



RISE PARK ACADEMY TRUST

SCHEME OF DELEGATION

EFFECTIVE DATE: 14.4.16.

1. INTRODUCTION

- 1.1. As a charitable company limited by guarantee, Rise Park Academy Trust (the "Trust") is governed by a Board of Directors (the "Directors") who are responsible for, and oversee the general control, management and administration of the Trust and the academies run by the Trust. Rise Park Infant School and Rise Park Junior School (together the "Academies") are two of the academies. Unless the context otherwise requires, the word "Academy" in the singular shall be a reference to one of Rise Park Infant School and/or Rise Park Junior School.
- 1.2. The Directors are accountable to external government agencies including the Department for Education (including any successor bodies) and Charity Commission 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.
- 1.3. The Trust has entered into a Master Funding Agreement dated 28th August 2014. The Trust has also entered into a Supplemental Funding Agreement dated 28th August 2014 in relation to each Academy.
- 1.4. In order to discharge these responsibilities, the Directors appoint people connected with each Academy to serve on a single board (the "Local Advisory Board") which is established to ensure the good governance of the Academies.
- 1.5. This Scheme of Delegation explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the Academies, the respective roles and responsibilities of the Directors and the Local Advisory Board and the commitments to each other to ensure the success of the Academies.
- 1.6. This Scheme of Delegation has been put in place by the Directors 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. ETHOS AND MISSION STATEMENT

- 2.1. The Trust's mission statement is:

"Respect, Belief, Excellence"



2.2. The Trust's aims are:

- 2.2.1. to value every member of our community;
- 2.2.2. to enhance and celebrate our similarities and differences;
- 2.2.3. to recognise our lifelong ability to learn and grow;
- 2.2.4. to rise to all inspiring opportunities.

2.2 The Academies will work with other academies and schools within the Trust and associated with the Trust. They will actively pursue partnerships with local schools and other organisations to further the achievement and educational opportunity of pupils.

3. **DIRECTORS' POWERS AND RESPONSIBILITIES**

3.1. The Directors have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and running of schools and in particular the Academies as schools. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Directors have the power to direct change where required.

3.2. The Directors have a duty to act in the fulfilment of the Trust's charitable object, as set out in its Articles which is as follows:

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

3.3. The Directors shall 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 the Academies.

3.4. Articles 100, 101 and 104 provide for the appointment by the Directors of committees to whom the Directors may delegate certain of the functions of the Directors.



- 3.5. In further recognition of the Directors' power to delegate under Articles 105 and 106, responsibility for the running of the Academies from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Advisory Board of the Academies.
- 3.6. The constitution, membership and proceedings of the Local Advisory Board is determined by the Directors and this Scheme of Delegation expresses such matters as well as acknowledges the authority delegated to the Local Advisory Board in order to enable the Local Advisory Board to run the Academies and fulfil the Academies' mission.
- 3.7. The Directors retain authority and responsibility for those areas listed at Appendix 2.

4. **CONSTITUTION OF THE LOCAL ADVISORY BOARD**

4.1. Members of the Local Advisory Board

- 4.1.1. the number of people who shall sit on the Local Advisory Board shall be not less than three but, unless otherwise determined by the Directors, shall not be subject to any maximum. The Directors shall carry out a regular skills analysis to ensure that the Local Advisory Board remains fit for purpose.
- 4.1.2. the Local Advisory Board shall have the following members.
 - 4.1.2.1. Up to five members, appointed under clause 4.2.1. These people should have a range of skills and experience enabling them to make a significant contribution to governance of the Academies.
 - 4.1.2.2. At least one staff member [from each Academy], appointed under clause 4.2.2;
 - 4.1.2.3. At least two parent members elected or appointed [one from each Academy] under clause 4.2.5.
 - 4.1.2.4. The Executive Headteacher of the Trust (the "Executive Head").
- 4.1.3. The Local Advisory Board may also have co-opted members appointed under clause 4.3.
- 4.1.4. The Directors (all or any of them) shall also be entitled to serve on the Local Advisory Board and attend any meetings of the Local Advisory Board. Any Director attending a meeting of the Local Advisory Board shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the Local Advisory Board.



