

## **ILKLEY GRAMMAR SCHOOL**

### **SCHEME OF DELEGATION**

**EFFECTIVE DATE: 12<sup>th</sup> SEPTEMBER 2018**

#### **1. INTRODUCTION**

- 1.1 As an exempt charity and company limited by guarantee, Moorlands Learning Trust (**the Trust**) is governed by a Board of Trustees (**the Trustees**) who are responsible for, and oversee, the management and administration of the Trust and the academies run by the Trust. Ilkley Grammar School (**the Academy**) is one of the academies.
- 1.2 The Trustees are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) 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 In order to discharge these responsibilities, the Trustees can appoint people with knowledge and experience of an Academy's staff, locality and pupils to serve on a committee which has been established to ensure the good governance of that Academy. This committee can either take the form of an Advisory Board or Local Governing Body.
- 1.4 The Scheme (**the Scheme**) explains the ways in which the Trustees fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Trustees and the members of the Local Governing Body and their commitments to each other to ensure the success of the Academy.
- 1.5 The Scheme 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 the Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles. In any conflict between any provision of the Scheme and the Articles, the Articles shall prevail.

## 2. ETHOS AND VISION STATEMENT

- 2.1 The Trust aims to create a wide-ranging network of highly successful schools and other education providers in the local region and beyond over the coming years.
- 2.2 Trust academies will share the same moral purpose and vision for their students to be equipped with the confidence and skills to make a positive difference to their own lives and to the lives of others. Through the Trust, schools will learn from and challenge each other. They will take opportunities to develop the range of provisions across the Trust, in order to enhance the achievement of all students in the Trust and to enrich their lives and the opportunities they have - both now and in the future.
- 2.3 Students' future prospects will be enhanced by their school's membership of the Trust and its wider partnerships, with local communities strengthened by the involvement of the Trust.
- 2.4 Trust academies, leaders and governors are aspirational for every student within the Trust and all are committed to sharing in the improvement journey by playing their part in achieving success and inspiring others to do so too. Fundamental to this is a core focus on enhancing students' experiences and achievements through rigorous and systematic support and challenge of all schools within the MAT.
- 2.5 Trust academies will be expected to work in partnership with all academies within the Trust and other agencies as required, to fulfil the vision described above.

## 3. MEMBERS' POWERS AND RESPONSIBILITIES

- 3.1 The Members of the Trust (**the Members**) 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.
- 3.2 The Trust has up to five Members, who are 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 to the membership of the Trust will

be on the basis of the passing of a special resolution of the Members to appoint such additional Members as they think fit.

#### 4. TRUSTEES' POWERS AND RESPONSIBILITIES

- 4.1 The Trustees have overall responsibility and ultimate decision-making authority for all the work of the Trust, including the establishing and running of schools, including the Academy. This is largely exercised through strategic planning and the setting of policy. It is managed for example, through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required, including through changes to the Scheme.
- 4.2 The Trustees have a duty to act in the fulfilment of the Trust's objects as set out at Article 4 of the Articles.
- 4.3 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 the Academy.
- 4.4 Articles 100-104 provide for the appointment by the Trustees of committees to whom the Trustees may delegate certain of their functions. In further recognition of the Trustees' power to delegate, responsibility for certain aspects of the running of the Academy from the Effective Date will be delegated to the committee established by the Scheme and which shall be known as the Local Governing Body of the Academy (**the Local Governing Body**).
- 4.5 The constitution, membership and proceedings of the Local Governing Body is determined by the Trustees and the Scheme expresses such matters as well as acknowledging the authority delegated to the Local Governing Body in order to enable it to run the Academy and fulfil the Academy's mission.

## 5. CONSTITUTION OF THE LOCAL GOVERNING BODY

### 5.1 Members of the Local Governing Body

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

5.1.2 The Local Governing Body shall have the following members:

5.1.2.1 Governors appointed under clause 5.2.1;

5.1.2.2 Up to 2 staff governors, appointed under clause 5.2.2 and 5.2.5;

5.1.2.3 Up to 3 (and at least 2) parent governors elected or appointed under clauses 5.2.4 to 5.2.5;

5.1.2.4 The head teacher of the Academy (the “Principal”) as per clause 5.2.3; and

5.1.3 The Local Governing Body may also have co-opted or ‘community’ governors appointed under clause 5.3.

5.1.4 The Trustees (all or any of them) shall also be entitled to serve on the Local Governing Body and attend any meetings of the Local Governing Body. Any Trustee attending a meeting of the Local Governing Body 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 Governing Body.

