, consult on the admissions arrangements for the forthcoming academic year, subject to prior agreement with the Trustees of the admissions policy and criteria to be adopted and/or consulted on. These arrangements and any new admissions policy and criteria must be agreed with the Trustees before being adopted for the Academy.
- 13.4.5 Any decision to expand the Academy shall be that of the Trustees who shall have regard to the views of the LGB. Trustees must be consulted on any "significant change" application made to the Regional Schools Director/DfE. <sup>5</sup>

#### 13.5 Extended Schools and Business Activities

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<sup>4</sup> The CEO currently performs the role of Director of Secondary Education, the addition of at least one further secondary school would result in the Trust appointing a separate Director of Secondary Education to provide capacity to lead and manage all secondary aspects of the Trust's provision.

<sup>5</sup> Regional Schools Directors are the representatives of the DfE in the region they are allocated to. Red Kite Learning Trust operates within the remit of the Yorkshire and Humber Directorate, and the RSD for the region would need to be consulted regarding any significant change.

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

#### 13.6 Regulatory Matters

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

### **14. OPERATIONAL MATTERS**

14.1 The LGB shall comply with the obligations set out in Appendix 2 which deals with the day-to-day operation of the LGB.

14.2 Unless the Trustees resolve otherwise, the LGB shall ensure that the Academy shall become and remain a subscriber member of RKA.

14.3 The LGB will adopt and will comply with all policies of the Trustees communicated to the LGB from time to time.

14.4 Both the Trustees and all members of the LGB have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Trust and the Academy, they shall be open and transparent about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential to the Trust.

14.5 The LGB will review the implementation and effect of Trust policies and practices on a regular basis, and suggest any changes to the policies and procedures to the Trustees in order to ensure that the governance of the Academy is best able to adapt to the changing educational, political and/or legal environment(s).

14.6 The LGB shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Trustees, the Chief Executive Officer and/or the Chief Financial Officer may require from time to time.

14.7 The LGB shall work closely with and shall promptly implement any advice or recommendations made by the Trustees, the Chief Executive Officer and/or the Chief Financial Officer in the event that intervention is either threatened or is carried out by the Secretary of State for Education and the Trustees expressly reserve the unfettered right to review or remove any power or responsibility conferred on the LGB under this Scheme of Governance and Delegation in such circumstances.

14.8 The Trustees reserve the right to direct staff (by negotiation) to work in other areas of the Trust than their current employment on tasks and activities which are commensurate with their skills and experience. This is intended to provide career and professional development opportunities for staff and allow the Trust to meet its responsibilities to all its Academies.

### **15. ANNUAL REVIEW**

15.1 This Scheme of Governance and Delegation shall operate from the Effective Date in respect of the named Academy.

- 15.2 Trustees have the absolute discretion (but not the obligation) to review this Scheme of Governance and Delegation at least on an annual basis and to alter any provisions of it.
- 15.3 In considering any material changes to this Scheme of Governance and Delegation or any framework on which it is based, the Trustees will have regard and give due consideration to any views of the LGB.

## **16. RESERVATION OF POWERS**

The Trustees, having overall responsibility and ultimate decision-making authority for all the work of the Trust, including the establishing and running of the Academies for which the Trust is responsible, may exercise themselves any or all functions and powers delegated to the LGB under this Scheme of Governance and Delegation in accordance with the provisions of Appendix 3 and in particular, but not by way of limitation, upon any one of the following circumstances occurring:

- 16.1 the Academy is placed in Special Measures following an Ofsted inspection;
- 16.2 the Academy is advised of “Serious Weaknesses” following an Ofsted inspection ;
- 16.3 the Academy is advised that it is “Inadequate”, or “Requires Improvement” following an Ofsted inspection and does not have the capacity to rapidly improve to ‘good or outstanding’.
- 16.4 the academy has a significant change in leadership at senior level which, in the view of the CEO and Trustees, prejudices its ability to deliver appropriate outcomes for young people;
- 16.5 the Trustees believe that significant safeguarding concerns exist that have not been prevented or remedied by the Academy;
- 16.6 the Trust’s annual standards’ review reveals that the Academy is failing to thrive as a result of significant failures in leadership and governance;
- 16.7 in the absolute discretion of the Trustees, the Academy is deemed not to be acting in accordance with this Scheme of Governance and Delegation or is otherwise not acting in accordance with the Mission, Values and Goals of the Trust as set out in clause 2.
- 16.8 Where the CEO presents evidence to the Trustees that not to override provisions relating to delegation to the LGB would be prejudicial to the effective education of children in the Trust’s care as further described in Appendix 3.
- 16.9 If the LGB does not have the capacity to improve the Academy, and the quality of education is being impacted, Trustees can choose to put in place an Interim Executive Board (“**IEB**”) in place of the LGB. The operation and delegated powers of the LGB will be suspended for as long as the IEB is in place. The IEB will be constituted by the Trustees from key personnel drawn from the Trustees, the Executive and/or LGBs of other Academies operated by the Trust or external consultants/experts as approved by the Trustees. [but may also include one or more members of the LGB].

## APPENDIX 1

### SCHEME OF GOVERNANCE AND DELEGATION

#### INTRODUCTION

The table included below ("**Matrix**") more particularly describes the delegation of powers and responsibilities by the Trustees to the Local Governing Boards (LGBs) and Senior Leadership Teams referred to elsewhere in this Scheme of Governance and Delegation.

The Matrix will be reviewed annually. The Academy and the LGB shall also be kept continually under review by the Trustees. The Trustees shall therefore be entitled to adjust the Matrix as appropriate between each annual review where such continual review reveals matters which merit adjustment to achieve the effective operation of the Academy. The Chief Executive Officer and the Trustees will use their shared knowledge of the Academies operated by the Trust to work proactively to ensure that the Schemes of Governance and Delegation is reactive to the needs of the Academy at any given stage.

Where the Academy is assessed as being 'at risk' by the Quality of Education Committee of the Trust or directly by the CEO the Matrix will be adjusted, with the consent of the Trust Board, to adapt to the circumstances of the specific Academy. This could, in a situation where the education and welfare of young people is seriously jeopardised and/or weak leadership is identified as a barrier to the Academy's improvement, involve the powers delegated under the Scheme of Governance and Delegation and the LGB being removed on a temporary basis. In these circumstances, an interim executive board ("**IEB**"), described in appendix 6, will be formed by the Trustees to support the Academy. The IEB will be constituted by the Trustees from key personnel drawn from the Trustees, the Executive and the LGBs of other academies operated by the Trust [but may also include one or more members of the LGB]. This action is prescribed under the 'Reservations of powers' within section 13 above and further detailed within Appendix 3

#### Level Definitions (Summary)

##### 1. Trust Level

Although a power and/or responsibility may be delegated, it is the Trust Board that holds ultimate accountability for the exercise of that power and/or responsibility. The Trust Board comprises of The Chair of the Trustees, the Trustees and the CEO. Authority may be delegated to the LGB, or Senior Leadership Team levels of responsibility.