- 4.1.5. All persons appointed or elected to the Local Advisory Board shall give a written undertaking to the Directors.
- 4.2. Appointment of members of the Local Advisory Board
- 4.2.1. the Trust may appoint up to five persons to serve on the Local Advisory Board, ensuring that the people serving on the Local Advisory Board between them have an appropriate range of skills and experience and due attention is given to succession planning.
- 4.2.2. the Local Advisory Board may appoint persons who are employed at each Academy to serve on the Local Advisory Board through such process as they may determine, provided that the total number of such persons (including the Executive Headteacher) does not exceed one third of the total number of persons on the Local Advisory Board. The positions held by those employed at the relevant Academy (e.g. teaching and non teaching) may be taken into account when considering appointments.
- 4.2.3. unless the Directors agree otherwise, in appointing persons to serve on the Local Advisory Board who are employed at one of the Academies, the Local Advisory Board shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the Academies (excluding the Executive Headteacher) 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 Local Advisory Board.
- 4.2.4. the Executive Headteacher shall be treated for all purposes as being an ex officio member of the Local Advisory Board.
- 4.2.5. subject to clause 4.2.9, the parent members of the Local Advisory Board shall be elected by parents of registered pupils at the Academies and he or she must be a parent of a pupil at one of the Academies at the time when he or she is elected.
- 4.2.6. the Local Advisory Board shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Advisory Board, including any question of whether a person is a parent of a registered pupil at one of the Academies. Any election of persons who are to be the parent members of the Local Advisory Board which is contested shall be held by secret ballot.
- 4.2.7. The arrangements made for the election of the parent members of the Local Advisory Board shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to an Academy by a registered pupil at the relevant Academy.



- 4.2.8. Where a vacancy for a parent member of the Local Advisory Board is required to be filled by election, the Local Advisory Board shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at one of the Academies is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 4.2.9. The number of parent members of the Local Advisory Board required shall be made up by persons appointed by the Local Advisory Board if the number of parents standing for election is less than the number of vacancies.
- 4.2.10. In appointing a person to be a parent member of the Local Advisory Board pursuant to clause 4.2.9, the Local Advisory Board shall appoint a person who is the parent of a registered pupil at one of the Academies; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.
- 4.3. Co-opted members of the Local Advisory Board
- 4.3.1. The Local Advisory Board may appoint up to three persons to be “Co-opted” to the Local Advisory Board. A person who shall be “Co-opted” to the Local Advisory Board means a person who is to serve on the Local Advisory Board without having been appointed or elected to serve on the Local Advisory Board. The Local Advisory Board may not co-opt a person who is employed at one of the Academies if thereby the number of persons employed at the Academies serving on the Local Advisory Board would exceed one third of the total number of persons serving on the Local Advisory Board (including the Executive Head).
- 4.4. Term of office
- 4.4.1. The term of office for any person serving on the Local Advisory Board shall be **four years**, save that this time limit shall not apply to the Executive Head and persons who are “Co-Opted” to the Local Advisory Board who shall serve for 1 year.
- 4.4.2. Subject to remaining eligible to be a particular type of member on the Local Advisory Board, any person may be re-appointed or re-elected (including being “Co-opted” again) to the Local Advisory Board.
- 4.5. Resignation and removal
- 4.5.1. A person serving on the Local Advisory Board shall cease to hold office if he resigns his office by notice to the Local Advisory Board (but only if at least three persons will remain in office when the notice of resignation is to take effect).