5.1.5 All persons appointed or elected to the Local Governing Body 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 “Code of Conduct for Trustees and Governors”.

### 5.2 Appointment of members of the Local Governing Body

5.2.1 The Trustees may appoint any number of persons to serve on the Local Governing Body, having regard to any recommendations and views of the other members of the Local Governing Body in relation to ensuring that the people serving on the Local Governing Body between them have an appropriate range of skills and experience and due attention is given to succession planning.

- 5.2.2 The Local Governing Body may appoint persons who are employed at the Academy to serve on the Local Governing Body through such process as they may determine, provided that the total number of such persons (including the Principal) does not exceed one third of the total number of persons on the Local Governing Body. The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the staff members of the Local Governing Body.
- 5.2.3 The Principal shall be treated for all purposes as being an ex officio member of the Local Governing Body.
- 5.2.4 The parent members of the Local Governing Body shall be elected by those with parental responsibility for registered pupils at the Academy provided that the total number of such persons does not exceed one third of the total number of persons on the Local Governing Body and that he or she must be a parent of a registered pupil at the Academy at the time when he or she is elected. The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person has parental responsibility for a registered pupil at the Academy.
- 5.2.5 The first parent and staff members of the Local Governing Body shall be those people who filled those positions on the predecessor governing body of Ilkley Grammar School prior to its conversion to a multi academy trust (provided they remain eligible under the Scheme), who shall serve on the Local Governing Body for the remainder of the terms of office for which they were elected to the predecessor governing body. The trustees shall make all necessary arrangements for, and determine all matters relating to, the appointment of the first parent and staff members of the Local Governing Body, where there are more of these positions on the predecessor governing body than under the Scheme.

### **5.3 Co-opted 'Community' members of the Local Governing Body**

The Local Governing Body may appoint up to 5 community governors to be co-opted to the Local Governing Body. A person co-opted to the Local Governing Body means a person who is to serve on the Local Governing Body without having been appointed or elected to serve on the Local Governing Body. Subject to the restrictions in clauses 5.2.2 and 5.2.4, the Local Governing Body may co-opt a

person who is employed at the Academy or is a parent of a registered student at the Academy.

#### **5.4 Term of office**

Subject to clause 5.2.5, the term of office for any person serving on the Local Governing Body shall be four years, save that this time limit shall not apply to the Principal, who shall serve for as long as they are the Principal, and persons who are co-opted to the Local Governing Body under clause 5.3, who shall serve for one year. Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected (including co-opted members) up to a maximum term of 12 years in total.

#### **5.5 Resignation and removal**

5.5.1 A person serving on the Local Governing Body shall cease to hold office if he resigns his office by written notice to the Local Governing Body, provided that at least three persons will remain in office when the notice of resignation is to take effect.

5.5.2 A person serving on the Local Governing Body 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 Governing Body by a person or persons who appointed him, any failure to uphold the values of the Trust and/or the Academy or to act in a way which is appropriate in light of the Scheme will be taken into account.

5.5.3 The Trustees may remove a governor from the Local Governing Body after they have given due regard to any representations of the Local Governing Body.

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

5.5.5 Where a person who serves on the Local Governing Body resigns or is removed from office, that person or, where he is removed from office, those removing him, shall give written notice thereof to the Trustees.

## **5.6 Disqualification of members of the Local Governing Body**

- 5.6.1 A governor serving on the Local Governing Body shall cease to hold office if he would be required to cease to hold office as a trustee of the Trust in accordance with Articles 68 to 79, in accordance with Article 80.
- 5.6.2 Where, by virtue of the Scheme, a person becomes disqualified from serving on the Local Governing Body, he shall give written notice of that fact to the Trustees.
- 5.6.3 This clause 5.6 shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body.