##### 2. Local Governing Board (LGB) Level

It is the responsibility of the LGB to ensure that the policies agreed by the Trust are correctly administered for their Academy. The LGBs are appointed to act as the 'eyes and ears' of the Trustees with a sharp focus on the quality of education within both their individual and Trust wide Academies.

##### 3. Headteacher/Principal Senior Leadership Team (SLT) Level

Responsibility to make operational decisions, enforce policy and oversee processes at an individual Academy.

## ARCI KEY

**A** – accountable for the activity and the ultimate decision making authority

**R** - responsible for taking the administrative action and decision

**C** – consult: must be consulted as part of the activity and decision making process

**I** – inform: must be informed as part of the activity and decision making process

*Where a cell is shaded out, the function cannot sensibly be carried out at this level.*

Key Function: Budgets			Decision Level			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	3. LGB	4. HT/SLT
1.	Establish a central budget for corporate services	<a href="#">Academy Trust Handbook</a>	A	R	I	I
2.	Approve the consolidated Trust budget plan for the financial year	Financial Policy and Procedures	A	R	I	I
3.	Approve the formal Academy budget plan for the financial year	Trustee 4%-8% reserves target	A	R	C	C
4.	Monitor Trust expenditure		A	R	I	I
5.	Monitor Academy expenditure		A	R	A	A
6.	Approve the Financial Policy and Procedures		A	R	C	C
7.	Carry out the financial processes in line with the Financial Policy and Procedures		A	R	R	R
8.	Appoint an Audit and Risk Committee		A	R	I	I

Key Function: Staffing			Decision Level			
No.	Tasks	References	1. Trustees	2.CEO/CENTRAL TEAM	LGB	4. HT/SLT
1.	Headteacher/Principal Appointments (Selection Panel)	Trust HR Policies. Recruitment Guidelines. Authorisation to Recruit.	A	R	R	C
2.	Senior Leader Appointments (Selection Panel)	"POP" – Recruitment Guidelines. Authorisation to Recruit	C	C	R/A	R
3.	Appoint Other Teachers	'POP' – Recruitment Guidelines. Authorisation to Recruit	I	C	A	R
4.	Appoint Support Staff	"POP" – recruitment guidelines. Authorisation to Recruit	I	C	A	R
5.	Agree HR Policies, including Pay Policy	Harmonisation/Trade Union Consultation	A	R/C	I	I
6.	Establish Disciplinary/Capability Procedures	Harmonisation/Trade Union Consultation	A	R/C	I	I
7.	Dismissal of Headteacher/Principal	Disciplinary Policy	A	R	C	C
8.	Dismissal of other Staff	Disciplinary Policy	A	R	C	C
9.	Suspension of Headteacher/Principal	Disciplinary Policy	A	R	C	I
10.	Suspension of other Staff	Disciplinary Policy	A	R	R/C	I/C
11.	Ending Suspension (Headteacher/Principal)	Disciplinary Policy	A	R	C	I
12.	Ending Suspension (Except Headteacher/Principal)	Disciplinary Policy	A	I	R/C	R/C
13.	Determine Staff Complement	Staffing Structure	A	C	R	R

14.	Determine Severance/Compensation Payments (excluding Headteacher/Principal) **	Academy Trust Handbook/Severance Policy	A	R	I	I
<b>Key Function: Curriculum</b>			<b>Decision Level</b>			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Ensure the curriculum is at least as broad and challenging as the National Curriculum in terms of scope and content	<a href="#">Education Inspection Framework</a>	A	I	R	R
2.	Ensure the curriculum reflects the Trust's mission to nurture ambition, deliver excellence and enrich children's lives		A	I	R	R
3.	Establish the Curriculum Intent		A	I	R	R
4.	Ensure the effective implementation of the curriculum including the quality of teaching and learning		A	I	A	R
5.	Ensure that effective and sustainable assessment practice underpins the implementation of the curriculum and is used appropriately to monitor impact		A	C	A	R
6.	Ensuring that the curriculum and its implementation provides for the needs of all children, including those who are more disadvantaged or/and have SEND		A	I	A	R
7.	Ensuring that through the curriculum learners are equipped with knowledge and cultural capital they need to succeed in life		I	I	A	R
8.	Utilise additional funding, e.g., Pupil Premium and 'Catch -up' funding effectively and efficiently to maximise the impact on targeted children	<a href="#">Pupil Premium Guidance</a>	A	I	R/A	R
9.	Provision of sex and relationships education that meets all statutory requirements	<a href="#">S&amp;R DfE Policy</a>	A	I	A	R
10.	Prohibit political indoctrination and ensuring the balanced treatment of political issues, including support for 'British Values'.		A	I	A	R
<b>Key Function: Performance Management</b>			<b>Decision Level</b>			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Formulate A Performance (Review) Management policy	Performance Policy HR Link People XD. "POP"	A	R	C	C
2.	Implement the Performance (Review) Management Policy	Performance Policy HR Link People XD. "POP"	I	C	R	R
3.	Review Annually the Performance Management Policy	Harmonisation/Trade Union Consultation	A	R	C	C



4.	Headteacher performance management carried out by Academy Board with the CEO or Director of Primary Education/Director of Secondary Education.	People XD	A	R	C	I
<b>Key Function: Outcomes</b>			<b>Decision Level</b>			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Agree targets for pupil achievement/progress	Data Dashboard	I	C	A	R
2.	Approve targets for pupil achievement		I	C	A	R
<b>Key Function: Complaints</b>			<b>Decision Level</b>			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Establish a Trustwide Complaints Policy	<a href="#">Complaints Policy</a>	A	R	I	C
2.	Complaints regarding conduct of staff or quality of service at the school		I	C	A	R
3.	Complaints about Headteacher/Principal		A	R	C	I
<b>Key Function: Behaviour and Attitudes</b>			<b>Decision Level</b>			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Establish a behaviour policy in line with the Trust's Values		I	I	A	R
2.	Establish a positive and respectful school culture in which staff know and care about pupils		I	I	A	R
3.	Ensure that all pupils feel safe and free from bullying, discrimination, sexual abuse and sexual violence, online and offline		A	I	A	R
4.	Review the use of Exclusion and to decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to Chair/Vice Chair of the LGB in cases of urgency) <sup>6</sup>	<a href="#">DfE Exclusion Guidance</a>	A	*	A	R
5.	Independent Review and Appeals for Behaviour and Discipline		R/A	R	C	C

<sup>6</sup> School/Academy leaders are accountable to their LGB and ultimately the Trustees for the appropriate use of either fixed term or permanent exclusion. Any consideration of permanent exclusion must include consulting with the CEO and/or Director of Education.