- 4.5.2. A person serving on the Local Advisory Board shall cease to hold office if he is removed by the person or persons who appointed him. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Advisory Board by a person or persons who appointed him, any failure to uphold the values of the Trust and/or the Academies, or acting in a way which is inappropriate in light of this Scheme of Delegation will be taken into account.
- 4.5.3. A person may also be removed by the Directors but only after the Directors have given due regard to any representations by the Local Advisory Board.
- 4.5.4. If any person who serves on the Local Advisory Board in his capacity as an employee at one of the Academies ceases to work at that Academy then he shall be deemed to have resigned and shall cease to serve on the Local Advisory Board automatically on termination of his work at that Academy.
- 4.5.5. Where a person who serves on the Local Advisory Board resigns his office or is removed from office, that person or, where he is removed from office, those removing him, shall give written notice thereof to the Local Advisory Board who shall inform the Directors.
- 4.6. Disqualification of members of the Local Advisory Board
 - 4.6.1. No person shall be qualified to serve on the Local Advisory Board unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academies shall be entitled to serve on the Local Advisory Board.
 - 4.6.2. A person serving on the Local Advisory Board shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.
 - 4.6.3. A person serving on the Local Advisory Board shall cease to hold office if he is absent without the permission of the Chair of the Local Advisory Board from all the full meetings of the Local Advisory Board held within a period of six months and the Local Advisory Board resolves that his office be vacated.
 - 4.6.4. A person shall be disqualified from serving on the Local Advisory Board if:
 - 4.6.4.1. his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
 - 4.6.4.2. he is the subject of a bankruptcy restrictions order or an interim order.



- 4.6.5. A person shall be disqualified from serving on the Local Advisory Board at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- 4.6.6. A person serving on the Local Advisory Board shall cease to hold office if he would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of sections 178 to 180 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- 4.6.7. A person shall be disqualified from serving on the Local Advisory Board if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.
- 4.6.8. A person shall be disqualified from serving on the Local Advisory Board at any time when he is included in the children's barred list kept by the Independent Safeguarding Authority under section 3(2) of the Safeguarding Vulnerable Groups Act 2006, as amended.
- 4.6.9. A person shall be disqualified from serving on the Local Advisory Board if he is a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.
- 4.6.10. A person shall be disqualified from serving on the Local Advisory Board where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under sections 178 to 180 of the Charities Act 2011.
- 4.6.11. A person shall be disqualified from serving on the Local Advisory Board if he has not provided to the chairman of the Local Advisory Board a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chairman or the Executive Headteacher confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.



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

5. **DELEGATED POWERS**

5.1. General Provisions

- 5.1.1. Subject to clause 8 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 Academies shall be delegated by the Directors to the Local Advisory Board who may exercise all the powers of the Trust in so far as they relate to the Academies, in accordance with the terms of this Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Advisory Board which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme of Delegation, the powers given by this Scheme of Delegation shall not be limited by any special power given to the Directors by the Articles or to the Local Advisory Board by this Scheme of Delegation and a meeting of the Local Advisory Board at which a quorum is present may exercise all the powers so delegated.
- 5.1.2. In general terms, the responsibility of the Directors in so far as the business of the Academies is concerned is to determine the policy and procedures of the Academies and to consider and respond to strategic issues. Whilst the Directors 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 Directors under this Scheme of Delegation, the responsibility for such matter will be that of the Local Advisory Board.
- 5.1.3. Examples of strategic issues would be:
- an increase in planned admission numbers – an expansion of the capacity of an Academy;
 - significant change in staffing levels or structure, including leadership; and
 - significant change in the curriculum - time allocations for subjects, for example.



Details of other reserved matters are set out in Appendix 2.

5.1.4. Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Advisory Board and without detracting from the generality of the powers delegated, the Local Advisory Board shall have the following powers, namely:

5.1.4.1. to expend certain funds of the Trust as permitted by clause 5.3 in such manner as the Local Advisory Board shall consider most beneficial for the achievement of the Object in so far as it relates to the Academies and to invest in the name of the Trust such part of the funds of the Trust for which it has responsibility pursuant to this Scheme of Delegation as it may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the Object; and

5.1.4.2. to oversee the Ofsted areas of Quality of Teaching, Pupil Achievement and Behaviour and Safety.

5.1.5. In the exercise of its powers and functions, the Local Advisory Board may consider any advice given by the Executive Head and any other executive officer and shall act in accordance with any advice, instruction and/or direction given by the Directors.

5.1.6. Any bank account in which any money of the Trust in so far as it relates to the Academies is deposited shall be operated by the Trust on behalf of the Academies. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Local Advisory Board.

5.1.7. Where any power or function of the Directors has been exercised by the Local Advisory Board, the Local Advisory Board shall report to the Directors in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Directors immediately following the taking of the action or the making of the decision.