## **6. DELEGATED POWERS**

### **6.1 General Provisions**

- 6.1.1 Subject to provisions of the Companies Act 2006, the Articles, clause 7, Appendix 1 and Appendix 4 of the Scheme and to any directions given by the Members of the Trust following a special resolution, the management of the business of the Academy shall be delegated by the Trustees to the Local Governing Body who may exercise all the powers of the Trust in so far as they relate to the Academy, in accordance with the Scheme. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing Body which would have been valid if that alteration had not been made or that direction had not been given.
- 6.1.2 Except as provided for in the Scheme, in addition to all powers hereby expressly conferred upon the Local Governing Body and without detracting from the generality of the powers delegated, the Local Governing Body shall have the following powers, namely:
- 6.1.2.1 To expend certain funds of the Trust as permitted by [clause 1] in such manner as the Local Governing Body shall consider most beneficial for the achievement of the Trust's Objects in so far as it relates to the Academy; and
- 6.1.2.2 To enter into contracts on behalf of the Trust in so far as they relate to the Academy, subject to clause 1.2 of Appendix 2 and Appendix 4.

6.1.3 In the exercise of its powers and functions, the Local Governing Body shall consider any advice given by the Trustees.

6.1.4 Any bank account in which any money of the Trust insofar as it relates to the Academy is deposited shall be operated by the Local Governing Body in the name of the Trust. 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 Governing Body.

## 6.2 **Ethos and Values**

Whilst the Local Governing Body shall be responsible for ensuring that the Academy is conducted in accordance with the Trust's ethos and vision as set out in clause 2, the determination of the Academy's own ethos and mission statement shall be the responsibility of the Local Governing Body.

## 6.3 **Regulatory Matters**

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

## 7. **RESERVED POWERS**

The Local Governing Body shall not make decisions in relation to the matters set out at Appendix 1 of the Scheme, which are reserved as matters that are only to be dealt with by the Trustees.

## 8. **POLICIES AND PRACTICES**

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

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



## 9. OPERATIONAL MATTERS

### 9.1 Chair and Vice-Chair of the Local Governing Body

9.1.1 The members of the Local Governing Body 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 in accordance with clause 9.1.3. 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 Local Governing Body.

9.1.2 Subject to clause 9.1.4, the chair or vice-chair shall hold office as such until his successor has been elected in accordance with this clause 9.1.

9.1.3 The chair or vice-chair may at any time resign his office by giving notice in writing to the Local Governing Body. The chair or vice-chair shall cease to hold office if:

9.1.3.1 he ceases to serve on the Local Governing Body;

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

9.1.3.3 he is removed from office in accordance with the Scheme; or

9.1.3.4 in the case of the vice-chair, he is elected in accordance with the Scheme to fill a vacancy in the office of chair.

9.1.4 Where by reason of any of the matters referred to in clause 9.1.3, a vacancy arises in the office of chair or vice-chair, the members of the Local Governing Body shall at its next meeting elect one of their number to fill that vacancy.

### 9.2 Minutes

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

9.2.2 The chair shall ensure that copies of minutes of all meetings of the Local Governing Body shall be provided to the Trustees and such of the subcommittees as the Trustees shall from time to time request.

### 9.3 **Committees**

Subject to the Scheme, the Local Governing Body may establish any subcommittee. The constitution, membership and proceedings of any subcommittee shall be determined by the Local Governing Body but having regard to any views of the Trustees. The establishment, terms of reference, constitution and membership of any subcommittee shall be reviewed at least once in every twelve months. The membership of any subcommittee may include persons who do not also serve on the Local Governing Body, provided that a majority of the members of any such subcommittee shall be members of the Local Governing Body or Trustees. No vote on any matter shall be taken at a meeting of a subcommittee unless the majority of members of the subcommittee present either are Trustees or those who serve on the Local Governing Body.

### 9.4 **Meetings of the Local Governing Body**

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

### 9.5 **Quorum**

9.5.1 Subject to clause 9.5.3, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three of the members of the Local Governing Body, or, where greater, any one third (rounded up to a whole number) of the total number of persons holding office on the Local Governing Body at the date of the meeting.