6.	Direct Reinstatement of Excluded Pupils (can be delegated to Chair/Vice Chair of the LGB in cases of urgency)		A	C	A/R	C
<b>Key Function: Admissions</b>			<b>Decision Level</b>			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Act as the Admission Authority	<a href="#">School Admissions Code 2021</a> (5.) Trust Admission Policies	A	R	C	C
2.	Ensure compliance of admission arrangements with the School Admissions Code and relevant legislation	<a href="#">School Admissions Code 2021</a> (5.)	A	R	C	C
3.	Consult on Admission Arrangements at least every 7 years	<a href="#">School Admissions Code 2021</a> (1.45)	A	R	C	C
4.	Determine Admission Arrangements annually, including PAN for each relevant age group	<a href="#">School Admissions Code 2021</a> (1.2) (1.49)	A	R	C	C
5.	Decision to Offer or Refuse a place (normal Admissions round)	<a href="#">School Admissions Code 2021</a> (2.7)	A	I/C	C	R
6.	Decision to Offer or Refuse a place (In-year applications)	<a href="#">School Admissions Code 2021</a> (2.7)	A	I/C	C	R
7.	Maintain a clear record of Application Decisions	<a href="#">School Admissions Code 2021</a> (2.7)	A	I/C	C	R
8.	Rank Applications and Waiting Lists in accordance with determined Arrangements <sup>7</sup>	<a href="#">School Admissions Code 2021</a> (2.12) (2.15)	A	I/C	C	R
9.	Accept/Refuse applications for Admission outside of Chronological Age Group	<a href="#">School Admissions Code 2021</a> (2.19)	A	C	C	R
10.	Publish admission arrangements (normal round, in-year and variations) on the school website <sup>5</sup>	<a href="#">School Admissions Code 2021</a> (1.5, 2.23, 2.26,3.7)	A	I/C	C	R
11.	Place pupils via the Fair Access Protocols	<a href="#">School Admissions Code 2021</a> (3.15)	I	I	A	R
12.	Accept / refuse directions from the LA / Secretary of State to admit pupils	<a href="#">School Admissions Code 2021</a> (3.23 – 3.29)	I	I	A	R

<sup>7</sup> The Trust works in partnership with the relevant Local Authority in admission matters. This includes allowing the Local Authority to undertake elements of the administration of our admissions policy.

		Section 25(3A) of the <a href="#">SSFA 1998</a>				
13.	Make arrangements for appeals against the refusal of a school place <sup>8</sup>	Section 94 of the <a href="#">School Standards and Framework Act 1998</a>	A	R *	I	C
14.	Propose alterations to school admissions arrangements and PAN	School Admissions Policies	I	C	A/R	C
<b>Key Function: Religious Education</b>			<b>Decision Level</b>			
<b>No.</b>	<b>Tasks</b>	<b>References</b>	<b>1.Trustees</b>	<b>2.CEO/CENTRAL TEAM</b>	<b>2.LGB</b>	<b>3. HT/SLT</b>
1.	Responsibility for ensuring provision of RE	<a href="#">SACRE doc</a>	I	I	A	R
<b>Key Function: Premises and Insurance</b>			<b>Decision Level</b>			
<b>No.</b>	<b>Tasks</b>	<b>References</b>	<b>1.Trustees</b>	<b>2.CEO/CENTRAL TEAM</b>	<b>2.LGB</b>	<b>3. HT/SLT</b>
1.	Ensure Buildings and Liability Insurances and/or the Department for Education's Risk Protection Arrangement is in place	Link to Insurers	A	R	I	I
2.	Develop a school buildings strategy or master plan		A	R	C	C
3.	Maintain buildings, including developing properly funded maintenance plan		A	R	C	C
4.	Responsibility of overall management and VFM (value for money) of all building and site service contracts provided centrally Refurbishment, rebuilding and construction TRUST lead		A	R	C	C
5.	Day to day maintenance, including cleaning of the school building, ensuring all quality standards are met		I	C	A	R
6.	Ensure the Health and Safety of children and adults on school trips		A	R	R	R

<sup>8</sup> The Trust works in partnership with the relevant Local Authority in admission matters. This includes allowing the Local Authority to undertake elements of the administration of our admissions policy.

Key Function: Safeguarding			Decision Level			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Institute a Safeguarding Policy together with appropriate leadership, training and support for DSL's and all relevant staff	<a href="#">Safeguarding policy link</a>	A	R	R	R
2.	Monitor and ensure the application of the Safeguarding Policy		A	R	R	R
3.	Ensure the Health and Safety regulations are followed	<a href="#">H&amp;S policy link</a>	A	R	R	R
Key Function: School Organisation			Decision Level			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Proposal to alter the start and finish times of the school day	<a href="#">DfE guidance</a>	I	R	A	R
2.	Set the dates of school terms and holidays		I	A	R	R
3.	Ensure that the school is open for 380 sessions in a school year		I	R	C	R
Key Function: Attendance and Absence			Decision Level			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Establish a Policy for pupil Attendance and Leave of Absence including standardised procedures, letters and protocols		I	C	R	R
2.	Ensure that the school lunch nutritional standards are met	<a href="#">Link to schools nutritional standards</a>	I	C	R	R

Key Function: Information for Parents			Decision Level			
No.	Tasks	References	1.Trustees	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Prepare and publish information for parents including school prospectus if applicable. Compliant website provision.		I	C	A	R
2.	Ensure provision of free school means to those pupils meeting the criteria		I	C	A	R
3.	Adopt and review home-school agreements		I	C	A	R
Key Function: LGB Procedures			Decision Level			
No.	Tasks	References	1.Trust	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Prepare Instrument of Government and any amendments thereafter	Trust Governance Handbook	A	R	C	C
2.	Appoint (and remove) the Governors/Clerk of the LGB	<a href="#">DfE Governance Handbook</a>	R	R	C	I
3.	Establish LGB meeting format and procedures		R	R	C	I
4.	Ensure LGB meets and complies with guidance prepared by Trust		I	R	A	C
5.	Set up a Register of Trustees Business Interests, Gifts and Hospitality		I	R	C	C
6.	Set up a Register of LGB Governors' Business Interests, Gifts and Hospitality		I	R	C	C
7.	Approve and set up a Governors/Trustees Expenses Scheme		A	R	C	C
8.	Regulate the LGB procedures (where not set out in law)		A	R	C	C

