

NORTHERN EDUCATION TRUST

Kearsley Academy

SCHEME OF DELEGATION FOR LOCAL GOVERNANCE

EFFECTIVE DATE: 02 December 2016

INTERPRETATION

In this Scheme of Delegation:-

- (a) "the Academies" means all the schools and educational institutions referred to in Articles 4a) and established by the Trust (and "Academy" shall mean any one of those schools or educational institutions)
- (b) "Academy Financial Year" means the academic year from 1st of September to 31st of August of the following year;
- (c) "the Articles" means the Articles of Association of the Trust;
- (d) "Chief Executive Officer" means such person as may be appointed by the Trustees as the Chief Executive Officer of the Trust;
- (e) "Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills or his successor;
- (f) "clear days" in relation to the period of a notice means the period excluding the day when the notice is given or deemed to be given and the day on which it is given or on which it is to take effect;
- (g) "the Trust" means save as otherwise defined at Article 6.9 the Trust intended to be regulated by these Articles and referred to in Article 2;
- (h) "the Trustees" means save as otherwise defined at Article 6.9 the Trustees of the Trust (and "Trustee" means any one of those Trustees);

- (i) “the LA” means the local authorities covering the areas in which the Academy is situated;
- (j) “Leadership Team” means all senior officers of the Trust who report directly to the Chief Executive.
- (k) “Local Governing Board” means the committee appointed pursuant to Articles 100-101 and 104;
- (l) “Office” means the registered office of the Trust;
- (m) “Parent Trustees” means the Trustees appointed pursuant to Articles 53 – 56 inclusive;
- (n) “Principals” means the head teachers of the Academies (and “Principal” means any one of these head teachers);
- (o) “Principal Regulator” means the body or person appointed as the Principal Regulator under the Charities Act 2011;
- (p) “Secretary of State” means the Secretary of State for Education or successor;
- (q) “teacher” means a person employed under a contract of employment or a contract for services or otherwise engaged to provide his services as a teacher at one or more Academies;
- (r) “the United Kingdom” means Great Britain and Northern Ireland;
- (s) words importing the masculine gender only shall include the feminine gender. Words importing the singular number shall include the plural number, and vice versa;
- (t) any reference to a statute or statutory provision shall include any statute or statutory provision which replaces or supersedes such statute or statutory provision including any modification or amendment thereto.

1. **INTRODUCTION**

- 1.1. As a charitable company limited by guarantee, Northern Education Trust (the “Trust”) is governed by a Board of Directors also referred to as Trustees (the “Trustees”) who are responsible for, and oversee the general control, management and administration of the Trust and the academies run by the Trust. Kearsley Academy (the “Academy”) is one of the academies.
- 1.2. The Trustees 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 entered into a Master Funding Agreement in March 2012 with each Academy being governed locally by a Supplemental Funding Agreement.
- 1.4. In order to discharge these responsibilities, the Trustees appoint people who are more locally based to serve on a board (the “Local Governing Board”) which has been established to ensure the good governance of the Academy.
- 1.5. This Scheme of Delegation 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 Local Governing Board and the commitments to each other to ensure the success of the Academy.
- 1.6. This Scheme of Delegation has been put in place by the Trustees at the Academy 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 is as follows:

Our Vision

Our vision is to be the leading multi-academy trust in England by continuously improving what we do and the outcomes for young people.

Our Purpose

We provide education to primary pupils and secondary students in academies in the north of England.

We aim to transform young people’s lives through excellent learning experiences leading to with outstanding outcomes that ensure they can fulfil their potential.

The Best Provision for Young People

- We provide excellent teaching.

- We deliver excellent outcomes.
- We provide excellent support to each individual's safety and personal development.
- We provide excellent sports, creative arts, outdoor education and leadership development.
- We nourish strong partnerships with families to support their children's learning.
- We work in partnership with other agencies to keep children and young people safe
- We provide excellent environments within which to learn.

The Best Value for Money

- The Department for Education consider the provision in our academies to be value for money
- Our academies contribute to the success of the communities they serve.
- Our academies and the Trust work in partnership with stakeholders toward common goals

The Northern Education Trust derives its inspiration and values from the wealth of experience amongst its trustees and education leaders. These values provide the basis of our work with pupils and students in our academies. We work in a multi-cultural society and are proud to be based in the North of England.