5.2. Ethos and Values

5.2.1. Whilst the Local Advisory Board shall be responsible for ensuring that the Academies are conducted in accordance with the ethos and values referred to in clause 2, the determination of the Academies' ethos and mission statement shall be the responsibility of the Directors.

5.2.2. At all times, the Directors and the Local Advisory Board shall ensure that the Academies are conducted in accordance with the object of the Trust, and any agreement entered into with the Secretary of State for the funding of the Academies.



5.3. Finance

- 5.3.1. In acknowledgement of the receipt by the Directors of funds in relation to the Academies; provided by the Secretary of State, donated to the Trust and generated from the activities of the Trust, the Directors shall be responsible for the management and spending of all monies received on account of the Academies for the purposes of the Academies in accordance with the financial plan approved by the Directors.
- 5.3.2. The accounts of the Trust shall be the responsibility of the Directors but the Local Advisory Board shall provide such information about the finances of the Academies as often and in such format as the Directors may reasonably require.

5.4. Premises

- 5.4.1. The maintenance of the buildings and facilities used in respect of the Academies are the responsibility of the Trust and the Directors, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Directors (and/or any others) as owners of such buildings and facilities.
- 5.4.2. The Directors shall develop a three year asset management plan 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 Academies' responsibility to ensure the buildings and facilities are maintained to a good standard. In particular, it will identify immediate need and works in year 1 of the Plan and the principles for asset and premises management for years 2 and 3 of this Plan.
- 5.4.3. The responsibility for any disposals or acquisitions of land to be used by the Academies will be that of the Directors.
- 5.4.4. Insuring the land and buildings used by the Academies will be the responsibility of the Directors.

5.5. Resources

5.5.1. Key Staff

- 5.5.1.1. The Directors shall appoint all staff on the leadership pay scale to include the Executive Head, and the Vice Principal of each Academy and the Assistant Head (if any). The Directors and the Local Advisory Board may delegate such powers and functions as they consider are required by the Executive Head for the internal organisation, management and control of each Academy (including the implementation of all policies approved by the Directors and the Local Advisory Board and for the



direction of the teaching and curriculum at the Academies).

5.5.2. Other Staff

5.5.2.1. The Directors shall also be responsible for the appointment and management of all other staff to be employed at the Academies and shall:

5.5.2.1.1. establish all policies dealing with staff from time to time;

5.5.2.1.2. set pay terms;

5.5.2.1.3. set any standard contracts or terms and conditions for the employment of staff;

5.5.2.1.4. manage any claims and disputes with staff members having regard to any advice and recommendations given by the Local Advisory Board;

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

5.6. Curriculum and Standards

5.6.1. The Directors shall be responsible for the setting and review of the curriculum which will be implemented by the Local Advisory Board.

5.6.2. The Local Advisory Board shall be responsible for the standards achieved by the Academies and the pupils attending the Academies but shall follow such advice and recommendations of the Directors as they might issue from time to time.

5.6.3. The Local Advisory Board shall be responsible for the setting and review from time to time of each Academy's admissions policy provided that no change will be made to the admissions criteria without the written consent of the Directors.

5.6.4. The Local Advisory Board shall review and consult on the admissions arrangements for the forthcoming academic year, subject to prior agreement with the Directors of the admissions policy and criteria to be consulted on. These arrangements and any new admissions policy and criteria must be agreed with the Directors before being adopted for each Academy.

5.6.5. Any decision to expand an Academy shall be that of the Directors but who shall have regard to the views of the Local Advisory Board.

5.7. Extended Schools and Business Activities



- 5.7.1. Whilst the undertaking of any activities which would be described as part of the Academies' "extended schools agenda" or any activities designed to generate business income, would be the responsibility of the Local Advisory Board, this shall only be undertaken in a manner consistent with any policy set by the Directors and having regard to the viability of such activities, the impact on the Academies' 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.

5.8. Regulatory Matters

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

6. **OPERATIONAL MATTERS**

- 6.1. The Local Advisory Board shall comply with the obligations set out in Appendix 1 which deals with the day to day operation of the Local Advisory Board.
- 6.2. The Local Advisory Board will adopt and will comply with all policies of the Directors communicated to the Local Advisory Board from time to time.
- 6.3. Both the Directors and all members of the Local Advisory Board 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 Academies and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
- 6.4. The Local Advisory Board will review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time, in order to ensure that the governance of the Academies is best able to adapt to the changing political and legal environment.
- 6.5. The Local Advisory Board shall provide such data and information regarding the business of the Academies and the pupils attending the Academy as the Directors may require from time to time.
- 6.6. The Local Advisory Board shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State and the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Advisory Board under this Scheme of Delegation in such circumstances.
- 6.7. The Directors 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.