Key Function: Trust			Decision Level			
No.	Tasks	References	1.Trust	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Consider an application for a school or academy to join the Trust	<a href="#">Relevant RSC guidance</a>	R/A	R	I	I
2.	Require any school joining the Trust to be a subscriber member of the Red Kite Alliance		I	R	I	C
3.	Agree the due diligence requirements regarding whether a school or Academy should join the Trust		A	R	I	C
4.	Review the Trust's Key Performance Indicators		C	R	C	C
Key Function: Premises and Insurance			Decision Level			
No.	Tasks	References	1.Trust	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Ensure buildings and liability insurances and/or the Department for Education's Risk Protection Arrangement is in place		A	R	I	I
2.	Producing an estates vision which sets out the Trust's ambition for the estate in 5 to 10 years' time		A	R	C	C
3.	Producing an estates strategy which explains how the trust will carry out the estate vision covering the next 3 to 5 years.		A	R	I	C
4.	Producing an asset management plan which will inform operational day to day activities for the trust.		A	R	I	C
5.	Developing a schedule of the legal interests the trust holds and the basis of occupation for each asset in the register		A	R	I	C
6.	Develop a 3-year spending plan for School Condition Allocation funding based on condition data and consultation with the schools in the trust regarding their building challenges		A	R	C	C
7.	Complete a suitability and sufficiency assessment on each school to understand the net capacity and suitability of our schools and have an evidence base to inform strategic decisions about the future of our assets.		A	R	I	I
8.	Maintain buildings, including developing properly funded maintenance plan		A	R	I	C
9.	Responsibility of overall management and VFM (value for money) of all-building and site service contracts provided centrally.		I	R/A	I	I

Key Function: Health & Safety			Decision Level			
No.	Tasks	References	1.Trust	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Institute a Health and Safety Policy and monitor compliance	<a href="#">Health and Safety Policy</a>	A	R	I	C
2.	Ensure that each school has an annual compliance review		A	R	I	C
3.	Ensure each school has an annual fire risk assessment.		A	R	I	C
4.	Ensure each school has an annual premises inspection completed.		A	R	I	C
5.	Ensure there are clear and consistent policies in place regarding compliance tasks and how often they should be undertaken.		I	A/R	I	C
6.	Ensure that each school has all their compliance tasks assigned via Risk Manager and that they review and complete these in line with the frequencies required i.e., annual inspection of cold-water tanks, weekly fire alarm checks.		I	A/R	I	C
7.	Ensure schools are recording all accidents and incidents through either the Risk Manager Portal or inhouse log.		I	A/R	I	C
8.	Utilise the reactive maintenance function on Risk Manager to allow anyone in any trust school to report any maintenance required within school directly to the site manager.		I	A/R	I	C
Key Function: Sustainability			Decision Level			
No.	Tasks	References	1.Trust	2.CEO/CENTRAL TEAM	2.LGB	3. HT/SLT
1.	Prepare a Sustainability Policy and Plan		A	R	C	C
2.	Monitor energy and water usage within our schools.		I	R/A	I	I
3.	Ensure each school has a net carbon zero report produced to evidence how they could achieve net carbon zero.		I	R/A	I	I
4.	Utilise capital allocation and other grant sources to improve the sustainability of all school sites.		I	R/A	C	C

## APPENDIX 2

### FUNCTIONING OF THE LOCAL GOVERNING BOARD (LGB)

#### 1. CHAIR AND VICE-CHAIR OF THE LGB

- 1.1 The members of the LGB shall each school year, at their first meeting in that year, elect a chair and a vice-chair from among their number to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph 1.3. Each such appointment shall be subject to approval by the Trustees. A person who is employed by the Trust (whether or not at the Academy) shall not be eligible for election as chair or vice-chair of the LGB.
- 1.2 When an Academy is first established, an interim chair and interim vice-chair of the LGB may be appointed by the Trustees.
- 1.3 Subject to paragraph 1.4, the chair or vice-chair of the LGB shall hold office as such until his successor has been elected in accordance with this clause 1.
- 1.4 The chair or vice-chair of the LGB may at any time resign his office by giving notice in writing to the Trustees. The chair or vice-chair of the LGB shall cease to hold office if:
  - 1.4.1 They cease to serve as a governor on the LGB;
  - 1.4.2 They are removed from their office as chair or vice-chair of the LGB (as the case may be) in accordance with this Scheme of Governance and Delegation; or
  - 1.4.3 in the case of the vice-chair of the LGB, they are elected in accordance with this Scheme of Governance and Delegation to fill a vacancy in the office of chair of the LGB.
- 1.5 Whereby reason of any of the matters referred to in paragraph 1.4, a vacancy arises in the office of chair or vice-chair of the LGB, the governors of the LGB shall at its next meeting elect one of their number to fill that vacancy.
- 1.6 Where the chair is absent from any meeting of the LGB or there is at the time a vacancy in the office of the chair, the vice-chair of the LGB shall act as the chair of the LGB for the purposes of the meeting.
- 1.7 The chair or vice-chair of the LGB may only be removed from office by the Trustees at any time or by the LGB in accordance with this Scheme of Delegation.
- 1.8 A resolution to remove the chair or vice-chair of the LGB from office which is passed at a meeting of the LGB shall not have effect unless:
  - 1.8.1 it is confirmed by a resolution passed at a second meeting of the LGB held not less than fourteen days after the first meeting; and
  - 1.8.2 the matter of the chair's or vice-chair's removal from office (as the case may be) is specified as an item of business on the agenda for each of those meetings.
- 1.9 Before a resolution is passed by the LGB at the relevant meeting as to whether to confirm the previous resolution to remove the chair or vice-chair of the LGB from office, the person(s) proposing his removal shall at that meeting state their reasons for doing so and the chair or vice-chair of the LGB (as the case may be) shall be given an opportunity to make a statement in response.



## **2. CONFLICTS OF INTEREST**

- 2.1. Any governor of the LGB who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with their duties as a governor of the LGB shall disclose that fact to the LGB and the Trustees as soon as they become aware of it. A person must absent themselves from any discussions of the LGB in which it is possible that a conflict will arise between their duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).
- 2.2. For the purpose of paragraph 2.1, a person has a Personal Financial Interest if they are in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the Academy.
- 2.3. In any conflict between any provision of this Scheme of Governance and Delegation and the Articles, the Articles shall prevail.
- 2.4. Any disagreement between the governors of the LGB, the Headteacher and/or any subcommittee of the LGB shall be referred to the Trustees for their determination.