The Trust's academies are located in diverse communities, some of them located in and serving some of the most deprived communities in England. Whatever the area, we believe that with high quality teaching, the right help, and high expectations even the most vulnerable children can transform their lives and fulfil their potential.

Our Principles and Values

Our values are the set of guiding principles which, taken together, define what we do and how we do it. They allow us to make decisions and take actions which drive us towards our vision. Our values ought to be seen throughout the Trust and in every one of our academies. They are the foundation upon which we expect everyone to demonstrate in everything we do, at every level, in order to achieve our strategic objectives.

The welfare of others is the first concern of all

Such a guiding value requires all those skills and attitudes that encompass such words as tolerance, flexibility, sensitivity, compassion and respect.

The education of every child is held to be of equal value in the comprehensive community school.

This principle applied to practice, needs more precise thought, determined implementation and constant monitoring than systems pretending greater simplicity. It must overarch decisions, guide planning and inform the style of relationships in each academy. It is through the discovery of organisational and human relationships which reflect this principle, that expectations can be raised.

Exercising ethical stewardship of the Trust

The commitment of trustees and our staff to high levels of probity and transparency, whilst making the best use of all our resources to provide the education for children and young people so that they can fulfil their potential.

Developing leaders

The Trust aims to employ and retain people of talent and integrity who are committed to working together and to supporting its principles. Relationships are based on mutual consideration, courtesy and respect, with as much equality between its members as differences of responsibility permit.

A Single Rule

There is a single overarching rule that the Trust expects to be promoted and upheld by staff in the Trust and its academies:

“All pupils, students and adults are expected to behave in a responsible manner, both to themselves and others, showing consideration, courtesy and respect for other people at all times”

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

3. TRUSTEES’ POWERS AND RESPONSIBILITIES

- 3.1. The Trustees have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and running of schools and in particular the Academy as a school. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required.
- 3.2. The Trustees have a duty to act in the fulfilment of the Trust's charitable objects, as set out in its Articles of Association which are as follows:
- (a) to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing schools (“**the mainstream Academies**”) offering a broad and balanced curriculum, or educational institutions which are principally concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless alternative provision is made for them (“**the alternative provision Academies**”) or 16 to 19 Academies offering a curriculum appropriate to the needs of its students (“**the 16 to 19 Academies**”) or schools specially organised to make special educational

provision for pupils with Special Educational Needs (“**the Special Academies**”); and

- (b) to promote for the benefit of the inhabitants of the communities served by the Academies and the surrounding areas the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the objects of improving the condition of life of the said inhabitants.
- 3.3. The 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.
 - 3.4. Articles 100 and 101 provide for the appointment by the Trustees of committees to whom the Trustees may delegate certain of the functions of the Trustees. In further recognition of the Trustees’ power to delegate under Articles 105 to 106, responsibility for the running of the Academy from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Governing Board of the Academy.
 - 3.5. The constitution, membership and proceedings of the Local Governing Board is determined by the Trustees and this Scheme of Delegation expresses such matters (see Appendix 1) as well as acknowledges the authority delegated to the Local Governing Board in order to enable the Local Governing Board to run the Academy and fulfil the Academy’s mission (see Appendix 2 -Trustees Areas of Authority & Responsibility and Appendix 3 – Delegation Planner).

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

- 4.1. Members of the Local Governing Board
 - 4.1.1. The number of people who shall sit on the Local Governing Board shall be not less than three but, unless otherwise determined by the Trustees, shall not be subject to any maximum. The number of governors will be related to the effectiveness of the Governing Board.
 - 4.1.2. The Local Governing Board shall have the following members:
 - 4.1.2.1. At least six and up to nine 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 Academy;
 - 4.1.2.2. At least one and up to two staff members, appointed under clause 4.2.2;
 - 4.1.2.3. At least two and up to three parent members elected or appointed under clause 4.2.5;