9.5.2 The Local Governing Body 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 general meeting.

9.5.3 The quorum for the purposes of:

9.5.3.1 any vote on the removal of a person in accordance with the Scheme;

9.5.3.2 any vote on the removal of the chair of the Local Governing Body;

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

9.5.4 Subject to the Scheme, every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.

9.5.5 Subject to clauses 9.5.1 – 9.5.3, where there is an equal division of votes, the chair of the meeting shall have a casting vote in addition to any other vote he may have.

## 10. **ANNUAL REVIEW**

10.1 The Scheme shall operate from the Effective Date in respect of the named Academy.

10.2 The Trustees will review the Scheme at least on an annual basis in accordance with the Articles and will have the absolute discretion to alter any provisions of it.

10.3 In considering any material changes to the Scheme or any framework on which it is based, the Trustees will have regard to any views of the Local Governing Body.

## 11. **RESERVATION OF POWERS**

11.1 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 functions and powers delegated to the Local Governing Body under this Scheme of Governance and Delegation in accordance with the provisions of Appendix 3 upon any one of the following circumstances occurring:

11.2 the Academy is placed in Special Measures following an Ofsted inspection;

11.3 the Academy is advised of “Serious Weaknesses” following an Ofsted inspection;

11.4 the Academy is advised that it “Requires Improvement” following an Ofsted inspection and does not have the capacity to rapidly improve to ‘good or outstanding’;

11.5 the Academy has a significant change in leadership at senior level that prejudices its ability to deliver appropriate outcomes for young people;

11.6 the Trustees believe that significant safeguarding concerns exist that have not been prevented or remedied at academy level;

11.7 the Academy’s budget position shows weak financial efficiency and/or stability that the Trustees believe prejudices its ability to continue to deliver appropriate

outcomes for young people or puts at risk the financial efficiency and/or stability of the Trust;

- 11.8 the Academy's financial systems and procedures show poor financial probity as a result of significant failures in leadership and governance;
- 11.9 the Trust's annual standards' review reveals that the Academy is failing to thrive as a result of significant failures in leadership and governance;
- 11.10 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 aims and values of the Trust as set out in clause 2.

## **APPENDIX 1**

### **RESERVED MATTERS**

1. Varying in any respect the Scheme including its appendices.
2. Making any borrowing.
3. Altering the name of the Academy.
4. Making any acquisition or disposal by the Academy of any material asset(s) otherwise than in the ordinary course of business.
5. Making any loan, granting any credit or giving any guarantee or indemnity.
6. Altering any mandate given to the Trust's or Academy's bankers (if different) relating to any matter concerning the operation of the Trust's bank accounts other than by the substitution of any person nominated as a signatory by a party entitled to make such nomination.
7. Granting any rights (by licence or otherwise) in or over any intellectual property owned or used by the Academy.
8. Acquiring and disposing of Trust land.
9. Setting procurement policies.
10. Setting terms and conditions of employment.
11. Establishing financial and HR policies.
12. Formulating and setting the Trust wide budget and the proportion of the overall budget to be delegated to the Academy.

## APPENDIX 2

### POWERS THAT CAN BE DELEGATED TO A LOCAL GOVERNING BODY

#### 1. Finance

- 1.1 In acknowledgement of the receipt by the Trustees of funds in relation to the Academy, provided by the Secretary of State, donated to the Trust and generated from the activities of the Trust, the Trustees delegate to the Local Governing Body the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy less 4% of the funds received from the Secretary of State that will be retained by the Trust as payment for central MAT administration/management services. The Trustees reserve the power to amend the percentage retained by the Trust for central services and will review this from time to time.
- 1.2 The Local Governing Body shall have the power to enter into contracts (including renewal) on behalf of the Trust insofar as they relate to the Academy pursuant to clause 6.1.2, and the Financial Scheme of Delegation as shown in Appendix 4.
- 1.3 The accounts of the Trust shall be the responsibility of the Trustees but the Local Governing Body shall provide such information about the finances of the Academy as often and in such format as the Trustees shall reasonably require. Without prejudice to the above, the Local Governing Body shall provide monthly management accounts to the Trustees.
- 1.4 The Local Governing Body shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the Academies Financial Handbook are observed at all times as well as any requirements and recommendations of the Trustees and the Secretary of State.
- 1.5 The Local Governing Body shall inform the Trustees of any need for significant unplanned expenditure and will discuss with the Trustees (and others such as the Chief Financial Officer, as the Trustees shall require) options for identifying and obtaining available funding.
- 1.6 The Local Governing Body shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Trust in so far as these relate to the Academy.