## **3. THE MINUTES**

- 3.1. The minutes of the proceedings of a meeting of the LGB shall be drawn up and entered into a file kept for the purpose by the person authorised to keep the minutes of the LGB and shall be signed (subject to the approval of the governors of the LGB) at the same or next subsequent meeting by the person acting as chair of the LGB.
- 3.2. The chair of the LGB shall ensure that copies of minutes of all meetings of the LGB are shared with the Trustees by placing them in the "MS TEAMS" area devoted to that use.

## **4. TASK GROUPS**

- 4.1. Subject to this Scheme of Governance and Delegation and the Articles, the LGB may assign tasks to subsets of the LGB who may work independently of the LGB to develop plans, review provision or form recommendations. These groups will not have delegated powers to make decisions on behalf of the LGB but will simply feed back to the Trustees who may or may not act on their recommendations.

## **5. DELEGATION**

- 5.1. Provided such power or function has been delegated to the LGB, the LGB may further delegate to the Headteacher 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 LGB may impose and may be revoked or altered.

## **6. MEETINGS OF THE LOCAL GOVERNING BOARD (LGB)**

- 6.1. Subject to this Scheme of Governance and Delegation, the LGB must follow the "Guidance for Governors" provided by the Trust.

The LGB shall meet five times in every school year. A meeting schedule for the academy year 2022/23 is included at Appendix 6. LGB meetings must be set to align with the termly meetings of the Trustees so that reports from the LGBs can be considered by the Trustees. Meetings of the LGB shall be convened by the secretary or clerk to the LGB. In exercising their functions under this Scheme of Governance and Delegation, the secretary or clerk shall comply with any direction:

- 6.1.1. given by the Trustees or the LGB; or

- 6.1.2. given by the chair of the LGB or, in their absence or where there is a vacancy in the office of chair, the vice-chair of the LGB, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.
- 6.2. Any three governors of the LGB may, by notice in writing given to the secretary or clerk, requisition a meeting of the LGB and it shall be the duty of the secretary or clerk to convene such a meeting as soon as is reasonably practicable.
- 6.3. Each governor of the LGB shall be given at least seven clear days before the date of a meeting of the LGB:
  - 6.3.1. notice in writing thereof, signed by the Clerk, and sent to each governor of the LGB at the address provided by each governor from time to time; and
  - 6.3.2. a copy of the agenda for the meeting; provided that where the chair of the LGB or, in their absence or where there is a vacancy in the office of chair, the vice-chair of the LGB, 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/she directs.
- 6.4. 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.
- 6.5. A resolution to rescind or vary a resolution carried at a previous meeting of the LGB shall not be proposed at a meeting of the LGB unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.
- 6.6. A meeting of the LGB shall be terminated forthwith if:
  - 6.6.1. the governors of the LGB so resolve; or
  - 6.6.2. the number of governors of the LGB who are present ceases to constitute a quorum for a meeting of the LGB in accordance with paragraph 6.10, subject to paragraph 6.12.
- 6.7. 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.
- 6.8. Where the LGB 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 LGB shall, before doing so, determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the secretary or clerk to convene a meeting accordingly.
- 6.9. Subject to paragraph 6.12, the quorum for a meeting of the LGB, and any vote on any matter thereat, 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 persons holding office as governors on the LGB at the date of the meeting.
- 6.10. The LGB may act notwithstanding any vacancies on its board, but, if the numbers of persons serving as governors on the LGB is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a further meeting of the LGB.
- 6.11. The quorum for the purposes of:
  - 6.11.1. appointing a parent governor of the LGB;

- 6.11.2. any vote on the removal of a governor from the LGB in accordance with this Scheme of Governance and Delegation;
- shall be any two-thirds (rounded up to a whole number) of the governors of the LGB who are at the time persons entitled to vote on those respective matters plus a Trustee.
- 6.12. Subject to this Scheme of Governance and Delegation, every question to be decided at a meeting of the LGB shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every governor of the LGB shall have one vote.
- 6.13. Any decision to remove the chair of the LGB shall be at the sole discretion of the Trustees but the LGB may advise the Trustees in relation to the same.
- 6.14. Subject to paragraphs 6.10 – 6.12, where there is an equal division of votes at a meeting of the LGB, the person acting as chair of the LGB at that meeting shall have a casting vote in addition to any other vote he may have.
- 6.15. The proceedings of the LGB shall not be invalidated by
- 6.15.1. any vacancy on the board; or
- 6.15.2. any defect in the election, appointment or nomination of any person serving as a governor on the LGB.
- 6.16. A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the LGB [or of a subcommittee of the LGB], shall be valid and effective as if it had been passed at a meeting of the LGB [or (as the case may be) a subcommittee of the LGB] 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 LGB and may include an electronic communication by or on behalf of the LGB indicating their agreement to the form of resolution providing that the member has previously notified the LGB in writing of the email address or addresses which the member will use.
- 6.17. Subject to paragraph 6.18, the LGB shall ensure that a copy of
- 6.17.1. the agenda for every meeting of the LGB,
- 6.17.2. the draft minutes of every such meeting, if they have been approved by the person acting as chair of the LGB at that meeting,
- 6.17.3. the signed minutes of every such meeting and
- 6.17.4. any report, document or other paper considered at any such meeting
- are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them. These items must also be made available to the Trustees as soon as practicable via the Trust Governance Manager/team
- 6.18. There may be excluded from any item required to be made available in pursuance of paragraph 6.17, any material relating to:
- 6.18.1. a named teacher or other person employed, or proposed to be employed, at the Academy;
- 6.18.2. a named pupil at, or candidate for admission to, the Academy; and
- 6.18.3. any matter which, by reason of its nature, the LGB is satisfied should remain confidential.

- 6.19. Any governor on the LGB shall be able to participate in meetings of the LGB by telephone or video conference provided that:
- 6.19.1. They have given notice of their intention to do so detailing the telephone number on which they can be reached and/or appropriate details of the video conference suite from which they shall be taking part at the time of the meeting at least 48 hours before the meeting; and
- 6.19.2. the LGB has access to the appropriate equipment.
- 6.19.3 If, after all reasonable, efforts it does not prove possible for the person to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.
- 6.20 The Headteacher/Principal shall be an ex-officio governor on the LGB and has the same voting rights as any other governor on the LGB. The Clerk, Business Manager and other school leaders of the Academy may attend meetings of the LGB as observers but shall not have any voting rights.