7. **ANNUAL REVIEW**

- 7.1. This Scheme of Delegation shall operate from the Effective Date in respect of the named Academies.
- 7.2. The Directors will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.
- 7.3. In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Directors will have regard to and give due consideration of any views of the Local Advisory Board.

8. **RESERVATION OF POWERS**

The Directors, having overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and running of schools and in particular the Academy as a school, may exercise themselves functions and powers delegated to the Local Advisory Board under this Scheme of Delegation in accordance with the provisions of Appendix 3 in the event of one of the following circumstances occurring:

- 8.1. One of the Academies is deemed Inadequate and is either:
 - 8.1.1. Placed in Special Measures following an Ofsted inspection, or
 - 8.1.2. One of Academies is advised of "Serious Weaknesses" following an Ofsted inspection; or
- 8.2. the Academy is advised that it "Requires Improvement" following an Ofsted inspection
- 8.3. in the absolute discretion of the Directors, an Academy is deemed not to be acting in accordance with this Scheme of Delegation or is otherwise not acting in accordance with the Ethos and Mission Statements of the Trust as set out in Clause 2.



APPENDIX 1

FUNCTIONING OF THE LOCAL ADVISORY BOARD

1. CHAIRMAN AND VICE-CHAIRMAN OF THE LOCAL ADVISORY BOARD

- 1.1. The members of the Local Advisory Board shall each school year, at their first meeting in that year, elect a chairman and a vice-chairman from among their number to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph 1.3. This appointment is subject to approval by the Directors. Neither a person who is employed by the Trust (whether or not at an Academy) nor a person who is at the time of election already a Director of the Trust (except where such person is a Director by virtue of being the incumbent chairman) shall be eligible for election as chairman or vice-chairman.
- 1.2. When Academies are first established an interim chairman may be appointed by the Directors.
- 1.3. Subject to paragraph 1.4, the chairman or vice-chairman shall hold office as such until his successor has been elected in accordance with this clause 1.
- 1.4. The chairman or vice-chairman may at any time resign his office by giving notice in writing to the Local Advisory Board. The chairman or vice-chairman shall cease to hold office if:
 - 1.4.1. he ceases to serve on the Local Advisory Board;
 - 1.4.2. he is removed from office in accordance with this Scheme of Delegation; or
 - 1.4.3. in the case of the vice-chairman, he is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of chairman.
- 1.5. Where by reason of any of the matters referred to in paragraph 1.4, a vacancy arises in the office of chairman or vice-chairman, the members of the Local Advisory Board shall at its next meeting elect one of their number to fill that vacancy.
- 1.6. Where the chairman is absent from any meeting or there is at the time a vacancy in the office of the chairman, the vice-chairman shall act as the chair for the purposes of the meeting.



- 1.7. Where in the circumstances referred to in paragraph 1.4 the vice-chairman is also absent from the meeting or there is at the time a vacancy in the office of vice-chairman, the members of the Local Advisory Board shall elect one of their number to act as a chairman for the purposes of that meeting, provided that the person elected shall neither be a person who is employed by the Trust (whether or not at an Academy) nor a Director.
- 1.8. A Director shall act as chairman during that part of any meeting at which the chairman is elected.
- 1.9. Any election of the chairman or vice-chairman which is contested shall be held by secret ballot.
- 1.10. The chairman or vice-chairman may only be removed from office by the Directors at any time or by the Local Advisory Board in accordance with this Scheme of Delegation.
- 1.11. A resolution to remove the chairman or vice-chairman from office which is passed at a meeting of the Local Advisory Board shall not have effect unless:
 - 1.11.1. It is confirmed by a resolution passed at a second meeting of the Local Advisory Board held not less than fourteen days after the first meeting; and
 - 1.11.2. The matter of the chairman's or vice-chairman's removal from office is specified as an item of business on the agenda for each of those meetings.
- 1.12. Before a resolution is passed by the Local Advisory Board at the relevant meeting as to whether to confirm the previous resolution to remove the chairman or vice-chairman from office, the person or persons proposing his removal shall at that meeting state their reasons for doing so and the chairman or vice-chairman shall be given an opportunity to make a statement in response.