#### Premises

- 1.7 Subject to and without prejudice to clauses 6.3 of this Scheme of Delegation and 1.10 of this Appendix, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Trustees (and/or any others) as owners of such buildings and facilities.
- 1.8 The Local Governing Body shall in conjunction with the Trustees develop a 5 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 /Local Governing Body's responsibility to ensure the buildings and facilities are maintained to a good standard.

- 1.9 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Trustees.
- 1.10 Insuring the land and buildings used by the Academy will be the responsibility of the Trustees who shall recover the cost from the budget delegated to the Local Governing Body.

## **Resources**

### **1.11 Principal**

1.12 The Principal and Deputy Principal shall be appointed in line with clause 1.16 of Appendix 4.

1.13 The Trustees and the Local Governing Body may delegate such powers and functions as they consider are required by the Principal for the internal organisation, management and control of the Academy, including the implementation of all policies approved by the Trustees and the Local Governing Body, the appointment of staff and for the direction of the teaching and curriculum at the Academy in line with clause 6.1.1 and Appendix 4.

### **1.14 Other Staff**

1.15 The Local Governing Body shall be responsible for the appointment and management of all other staff to be employed at the Academy provided that the Local Governing Body shall:

1.16 comply with all policies dealing with staff issued by the Trustees from time to time;

1.17 take account of any pay terms set by the Trustees;

1.18 adopt any standard contracts or terms and conditions for the employment of staff issued by the Trustees;

1.19 manage any claims and disputes with staff members having regard to any advice and recommendations given by the Trustees.

1.20 The Local Governing Body shall carry out the performance management of the Principal, in conjunction with the CEO and/or an external independent advisor as agreed by the Trustees.

1.21 The Local Governing Body shall be responsible for the performance management of all staff and shall put in place procedures for the proper professional and personal development of staff.

## **Curriculum and Standards**

1.22 The Local Governing Body shall be responsible for the setting and review of the curriculum which should reflect the obligations under clause 2 of the Scheme, but shall have regard to any views of the Trustees in recognition of the Trustees' obligation to the Secretary of State to provide a broad and balanced curriculum.

1.23 The Local Governing Body 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.

1.24 The Local Governing Body shall be responsible for the setting and review from time to time of the Academy's admissions policy provided that no change will be made to the admissions criteria without the written consent of the Trustees.

1.25 Any decision to expand the Academy shall be that of the Trustees, having regard to the views of the Local Governing Body.

## **APPENDIX 3**

### **RESERVATION OF POWERS**

The Trustees reserve the right to deliver themselves the powers and functions, as delegated under this Scheme to the Local Governing Body in, though not limited to, 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 Local Governing Body under the Scheme which the Trustees, in their absolute discretion, deem necessary to operate the Academy.

1.2 The Local Governing Body may 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 Local Governing Body to appoint staff;

2.1.2 require the Local Governing Body 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 Local Governing Body to enter into contracts, further to Appendix 2 of the Scheme;

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 Governing Body may 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 "Requiring Improvement" and does not have the capacity to rapidly improve to 'good or outstanding'.**

3.1 In the event that the Academy is deemed to "Require Improvement", the Trustees may:

3.1.1 withhold the right of the Local Governing Body 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 Governing Body may 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 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 Local Governing Body 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.

## APPENDIX 4

### FINANCIAL / RESOURCES POWERS AND DUTIES RESERVED FOR THE MULTI-ACADEMY TRUST BOARD OF TRUSTEES

#### 1. The Board of Trustees shall be responsible for:

##### **General**

1.1 Approval of a written scheme of delegation of its financial powers and duties to the Local Governing Bodies (LGB) of each academy within the Trust. The scheme must satisfy the Board of Trustees' ultimate responsibility for ensuring that there are adequate operational controls in place for all the financial processes within the Trust.