- 4.1.2.4. the head teacher of the Academy (the “Principal”); and
- 4.1.2.5. any additional members, if appointed by the Trustees at the request of the Secretary of State for Education (the “Secretary of State”) pursuant to clause 102c) of the Master Funding Agreement entered into between the Trust and the Secretary of State governing the affairs of the Trust.
- 4.1.2.6. In all cases the proportionality of staff, head teacher and parent members should not exceed six.
- 4.1.3. The Local Governing Board may also have co-opted members appointed under clause 4.3.
- 4.1.4. The Trustees (all or any of them) shall also be entitled to serve on the Local Governing Board and attend any meetings of the Local Governing Board. Any Trustee attending a meeting of the Local Governing 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 Governing Board.
- 4.1.5. All persons appointed or elected to the Local Governing Board shall give a written undertaking to the Trustees.
- 4.2. Appointment of members of the Local Governing Board
 - 4.2.1. The Trust may appoint up to nine persons to serve on the Local Governing Board, ensuring that the people serving on the Local Governing Board between them have an appropriate range of skills and experience.
 - 4.2.2. Local Governing Boards will annually complete an annual audit of skills of its membership and submit to the Trust an annual governance statement and succession plan.
 - 4.2.3. The Local Governing Board may appoint persons who are employed at the Academy to serve on the Local Governing Board 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 Board. The positions held by those employed at the Academy (e.g. teaching and non teaching) may be taken into account when considering appointments.
 - 4.2.4. Unless the Trustees agree otherwise, in appointing persons to serve on the Local Governing Board who are employed at the Academy the Local Governing 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 Academy (excluding the Principal) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Board.

- 4.2.5. The Principal shall be treated for all purposes as being an ex officio member of the Local Governing Board.
- 4.2.6. Subject to clause 4.2.9, the parent members of the Local Governing Board shall be elected by parents of registered pupils at the Academy and he or she must be a parent of a pupil at the Academy at the time when he or she is elected.
- 4.2.7. The Local Governing Board shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Board, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of persons who are to be the parent members of the Local Governing Board which is contested shall be held by secret ballot.
- 4.2.8. The arrangements made for the election of the parent members of the Local Governing 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 the Academy by a registered pupil at the Academy.
- 4.2.9. Where a vacancy for a parent member of the Local Governing Board is required to be filled by election, the Local Governing 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 the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 4.2.10. The number of parent members of the Local Governing Board required shall be made up by persons appointed by the Local Governing Board if the number of parents standing for election is less than the number of vacancies.
- 4.2.11. In appointing a person to be a parent member of the Local Governing Board pursuant to clause 4.2.9, the Local Governing Board shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.
- 4.2.12. The first parent and staff members of the Local Governing Board may be those people who filled those positions on the Governing Board of the predecessor School at its closure (provided they remain eligible under this Scheme of Delegation), who shall serve on the Local Governing Board for the remainder of the terms of office for which they were elected to the predecessor Governing Board.
- 4.3. Co-opted members of the Local Governing Board
- 4.3.1. The Local Governing Board may appoint up to three persons to be “Co-opted” to the Local Governing Board. A person who shall be “Co-opted” to the Local Governing Board means a person who is to serve on the Local Governing Board without having been appointed or elected to serve on the Local Governing Board. The Local Governing Board may not co-opt a person who is employed at the Academy if

thereby the number of persons employed at the Academy serving on the Local Governing Board would exceed one third of the total number of persons serving on the Local Governing Board (including the Principal).

4.4. Term of office

4.4.1. The term of office for any person serving on the Local Governing Board shall be three years, save that this time limit shall not apply to the Principal and persons who are “Co-Opted” to the Local Governing Board who shall serve for 1 year. Subject to remaining eligible to be a particular type of member on the Local Governing Board, any person may be re-appointed or re-elected (including being “Co-opted” again) to the Local Governing Board.

4.5. Resignation and removal

4.5.1. A person serving on the Local Governing Board shall cease to hold office if he resigns his office by notice to the Local Governing 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 Governing Board shall be removed from office by resolution of the Local Governing Board if, in the reasonable opinion of the other members, s/he is not acting in the best interests of the Academy and/or the Trust. This clause does not apply in respect of a person who is appointed by the Trust to act as Chair of the Local Governing Board who may only be removed by the Trustees in accordance with Clause 1.10 of Appendix 1 below.

4.5.3. If any person who serves on the Local Governing Board 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 Board automatically on termination of his work at the Academy.

4.5.4. Where a persons who serves on the Local Governing 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 Governing Board who shall inform the Trustees.

4.6. Disqualification of members of the Local Governing Board

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

4.6.2. A person serving on the Local Governing 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 Governing Board shall cease to hold office if he is absent without the permission of the Chair of the Local Governing Board from all the full meetings of the Local Governing

Board held within a period of six months and the Local Governing Board resolves that his office be vacated.