## **7. NOTICES**

- 7.1. Any notice to be given to or by any person pursuant to this Scheme of Governance and Delegation (other than a notice calling a meeting of the LGB) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In these Articles, "Address" in relation to electronic communications, includes a number or address used for the purposes of such communications.
- 7.2. A notice may be given by the LGB to its governors either personally or by sending it by post in a prepaid envelope addressed to the governor at their registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the LGB by the governor. A governor of the LGB whose registered address is not within the United Kingdom and who gives to the LGB an address within the United Kingdom at which notices may be given to them, or an address to which notices may be sent using electronic communications, shall be entitled to have notices given to them at that address, but otherwise no such member shall be entitled to receive any notice from the LGB.
- 7.3. A governor of the LGB present, either in person or by proxy, at any meeting of the LGB 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 by guaranteed next day delivery 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 governor of the LGB or other officer or auditor of the Trust acting in relation to the Academy shall be indemnified out of the assets of the Trust against any liability incurred by them in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which they are acquitted or in connection with any application in which relief is granted to them by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Trust.

## APPENDIX 3

### RESERVATION OF POWERS

The Trustees reserve the right to deliver themselves any or all of the powers and functions, as delegated under this Scheme to the LGB and in particular, but not by way of limitation, in the following circumstances:

1. Academy in Special Measures
  - 1.1 In the event that the Academy is placed in Special Measures, the Trustees may exercise any or all powers delegated to the LGB under this Scheme of Governance and Delegation which the Trustees, in their absolute discretion, deem necessary to operate the Academy.
  - 1.2 The Trustees, in their absolute discretion, may allow the LGB to continue to operate the Academy on a day-to-day basis, subject to regular consultation with the Chair of the Trustees and the Chief Executive Officer.
2. Academy with "Serious Weaknesses".
  - 2.1 In the event that the Academy is notified of "Serious Weaknesses" following an Ofsted inspection, the Trustees may:
    - 2.1.1 withhold the right of the LGB to appoint staff;
    - 2.1.2 require the LGB to refer all major financial decisions to the Trustees for approval;
    - 2.1.3 require their prior approval of any and all decisions by the LGB to enter into contracts, further to clause 10 of this Scheme of Governance and Delegation;
    - 2.1.4 review any other major decision which it considers to be necessary to maximise the efficient running of the Academy.
  - 2.2 The Trustees, in their absolute discretion, may allow the LGB to continue to oversee operation of the Academy on a day-to-day basis, in conjunction with the Headteacher and staff of the Academy, but shall keep the Trustees and Chief Executive Officer regularly informed, at their reasonable request, of progress generally, operational decisions and other matters of importance to the running of the Academy.
3. Academy being "Inadequate", or "Requiring Improvement" following an Ofsted inspection and does not have the capacity to rapidly improve to 'good or outstanding'.
  - 3.1 In the event that the Academy is deemed to be "Inadequate" or "Require Improvement", the Trustees may:
    - 3.1.1 withhold the right of the LGB to appoint staff;
    - 3.1.2 review any other major decision which it considers to be necessary to maximise the efficient running of the Academy.
  - 3.2 The Trustees, in their absolute discretion, may allow the LGB to continue to oversee operation of the Academy on a day-to-day basis, in conjunction with the Headteacher and staff of the Academy, but shall keep the Trustees and the Chief Executive Officer regularly informed, at their reasonable request, of progress generally, operational decisions and other matters of importance to the running of the Academy.

4. Trustees' discretion
  - 4.1 The Trustees may override provisions relating to delegation to the LGB contained in this Scheme of Governance and Delegation where, in their absolute discretion, they deem it necessary for the efficient operation of the Academy or the Trust.
  - 4.2 If the Trustees decide to exercise their power under this clause 4, the Chair of Trustees and the Chief Executive Officer of the Trust shall be authorised to exercise this right.
5. CEO's Recommendation
  - 5.1 The Trustees may override provisions relating to delegation to the LGB where the CEO presents evidence that not to do so would be prejudicial to the effective education of children in the Trust's care. Such evidence may include:
    - a. Documented evidence of malpractice or misconduct by the Headteacher/Principal or LGB
    - b. Data and other evidence showing a clear decline in standards over a significant period
    - c. Significant risks regarding safeguarding
    - d. The prolonged or recurrent absence of the Headteacher/Principal
  - 5.2 Where the Academy is assessed as being 'at risk' by the Quality of Education Committee of the Trust or directly by the CEO, the Matrix will also be adjusted by the Trustees to the circumstances of the Academies. This could, in a situation where the education and welfare of young people is seriously jeopardised and/or weak leadership is identified as a barrier to the Academy's improvement, involve the Scheme of Governance and Delegation and the LGB being removed on a temporary basis. In these circumstances, an Interim Executive Board ("**IEB**"), described in appendix 6, will be formed by the Trustees to support the Academy. The IEB will be constituted by the Trustees from key personnel drawn from the Trustees, the Executive and the LGBs of other academies operated by the Trust [but may also include one or more members of the LGB]. This action is prescribed under the 'Reservations of powers' within clause 13 of the Scheme of Governance and Delegation.

**APPENDIX 4  
GOVERNANCE OF THE TRUST**

**Members**

Provide challenge to and scrutiny of the Trustees in relation to the governance and operation of the Trust.  
3-5 Members to meet 3 times per year plus AGM

**Audit  
Committee**

To meet at least three times per year

**Trust**

9-11 Trustees

The CEO shall be responsible to the Trust for the discharge of executive functions but is not a Trustee. A skills-based board of Trustees who will have a range of expertise in schools, Finance, Buildings / Services, Legal, and HR. But Trustees also form a key link

Meet 6 times a year including AGM and Strategic Conference

**Finance and Resources  
Committee**

Meet 5 times per year

**Quality of Education  
Committee**

Meet 5 times per year

**Education Board**

An advisory body consisting of Chairs or Vice Chairs of the Local Governing Bodies of each of the schools in our Trust. The Board is chaired by the Chair of Trustees (or Vice Chair in his absence). Members and other Trustees are able to attend when they wish to do so.

Meeting termly.

**Executive Group**

Although not formally part of the governance structure of the Trust, this group reports to the Trustees and plays a vital role in the day-to-day running and organisation of the Trust.

Headteachers/Principals from the academies operated by the Trust.  
Chief Executive Officer (CEO) and  
Chief Financial Officer (CFO)

Meeting monthly.