2. CONFLICTS OF INTEREST

- 2.1. Any member of the Local Advisory Board 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 his duties as a member of the Local Advisory Board shall disclose that fact to the Local Advisory Board as soon as he becomes aware of it. A person must absent himself from any discussions of the Local Advisory Board in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academies 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 he is in the employment of the Trust or is in receipt of remuneration or the



provision of any other benefit directly from the Trust or in some other way is linked to the Trust or one of the Academies.

- 2.3. In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.
- 2.4. Any disagreement between the members of the Local Advisory Board, the Executive Headteacher and/or any subcommittee of the Local Advisory Board shall be referred to the Directors for their determination.

3. **THE MINUTES**

- 3.1. The minutes of the proceedings of a meeting of the Local Advisory Board shall be drawn up and entered into a book kept for the purpose by the person authorised to keep the minutes of the Local Advisory Board; and shall be signed (subject to the approval of the members of the Local Advisory Board) at the same or next subsequent meeting by the person acting as chairman thereof. The minutes shall include a record of:
 - 3.1.1. all appointments of officers made by the Local Advisory Board; and
 - 3.1.2. all proceedings at meetings of the Local Advisory Board and of committees of the Local Advisory Board including the names of all persons present at each such meeting.
- 3.2. The chairman shall ensure that copies of minutes of all meeting of the Local Advisory Board (and such of the subcommittees as the Directors shall from time to time notify) shall be provided to the Directors as soon as reasonably practicable after those minutes are approved.

4. **COMMITTEES**

- 4.1. Subject to this Scheme of Delegation, the Local Advisory Board may establish any subcommittee. The constitution, membership and proceedings of any subcommittee shall be determined by the Local Advisory Board but having regard to any views of the Directors. The establishment, terms of reference, constitution and membership of any subcommittee shall be reviewed at least once in every twelve months. The membership of any subcommittee may include persons who do not also serve on the Local Advisory Board, provided that a majority of the members of any such subcommittee shall be members of the Local Advisory Board or Directors. The Local Advisory Board may determine that some or all of the members of a subcommittee who are not Directors or who do not serve on the Local Advisory Board shall be entitled to vote in any proceedings of the subcommittee.



- 4.2. No vote on any matter shall be taken at a meeting of a subcommittee unless the majority of members of the subcommittee present either are Directors or who serve on the Local Advisory Board.

5. DELEGATION

- 5.1. Provided such power or function has been delegated to the Local Advisory Board, the Local Advisory Board may further delegate to any person serving on the Local Advisory Board, committee, the Executive 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 Directors or the Local Advisory Board may impose and may be revoked or altered.
- 5.2. Where any power or function of the Directors or the Local Advisory Board is exercised by any subcommittee, any Director or member of the Local Advisory Board, the Executive Headteacher or any other holder of an executive office, that person or subcommittee shall report to the Local Advisory Board in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Advisory Board immediately following the taking of the action or the making of the decision.

6. MEETINGS OF THE LOCAL ADVISORY BOARD

- 6.1. Subject to this Scheme of Delegation, the Local Advisory Board may regulate its proceedings as the members of the Local Advisory Board think fit.
- 6.2. The Local Advisory Board shall meet at least three times in every school year. Meetings of the Local Advisory Board shall be convened by the secretary to the Local Advisory Board. In exercising his functions under this Scheme of Delegation the secretary shall comply with any direction:
 - 6.2.1. given by the Directors or the Local Advisory Board; or
 - 6.2.2. given by the chairman of the Local Advisory Board or, in his absence or where there is a vacancy in the office of chairman, the vice-chairman of the Local Advisory Board, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.
- 6.3. Any three members of the Local Advisory Board may, by notice in writing given to the secretary, requisition a meeting of the Local Advisory Board; and it shall be the duty of the secretary to convene such a meeting as soon as is reasonably practicable.
- 6.4. Each member of the Local Advisory Board shall be given at least seven clear days before the date of a meeting:



- 6.4.1. notice in writing thereof, signed by the secretary, and sent to each member of the Local Advisory Board at the address provided by each member from time to time; and
- 6.4.2. a copy of the agenda for the meeting;

provided that where the chairman or, in his absence or where there is a vacancy in the office of chairman, the vice-chairman, 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 directs.
- 6.5. The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.
- 6.6. A resolution to rescind or vary a resolution carried at a previous meeting of the Local Advisory Board shall not be proposed at a meeting of the Local Advisory Board unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.
- 6.7. A meeting of the Local Advisory Board shall be terminated forthwith if:
 - 6.7.1. the members of the Local Advisory Board so resolve; or
 - 6.7.2. the number of members present ceases to constitute a quorum for a meeting of the Local Advisory Board in accordance with paragraph 6.10, subject to paragraph 6.12.
- 6.8. Where in accordance with paragraph 6.7 a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the secretary as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.
- 6.9. Where the Local Advisory Board resolves in accordance with paragraph 6.7 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Advisory Board 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 to convene a meeting accordingly.
- 6.10. Subject to paragraph 6.12, the quorum for a meeting of the Local Advisory Board, and any vote on any matter thereat, shall be any three of the members of the Local Advisory Board. If the Directors have appointed any



additional members of the Local Advisory Board pursuant to clause 4.1.2.5 of this Scheme of Delegation then a majority of the quorum must be made up of such persons.

6.11. The Local Advisory Board may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a further meeting of the Local Advisory Board.

6.12. The quorum for the purposes of:

6.12.1. appointing a parent member;

6.12.2. any vote on the removal of a person in accordance with this Scheme of Delegation;

shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters plus a Director.

6.13. Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Advisory Board shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Advisory Board shall have one vote.

6.14. Any decision to remove the Chairman of the Local Advisory Board shall be at the sole discretion of the Directors but the Local Advisory Board may advise the Directors in relation to the same.

6.15. Subject to paragraphs 6.10 – 6.12, where there is an equal division of votes, the chairman of the meeting shall have a casting vote in addition to any other vote he may have.

6.16. The proceedings of the Local Advisory Board shall not be invalidated by

6.16.1. any vacancy on the board; or

6.16.2. any defect in the election, appointment or nomination of any person serving on the Local Advisory Board.

6.17. A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Advisory Board or of a subcommittee of the Local Advisory Board, shall be valid and effective as if it had been passed at a meeting of the Local Advisory Board or (as the case may be) a subcommittee



of the Local Advisory Board duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Advisory Board and may include an electronic communication by or on behalf of the Local Advisory Board indicating his or her agreement to the form of resolution providing that the member has previously notified the Local Advisory Board in writing of the email address or addresses which the member will use.

6.18. Subject to paragraph 6.18, the Local Advisory Board shall ensure that a copy of:

- 6.18.1. the agenda for every meeting of the Local Advisory Board;
- 6.18.2. the draft minutes of every such meeting, if they have been approved by the person acting as chairman of that meeting;
- 6.18.3. the signed minutes of every such meeting; and
- 6.18.4. any report, document or other paper considered at any such meeting,

are, as soon as is reasonably practicable, made available at an Academy to persons wishing to inspect them.

6.19. There may be excluded from any item required to be made available in pursuance of paragraph 6.17, any material relating to:

- 6.19.1. a named teacher or other person employed, or proposed to be employed, at an Academy;
- 6.19.2. a named pupil at, or candidate for admission to, an Academy; and
- 6.19.3. any matter which, by reason of its nature, the Local Advisory Board is satisfied should remain confidential.

6.20. Any member of the Local Advisory Board shall be able to participate in meetings of the Local Advisory Board by telephone or video conference provided that:

- 6.20.1. he has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he



shall be taking part at the time of the meeting at least 48 hours before the meeting; and

- 6.20.2. the Local Advisory Board has access to the appropriate equipment.

If, after all reasonable, efforts it does not prove possible for the person to participate by telephone or video conference, the meeting may still proceed with its business provided it is otherwise quorate.