- 4.6.4. A person shall be disqualified from serving on the Local Governing 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 Governing 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 Governing 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 Governing 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 Governing 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 Governing 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 Governing 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. After the Academy has opened, a person shall be disqualified from serving on the Local Governing Board if he has not provided to the Chair of the Local Governing 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 Chair or the Principal 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 Governing 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 Governing Board who shall inform the Trustees.

4.6.13. This clause 4.6 and paragraph 2 of Appendix 1 shall also apply to any member of any committee of the Local Governing Board who is not a member of the Local Governing 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 Trustees following a special resolution, the management of the business of the Academy shall be delegated by the Trustees to the Local Governing Board who may exercise all the powers of the Trust in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing 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 Trustees by the Articles or to the Local Governing Board by this Scheme of Delegation and a meeting of the Local Governing Board at which a quorum is present may exercise all the powers so delegated.

5.1.2. In general terms, and notwithstanding Appendix 2 and 3, the responsibility of the Trustees in so far as the business of the Academy is concerned is to determine the policy and procedures of the Academy and to consider and respond to strategic issues. Whilst the Trustees are free to decide what constitutes a strategic issue, having regard to all the circumstances, unless a matter is identified as a strategic issue and/or is identified as being the responsibility of the Trustees under this Scheme of Delegation, the responsibility for such matter will be that of the Local Governing Board. Examples of strategic issues would be:

An increase in planned admission numbers – an expansion of the Academy's capacity.

Significant change in staffing levels or structure, including leadership

Significant change in the curriculum - time allocations for subjects, for example

5.1.3. Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Governing Board pursuant to Appendix 2 and 3 and without detracting from the generality of the powers Local Governing Board shall have the following powers, namely:

5.1.3.1. to expend certain funds of the Trust as permitted by clause 5.3 in such manner as the Local Governing Board shall consider most beneficial for the achievement of the Object in so far as it relates to the Academy 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

5.1.3.2. to enter into contracts on behalf of the Trust in so far as they relate to the Academy.

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

5.2. Ethos and Values

5.2.1. Whilst the Local Governing Board shall be responsible for ensuring that the Academy is conducted in accordance with its ethos and values referred to in clause 2, the determination of the Academy's ethos and mission statement shall be the responsibility of the Trustees.

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

5.3. Finance

5.3.1. 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 Board the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy less between 3% AND 4% of the funds received from the Secretary of State. These amounts to be determined each year by the Trustees, acting reasonably.

5.3.2. Whilst the Local Governing Board shall have the power to enter into contracts on behalf of the Trust in so far as they relate to the Academy pursuant to clause 5.1.3, the Local Governing Board shall first obtain the written consent of the Chief Executive, Chief Operating Officer or the Director of Finance to any contracts or expenditure for any single matter above £20,000.

- 5.3.3. The accounts of the Trust shall be the responsibility of the Trustees but the Local Governing Board 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 Board shall provide monthly management accounts to the Trustees.
- 5.3.4. The Local Governing Board 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.
- 5.3.5. The Local Governing Board 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. Where the management of financial affairs will result in a budget deficit or when the Academy is placed in “special measures” or deemed to have “serious weaknesses” the Trustees have the power to withdraw financial delegation.

5.4. Premises

- 5.4.1. Subject to and without prejudice to clauses 5.3.2 and 5.4.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Board, 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.
- 5.4.2. The Local Governing Board shall in conjunction with the Trustees develop a long-term estate management strategy that will identify the suitability of building and facilities in light of curriculum needs and the need for and availability of capital investment to meet the Local Governing Board’s responsibility to ensure the buildings and facilities are maintained to a good standard.
- 5.4.3. The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Trustees.
- 5.4.4. Insuring the land and buildings used by the Academy will be the responsibility of the Trustees who shall recover the cost from the budget delegated to the Local Governing Board.

5.5. Resources

5.5.1. Principal

- 5.5.1.1. The Trustees shall appoint the Principal, other local Senior Leadership Team, HR and Finance roles within the Academy shall be appointed by an Officer nominated by Trustees. . The Trustees and the Local Governing Board 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 Board and for the direction of the teaching and curriculum at the Academy).