**Local Governing  
Body**

9 – 11 members

**Local Governing  
Body**

9 – 11 members

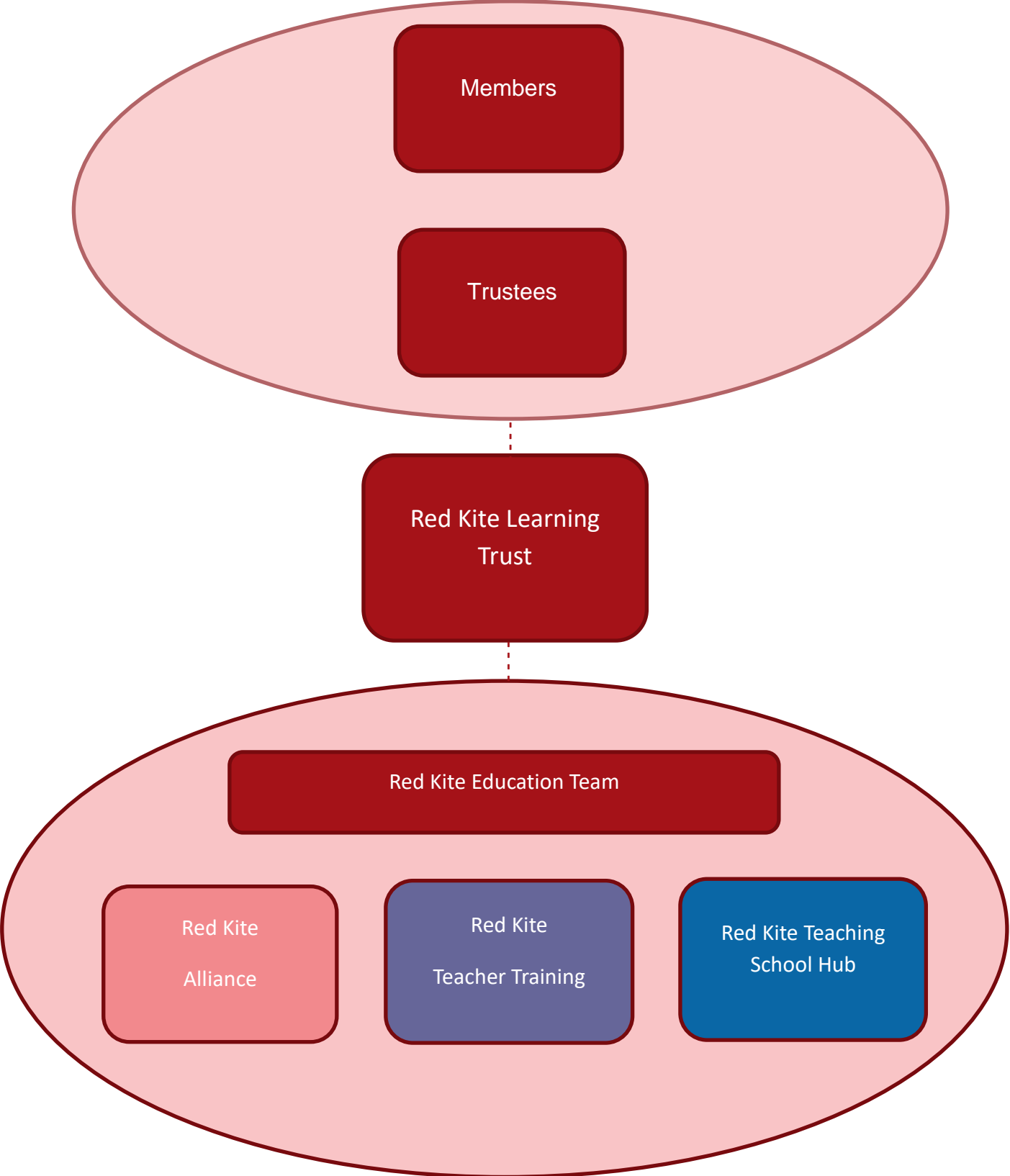
**Local Governing  
Body**

9 – 11 members

Local Governing Bodies are focused on the Quality of Education within their schools and provide support and challenge for school leaders. LGB's also ensure that parents, staff and the wider community have a voice within the school and within our Trust.

APPENDIX 5

RELATIONSHIP BETWEEN THE TRUST AND RED KITE EDUCATION





## APPENDIX 6

### RKLT INTERIM EXECUTIVE BOARDS (IEB)

An IEB is normally associated with a Local Authority (LA) school where there is a need to rapidly bring about change in the quality of leadership, management and governance at an individual school. As a Trust we have adopted this term to describe an interim arrangement by which the Trust exerts its authority to run a school directly without a Local Governing Board (LGB). The CEO will only recommend to Trustees an IEB when the school is in a situation where educational standards and/or the safety and wellbeing of children and staff is at risk as a consequence of leadership issues.

- 1) The IEB's function is to provide interim expertise and high-quality governance to support future improvement in the school and this should include the promotion of high standards in terms of the quality of education provided by the school.
- 2) The safety and wellbeing of children and staff should be given the highest priority by the IEB.
- 3) In making judgements they should be guided by the current Ofsted Inspection Framework and any other additional standards the Trust has adopted for its schools.
- 4) While an IEB is in place, it qualifies as the LGB of the school and assumes the role normally delegated by the Trust to the AB. The Trustees remain the accountable body for the school.
- 5) The IEB will take on the responsibilities of a normally constituted LGB as set out in the Trust's scheme of delegation. The members of the IEB will carry out their duties in line with the Values of the Trust, the stated aims within the Objects of the Charity and in compliance with the Academies Financial Handbook.
- 6) The number of interim executive members must not be less than two. Once the IEB has been established, further interim executive members can be appointed at any time by the Trust.
- 7) An IEB should be a focused group appointed for the full period of time expected to make sufficient improvements in the school. Members of an IEB should be chosen on a case by-case basis, depending on the needs of the school, but should normally include individuals with financial skills and experience of transformational educational improvement.
- 8) In most cases we would not expect existing governors who are vacating office to be nominated as IEB members.
- 9) Interim executive members may be removed by the Trust if they feel they are no longer acting in the best interests of the school or the Trust.
- 10) The IEB must ensure that the views of stakeholders are heard in ensuring that the school meets the needs of its children, satisfies parents and demonstrates the Trust commitment to being the 'employer of choice'.
- 11) At all times the IEB will behave ethically and uphold both the Nolan Principles of standards in public life and the Trust's own Values.
- 12) In most cases a Trust School Improvement Director and/or an Executive Headteacher will form part of the IEB and provide up to date professional knowledge and guidance to the IEB in carrying out its work.
- 13) The Trust will ensure that an appropriate member of the finance team is present at each meeting to provide guidance and support on all financial matters.
- 14) The IEB will work closely with the Trust HR team to review staffing and ensure any appointments made are affordable, appropriate and of high quality.
- 15) The aim of the IEB will be to hand back the school to a properly constituted and appropriately skilled AB in as short a time as possible. At this point the scheme of delegation will revert to the normal setting with a higher level of self-determination at school level.