##### **Budgets/Budgetary Control**

1.2 Formally approving the budget of each academy and of the Trust prior to the start of each financial year.

1.3 Considering budgetary control reports from the LGBs once per term, with relevant explanations and documentation where required.

1.4 Authorisation of all virements of sums between budget heads in excess of £100,000. Details of all changes to the forecast surplus/deficit approved and authorised by the LGB are to be formally notified to the Board of Trustees at the earliest opportunity.

##### **Purchasing**

1.5 Maintenance of a Register of Business Interests for all Members, Trustees and Governors and those Academy staff with financial responsibilities.

1.6 Authorisation of the advertising of tenders above £172,514 (the OJEU limit), and authorising the award of such tenders (unless operated via a government framework).

##### **Income**

1.7 Authorisation of the write off of debts not collectable over £10,000.

##### **Insurances**

1.8 Ensuring that arrangements for insurance cover are in place and adequate.

##### **Security of Assets**

1.9 Authorisation of the disposal of individual items of equipment and materials that have become surplus to requirements, unusable or obsolete with an original purchase value in excess of £10,000.

##### **Accounts and Audit**

1.10 Review and approval of the risk register annually.

1.11 Inform the EFA if it suspects any irregularity affecting resources.

1.12 Formally recommend approval of the annual Trust Report and Accounts prior to approval by the Members and submission to the Secretary of State by 31 December.

1.13 Appointment of the external auditors and review of external audit reports.

1.14 Reviewing the reports of the Responsible Officer/Internal Auditor on the effectiveness of the financial procedures and control. These reports must also be reported to LGBs.

## **FINANCIAL / RESOURCES POWERS AND DUTIES RESERVED FOR THE BOARD OF TRUSTEES (CONTINUED)**

### **Personnel**

1.15 Appointment of the CEO and CFO.

1.16 The CEO will represent the Trustees on the recruitment panel for Headteachers and Deputy Headteachers of Academies within the Trust. Additional Trustees may be involved in the recruitment process where appropriate. Where the CEO/CFO hold substantive posts within one of the academies, their replacement appointments must be made in consultation with the Trustees.

1.17 Agreeing the CEO's / CFO's performance review group. Where the CEO / CFO is also the Headteacher / Business & Finance Director, the group will include membership from the Local Governing Body as well as the Trustees.

1.18 The CEO's / CFO's performance review group may make a decision to suspend the CEO / CFO after taking advice from Schofield Sweeny LLP.

1.19 All Trustees must be consulted prior to any possibility of the dismissal of the CEO / CFO. After taking into account the views of all Trustees the CEO's / CFO's performance review group will make the decision to dismiss the CEO / CFO.

1.20 Approval of CEO AND CFO's salary.

## **FINANCIAL / RESOURCES POWERS AND DUTIES DELEGATED TO THE LOCAL GOVERNING BOARD**

### **2. The Local Governing Body (LGB) shall be responsible for:**

#### **General**

2.1 Exercising the powers and duties of the Board of Trustees in respect of the financial administration of the Academy, except for those items specifically reserved for the Board of Trustees and those delegated to the Headteacher and other staff.

2.2 Reporting on decisions taken under delegated powers to the next meeting of the Board of Trustees.

#### **Budgets/Budgetary Control**

2.3 Reviewing the annual Academy budget prior to the start of each financial year and recommending its acceptance, or otherwise to the Board of Trustees.

2.4 Authorisation of all changes to the forecast surplus/deficit up to £100,000. Details of all changes to the forecast surplus/deficit approved and authorised by the LGB are to be formally notified to the Board of Trustees.

2.5 Considering budgetary control reports on the Academy's financial position at every meeting, taking appropriate action to contain expenditure within the budget and report to the Board of Trustees.

2.6 Authorising the virement of sums between budget heads between £50,000 and £100,000 and reviewing sums above £20,000 as approved and authorised by the Headteacher, which are to be formally notified to the LGB who shall minute the notification.

2.7 Reporting to the Board of Trustees all significant financial matters and any actual or potential overspending.

#### **Purchasing**

2.8 Authorising the award of orders and contracts over £50,000 and up to £172,514.

2.9 Late tenders, or tenders other than the most financially favourable, can only be accepted by the LGB who shall minute the reasons for their decision.