5.5.2. Other Staff

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

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

5.5.2.1.2. take account of any pay terms set by the Trustees;

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

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

5.5.2.2. The Local Governing Board shall carry out the performance management of all staff except the Principal or Business Manager, whose performance management (as defined by the Trust's Performance Management Policy) will be the responsibility of the Chief Executive or the Director of Finance respectively, and shall put in place procedures for the proper professional and personal development of staff.

5.5.3 Local Governing Board

5.5.3.1 The Trust shall carry out a 12 month review of the performance of the Chair of the Local Governing Board in support of performance management.

5.5.3.2 Members of the Local Governing Board will undertake a self review on an annual basis to support their performance into the following 12 months and review their performance of the last 12 months. The Chair will undertake 1:1 discussion following the board members' self review.

5.5.3.3 The Chair in conjunction with the Principal will be responsible for ensuring members of the Local Governing Board have access to proper professional and personal development in order to fulfil their role and function.

5.6. Curriculum and Standards

5.6.1. The Local Governing Board shall be responsible for the setting and review of the curriculum 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.

- 5.6.2. The Local Governing Board 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.
- 5.6.3. The Local Governing Board 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.
- 5.6.4. Any decision to expand the Academy shall be that of the Trustees but who shall have regard to the views of the Local Governing 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 Academy's "extended schools agenda" or any activities designed to generate business income, would be the responsibility of the Local Governing Board, this shall only be undertaken in a manner consistent with any policy set by the Trustees and having regard to the viability of such activities, the impact on the Academy's activities and any financial implications, such as the threat of taxation in light of the Trust's charitable objects and any threat to funding provided by the Secretary of State.
- 5.8. Regulatory Matters
 - 5.8.1. The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Trustees but the Local Governing Board shall act at all times to ensure that the Trust continues to meet its regulatory and legal obligations, including safeguarding, Health & Safety and business continuity planning. This list is not exhaustive.
 - 5.8.2. The Local Governing Board or an individual member shall not do or omit to do anything which would bring the Academy and/or the Trust into disrepute.
- 6. **OPERATIONAL MATTERS**
 - 6.1. The Local Governing Board shall comply with the obligations set out in the Appendix which deals with the day to day operation of the Local Governing Board.
 - 6.2. The Local Governing Board will adopt and will comply with all policies of the Trustees communicated to the Local Governing Board from time to time.
 - 6.3. Both the Trustees and all members of the Local Governing 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 Academy 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 Governing Board will review its locally determined policies and practices on a regular basis, having regard to recommendations made by the Trustees from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

- 6.5. The Trust and all Local Governing Boards have also adopted the National Governors Association Code of Practice including the Seven Principles of Public Life established by the Committee on Standards in Public Life (the Nolan Committee) to guide its work. The Code reproduced at Appendix 5.
- 6.6. The Local Governing Board 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.
- 6.7. The Local Governing Board shall work closely with and shall promptly implement any advice or recommendations made by the Trustees in the event that intervention is either threatened or is carried out by the Secretary of State and the Trustees expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Governing Board under this Scheme of Delegation in such circumstances.
- 6.8. The Trustees reserve the right to direct staff, (by negotiation) to work in other areas of the Trust than their current employment, on tasks and activities which are commensurate with their skills and experience. This is intended to provide career and professional development opportunities for staff.

7. **ANNUAL REVIEW**

- 7.1. This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy.
- 7.2. Notwithstanding this being the first Scheme of Delegation to apply in respect of the Academy, the Trustees 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 Trustees will have regard to and give due consideration of any views of the Local Governing Board.

8. **RESERVATION OF POWERS**

The Trustees, having overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and running of schools and in particular the Academy as a school, may exercise themselves functions and powers delegated to the Local Governing Board under this Scheme of Delegation in accordance with the provisions of Appendix 4 in the event of one of the following circumstances occurring:

- 8.1. the Academy is placed in Special Measures following an Ofsted inspection;
- 8.2. the Academy is advised of "Serious Weaknesses" following an Ofsted inspection;
- 8.3. the Academy is advised that it "Requires Improvement" following an Ofsted inspection
- 8.4. in the absolute discretion of the Trustees, the 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 above.