## APPENDIX 7

### MEETING SCHEDULE – 2022/2023

MEETING	Trust	Austhorpe	Collon	Coppice Valley	Crawshaw	HGS	Meadowfield	Oatlands	Rossett Acre	TLA	TMHS	TNHP	Western	Whitkirk
LGB 1	-	Mon 19.09.22	Mon 26.09.22	Tue 27.09.22	Wed 21.09.22	Thurs 22.09.22	Thurs 22.09.22	Wed 21.09.22	Mon 03.10.22	Mon 26.09.22	Mon 26.09.22	Wed 28.09.22	Fri 23.09.22	Thurs 29.09.22
Executive Group (8:30 am start if face to face/10.00 am if TEAMS)	Wed 14.09.22													
Governors' Conference	Tue 20.09.22													
Trustees 1 – Quality of Education and Finance and Resource Committee meetings	Mon and Tue 26.09 + 27.09.22	-	-	-	-	-	-	-	-	-	-	-	-	-
Trustees 1 Main Board (5 pm start)	Thurs 29.09.22	-	-	-	-	-	-	-	-	-	-	-	-	-
Education Board 1 (5.30 pm start)	Mon 03.10.22	-	-	-	-	-	-	-	-	-	-	-	-	-
Executive Group Strategic Day – Thorpe Park 8:30 am	Wed 05.10.22													
Members 1 (8.30 am start)	Wed 19.10.22	-	-	-	-	-	-	-	-	-	-	-	-	-
Primary RKD 3	Fri 21.10.22													
<b>HALF TERM – 24 – 28<sup>th</sup> OCTOBER 2022</b>														
Executive Group 8:30 am start if face to face/10.00 am if TEAMS)	Wed 02.11.22													
LGB 2	-	Mon 28.11.22	Mon 05.12.22	Tue 29.11.22	Wed 07.12.22	Thurs 01.12.22	Thurs 08.12.22	Wed 30.11.22	Mon 05.12.22	Mon 05.12.22	Mon 05.12.22	Wed 30.11.22	Fri 02.12.22	Thurs 01.12.22
Audit 1 (5.30 pm start)	Mon 28.11.22	-	-	-	-	-	-	-	-	-	-	-	-	-
Executive Group (8:30 am start if face to face/10.00 am if TEAMS)	Wed 30.11.22													
Trustees 2 – Quality of Education and Finance and Resource Committee meetings	Mon and Tue 05.12 + 06.12.22	-	-	-	-	-	-	-	-	-	-	-	-	-
Trustees 2 Main Board (5 pm start)	Thurs 08.12.22	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>CHRISTMAS HOLIDAYS 19<sup>th</sup> DECEMBER – 2<sup>nd</sup> JANUARY 2023</b>														
Executive Group 8:30 am start if face to face/10.00 am if TEAMS)	Wed 11.01.23													
SLT Weekend	Fri - Sat 13 - 14.01.23													
Members 2 (8.30 am start)	Wed 18.01.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Education Board 2 (5.30 pm start)	Wed 25.01.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Executive Group (8:30 am start if face to face/10.00 am if TEAMS)	Wed 01.02.23													
LGB 3	-	Mon 30.01.23	Mon 06.02.23	Tue 31.01.23	Wed 08.02.23	Thurs 09.02.23	Thurs 09.02.23	Wed 08.02.23	Mon 20.02.23	Mon 06.02.23	Mon 06.02.23	Wed 01.02.23	Fri 10.02.23	Thurs 02.02.23
<b>HALF TERM – 13<sup>th</sup> – 17<sup>th</sup> FEBRUARY 2023</b>														
Executive Group Strategic Day – Thorpe Park 8:30 am	Wed 01.03.23													
Trustees 3 – Quality of Education and Finance and Resource Committee meetings	Mon and Tue 20.03 + 21.03.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Trustees 3 Main Board (5 pm start)	Thurs 23.03.23	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>EASTER HOLIDAYS 3<sup>rd</sup> – 14<sup>th</sup> APRIL 2023</b>														
Audit 2 (5.30 pm start)	Mon 24.04.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Executive Group 8:30 am start if face to face/10.00 am if TEAMS)	Wed 26.04.23													
<b>MAY DAY 1<sup>st</sup> MAY 2023</b>														
Members 3 (8.30 am start)	Wed 10.05.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Executive Group 8:30 am start if face to face/10.00 am if TEAMS)	Wed 17.05.23													
Trustees 4 – Quality of Education and Finance and Resource Committee meetings	Mon and Tue 22.05 + 23.05.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Trustees 4 Main Board (5 pm start)	Thurs 25.05.23	-	-	-	-	-	-	-	-	-	-	-	-	-
LGB 4	-	Mon 08.05.23	Mon 15.05.23	Tue 16.05.23	Wed 10.05.23	Thurs 11.05.23	Thurs 11.05.23	Wed 10.05.23	Mon 22.05.23	Mon 15.05.23	Mon 15.05.23	Wed 17.05.23	Fri 12.05.23	Thurs 18.05.23

HALF TERM – 19 <sup>TH</sup> – 2 <sup>ND</sup> JUNE 2023														
Education Board 3 (5.30 pm start)	Wed 07.06.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Executive Group 8.30 am start if face to face/10.00 am if TEAMS)	Wed 14.06.23													
LGB 5	-	Mon 26.06.23	Mon 03.07.23	Tue 04.07.23	Wed 28.06.23	Thurs 29.06.23	Thurs 29.06.23	Wed 28.06.23	Mon 10.07.23	Mon 03.07.23	Mon 03.07.23	Wed 05.07.23	Fri 07.07.23	Thurs 06.07.23
Audit 3 (5.30 pm start)	Mon 03.07.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Trust Training Day	Fri 07.07.23													
Executive Group 8.30 am start if face to face/10.00 am if TEAMS)	Wed 12.07.23													
Trustees 5 – Quality of Education and Finance and Resource Committee meetings	Mon and Tue 10.07 + 12.07.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Trustees 5 Main Board (5pm start)	Thurs 13.07.23	-	-	-	-	-	-	-	-	-	-	-	-	-
Trustees and Members AGM	Thurs 20.07.23	-	-	-	-	-	-	-	-	-	-	-	-	-