#### **Payroll and personnel**

2.10 Authorising changes to the Academy personnel establishment where the cost is beyond the approved budget.

2.11 Authorising the Headteacher's and Business & Finance Director's salary, leadership pay progression and upper pay range progressions following performance review, in line with the Trust Pay Policy. N.B. Where the Headteacher is also the CEO, the Trustees will authorise the Headteacher's salary, pursuant to clause 1.17 of Appendix 4. Clause 1.17 of Appendix 4 also applies where the B&FD is the CFO.

2.12 Authorising salary increases of 20% or higher.

#### **Income**

2.13 Authorisation of the write off of debts not collectable between £5,000 and £10,000.

#### **Security of Assets**

2.14 Ensuring that there are annual independent checks of assets and the asset register.

2.15 Authorising the disposal of individual items of equipment and materials that have become surplus to requirements, unusable or obsolete with an original purchase value of between £5,000 and £10,000 and reporting such authorisations to the Board of Trustees.

## **FINANCIAL / RESOURCES POWERS AND DUTIES DELEGATED TO THE HEADTEACHER**

### **3. The Headteacher shall be responsible for:**

#### **Budgetary control**

3.1 Reviewing income and expenditure reports and highlighting actual or potential overspending to the LGB.

3.2 Approving virements between budget headings of up to £50,000. Virements over £20,000 are to be notified to the LGB.

#### **Financial Management**

3.3 Ensuring the arrangements for collection of income, ordering of goods and services, payments and security of assets are in accordance with the EFA Financial Regulations.

#### **Purchasing**

3.4 Authorising orders and contracts up to £50,000.

3.5 Ensuring that all contracts and agreements conform to the Financial Regulations.

#### **Payroll and Personnel**

3.6 Making all arrangements for and approving new staff appointments and making contractual changes to existing staff within the approved budget. Salary increments are subject to a limit of 20%. Deputy Headteacher appointments must be made in conjunction with the CEO.

3.7 Authorising permanent changes to the Academy's establishment except for those posts specifically delegated to the Board of Trustees within the approved budget. This includes the appointment of members of the Leadership Team and Heads of Departments.

3.8 Certifying the payment of salaries each month.

#### **Security of Assets**

3.9 Ensuring that proper security is maintained at all times for all buildings, furniture, equipment, vehicles, stocks, stores, cash, information and data.

#### **Accounts and Audit**

3.10 The operation of financial processes within the Academy, ensuring that adequate operational controls are in place and that the principles of internal control are maintained.

3.11 Ensuring that full, accurate and up to date records are maintained in order to provide financial and statistical information.

3.12 Ensuring that all records and documents are available for audit by the appointed external auditors and by the Responsible Officer/Internal Auditor.

### Summary of Financial Authorisation Levels

Duty	MAT Trustees	Local Governing Body	Headteacher
Virements of sums between budget heads	Over £100,000	£50,001-£100,000 (reviewing sums above £20,000 approved by Headteacher)	Up to £50,000 (over £20,000 notified to LGB)
Authorisation of all changes to the forecast surplus/deficit	Over £100,000	Up to £100,000 (notification to Trustees)	
Salaries	Approval of CEO and CFO salary and any change to HT pay range / scale	Approval of Headteacher & Business & Finance Director salaries (where the HT / B&FD is not also the CEO / CFO) Salary increases of 20% or higher	Salary increases of up to 20%
Ordering goods and services	Authorisation of tenders above £172,514 (the OJEU limit) and authorising the award	£50,001-£172,514 (Formal tendering process)	Up to £50,000 (over £10,000 must notify the CFO to check joint procurement opportunities)
Income	Raising invoices to collect income of over £100,000  Authorisation of the write off of debts of over £10,000	Raising invoices to collect income of £10,001 to £100,000  Authorisation of the write off of debts of £5,001-£10,000	Raising invoices to collect income of up to £10,000
Security of Assets	Authorisation to dispose of assets with an original purchase price in excess of £10,000	Authorisation to dispose of assets with an original purchase price £5,001-£10,000 (notification to Trustees)	Authorisation to dispose of assets with an original purchase price of up to £5,000 (notification to LGB)