APPENDIX 1

FUNCTIONING OF THE LOCAL GOVERNING BOARD

1. CHAIR AND VICE-CHAIR OF THE LOCAL GOVERNING BOARD

- 1.1. The members of the Local Governing Board shall each school year, at their first meeting in that year, elect a vice-Chair 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 Trustees. Neither a person who is employed by the Trust (whether or not at the Academy) nor a person who is at the time of election already a Trustee (except where such person is a Trustee by virtue of being the incumbent Chair) shall be eligible for election as Chair or vice-Chair, noting for the avoidance of doubt that once elected the Chair will be eligible to serve as a Trustee of the Trust pursuant to the provisions of Articles 51 and 52.
- 1.2. When Academies are first established an interim Chair will be appointed by the Trustees and all subsequent appointments to the position of Chair will also be made by the Trustees.
- 1.3. Subject to paragraph 1.4, the Chair or vice-Chair shall hold office as such until his successor has been elected in accordance with this clause 1.
- 1.4. The Chair or vice-Chair may at any time resign his office by giving notice in writing to the Local Governing Board. The Chair or vice-Chair shall cease to hold office if:
 - 1.4.1. he ceases to serve on the Local Governing Board;
 - 1.4.2. he is employed by the Trust whether or not at the Academy;
 - 1.4.3. he is removed from office in accordance with this Scheme of Delegation; or
 - 1.4.4. in the case of the vice-Chair, he is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of Chair.
- 1.5. Where by reason of any of the matters referred to in paragraph 1.3, a vacancy arises in the office of Chair or Vice-Chair, the members of the Local Governing Board shall at its next meeting elect one of their number to fill that vacancy.
- 1.6. Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice-Chair shall act as the chair for the purposes of the meeting.
- 1.7. Where in the circumstances referred to in paragraph 1.5 the Vice-Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the members of the Local Governing Board shall elect one of their number to act as a Chair for the purposes of that meeting, provided that the person elected shall neither be a person who is employed by the Trust whether or not at the Academy nor a Trustee.

- 1.8. A Trustee shall act as Chair during that part of any meeting at which the Chair is elected.
- 1.9. Any election of the Vice-Chair which is contested shall be held by secret ballot.
- 1.10. The Chair or vice-Chair may only be removed from office by the Trustees.
- 1.11. An individual or individuals who may be dissatisfied with the conduct of the Chair or vice Chair should write to the Chair of the Trust Board giving details of their complaint. The Trust Chair or another nominated Board Member will convene an ad hoc Complaints Committee, and if they consider it appropriate they will appoint an Investigating Officer who will provide a report. As far as practicable the Investigating Officer and the Committee will follow the processes laid down in the Trusts Complaints Procedure. On conclusion of the matter the Committee will make recommendations to the Trust Board.

2. CONFLICTS OF INTEREST

- 2.1. Any member of the Local Governing 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 Governing Board shall disclose that fact to the Local Governing Board as soon as he becomes aware of it. A person must absent himself from any discussions of the Local Governing Board in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).
- 2.2. For the purpose of paragraph 2.1, a person has a Personal Financial Interest if 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 the Academy.
- 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 Governing Board and the Principal [or any subcommittee of the Local Governing Board] shall be referred to the Trustees for their determination.

3. THE MINUTES

- 3.1. The minutes of the proceedings of a meeting of the Local Governing 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 Governing Board; and shall be signed (subject to the approval of the members of the Local Governing Board) at the same or next subsequent meeting by the person acting as Chair thereof. The minutes shall include a record of:
 - 3.1.1. all appointments of officers made by the Local Governing Board;
and

- 3.1.2. all proceedings at meetings of the Local Governing Board and of committees of the Local Governing Board including the names of all persons present at each such meeting.
- 3.2. The Chair shall ensure that copies of minutes of all meeting of the Local Governing Board (and such of the subcommittees as the Trustees shall from time to time notify) shall be provided to the Trustees as soon as reasonably practicable after those minutes are approved.

4. COMMITTEES

Subject to this Scheme of Delegation, the Local Governing Board may establish any subcommittee(s). The constitution and proceedings of any subcommittee(s) shall be determined by the Trustees. The establishment, terms of reference and membership of any subcommittee shall be reviewed at least once in every twelve months. The quorum of any subcommittee shall be not less than 2 members. Whether or not a subcommittee is established the Local Governing Board will nominate from its membership a lead member for individual portfolios. The membership of any subcommittee may include persons who do not also serve on the Local Governing Board, provided that a majority of the members of any such subcommittee shall be members of the Local Governing Board. The Local Governing Board may determine that some or all of the members of a subcommittee or who do not serve on the Local Governing Board shall be entitled to vote in any proceedings of the subcommittee, where the purpose of such proceedings is to provide a recommendation to the Local Governing Board. No vote on any matter shall be taken at a meeting of a subcommittee unless the majority of members of the subcommittee present serve on the Local Governing Board and the delegated power to the subcommittee is clearly recorded in the minutes of the Local Governing Board.