7. NOTICES

- 7.1. Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Advisory Board) 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 Local Advisory Board to its members either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Local Advisory Board by the member. A member whose registered address is not within the United Kingdom and who gives to the Local Advisory Board an address within the United Kingdom at which notices may be given to him, or an address to which notices may be sent using electronic communications, shall be entitled to have notices given to him at that address, but otherwise no such member shall be entitled to receive any notice from the Local Advisory Board.
- 7.3. A member of the Local Advisory Board present, either in person or by proxy, at any meeting of the Local Advisory Board 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.
- 7.5. 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 member of the Local Advisory Board or other officer or auditor of the Trust acting in relation to the Academies shall be indemnified out of the assets of the Trust against any liability incurred by him in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Trust.



APPENDIX 2:

DIRECTORS' AREAS OF AUTHORITY AND RESPONSIBILITY

1. Preparation and approval of this Scheme of Delegation under which the Academies are governed and subsequent amendments
2. Compliance with Funding Agreement
3. Compliance with the DFE's Academies Financial Handbook
4. Compliance with the financial and accounting requirements of the Trust
5. Strategic and financial planning for the Trust and the Academies
6. Cost allocation between the Trust and the Academies
7. Employment of all staff
8. Staff pay policy, terms and conditions
9. Annual school and staff objectives
10. Appointment of auditors
11. Insurance provision
12. Organisational change
13. Best value statement
14. Health & Safety policy
15. Attendance policy and targets
16. Uniform policy
17. Branding policy and guidelines
18. Data Protection policy and Information Officer
19. Charges and Remissions Policy
20. Ethos and values
21. Compliance with all statutory regulations
22. Determination of admissions policy and arrangements
23. Determination of educational vision of the Academies



24. To enter into contracts on behalf of the Trust and the Academies
25. Operation of all Trust and Academy bank accounts
26. Manage and spend all monies on behalf of the Academies
27. Financial risk management strategies



APPENDIX 3

RESERVATION OF POWERS

The Directors of the Trust reserve the right to deliver themselves the powers and functions, as delegated under this Scheme to the Local Advisory Board, in the following circumstances where an Academy is causing concern and is judged Inadequate as set out in section 44 of the Education Act 2005 (as amended):

1. Academy in Special Measures

- 1.1 In the event that an Academy is placed in Special Measures, the Directors may reserve to themselves any or all powers delegated to the Local Advisory Board under this Scheme of Delegation; save for which the Directors, in their absolute discretion, deem necessary to operate the Academy.
- 1.2 The Local Advisory Board may continue to operate the Academy on a day to day basis, subject to regular consultation with the Chair of the Directors.

2. Academy with "Serious Weaknesses".

- 2.1 In the event that an Academy is notified of "Serious Weaknesses" following an Ofsted inspection, the Directors may:
 - 2.1.1 withhold the right of the Local Advisory Board to appoint staff;
 - 2.1.2 request the Local Advisory Board refers all major financial decisions to it for approval;
 - 2.1.3 reserve its right to approve in advance all decisions to enter into contracts made by the Local Advisory Board;
 - 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 Local Advisory Board may continue to oversee operation of the Academy on a day to day basis, in conjunction with the Executive Headteacher and staff of the Academy but shall keep the Directors regularly informed, at their reasonable request, of progress generally, operational decisions and other matters of importance to the running of the Academy.

3. Academy "Requiring Improvement"



- 3.1 In the event that an Academy is deemed to "Require Improvement" the Directors may:
 - 3.1.1 withhold the right of the Local Advisory Board 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 Local Advisory Board may continue to oversee operation of the Academy on a day to day basis, in conjunction with the Executive Headteacher and staff of the Academy but shall keep the Directors regularly informed, at their reasonable request, of progress generally, operational decisions and other matters of importance to the running of the Academy.
3. Directors' discretion
- 3.1 The Directors may override provisions relating to delegation to the Local Advisory Board contained in this Scheme where, in their absolute discretion, they deem it necessary for the efficient operation of the Academies or the Trust.
 - 3.2 If the Directors decide to exercise their power under this clause 3, the Chair of Directors and the Chief Education Officer of the Trust shall be authorised to exercise this right.