5. DELEGATION

- 5.1. Provided such power or function has been delegated to the Local Governing Board pursuant to Appendix 2, the Local Governing Board may further delegate to any person serving on the Local Governing Board, committee, the Principal or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions either the Trustees or the Local Governing Board may impose and may be revoked or altered.
- 5.2. Where any power or function of the Trustees or the Local Governing Board is exercised by any subcommittee, any Trustee or member of the Local Governing Board, the Principal or any other holder of an executive office, that person or subcommittee shall report to the Local Governing 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 Governing Board immediately following the taking of the action or the making of the decision.

6. MEETINGS OF THE LOCAL GOVERNING BOARD

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

- 6.2. The Local Governing Board shall meet at least three times in every school year. Meetings of the Local Governing Board shall be convened by the secretary to the Local Governing Board and agreed in advance of the ensuing academic year. The Secretary will notify the Clerk to the Trust Board of all scheduled meetings and of any subsequent changes. In exercising his functions under this Scheme of Delegation the secretary shall comply with any direction:
- 6.2.1. given by the Trustees or the Local Governing Board; or
 - 6.2.2. given by the Chair of the Local Governing Board or, in his absence or where there is a vacancy in the office of Chair, the Vice-Chair of the Local Governing 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 Governing Board may, by notice in writing given to the secretary, requisition a meeting of the Local Governing 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 Governing 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 Governing 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 Chair or, in his absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as he directs.
- 6.5. The convening of a meeting and the proceedings conducted thereafter shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.
- 6.6. A resolution to rescind or vary a resolution carried at a previous meeting of the Local Governing Board shall not be proposed at a meeting of the Local Governing 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 Governing Board shall be terminated forthwith if:
- 6.7.1. the members of the Local Governing Board so resolve; or
 - 6.7.2. the number of members present ceases to constitute a quorum for a meeting of the Local Governing 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 Governing 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 Governing 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 Governing Board, and any vote on any matter thereat, shall be any three of the members of the Local Governing Board, or, where greater, any one third (rounded up to a whole number) of the total number of persons holding office on the Local Governing Board at the date of the meeting. If the Trustees have appointed any additional members of the Local Governing 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 Governing 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 general meeting.
- 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;
 - 6.12.3. any vote on the removal of the Chair of the Local Governing Board;
- 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].
- 6.13. Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Governing 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 Governing Board shall have one vote.
- 6.14. Subject to paragraphs 6.10 – 6.12, 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.
- 6.15. The proceedings of the Local Governing Board shall not be invalidated by
- 6.15.1. any vacancy on the board; or

- 6.15.2. any defect in the election, appointment or nomination of any person serving on the Local Governing Board.
- 6.16. A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Board or of a subcommittee of the Local Governing Board, shall be valid and effective as if it had been passed at a meeting of the Local Governing Board or (as the case may be) a subcommittee of the Local Governing 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 Governing Board and may include an electronic communication by or on behalf of the Local Governing Board indicating his or her agreement to the form of resolution providing that the member has previously notified the Local Governing Board in writing of the email address or addresses which the member will use.
- 6.17. Subject to paragraph 6.18, the Local Governing Board shall ensure that a copy of:
- 6.17.1. the agenda for every meeting of the Local Governing Board;
 - 6.17.2. the draft minutes of every such meeting, if they have been approved by the person acting as Chair of that meeting;
 - 6.17.3. the signed minutes of every such meeting; and
 - 6.17.4. any report, document or other paper considered at any such meeting,
- are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.
- 6.18. There may be excluded from any item required to be made available in pursuance of paragraph 6.17, any material relating to:
- 6.18.1. a named teacher or other person employed, or proposed to be employed, at the Academy;
 - 6.18.2. a named pupil at, or candidate for admission to, the Academy; and
 - 6.18.3. any matter which, by reason of its nature, the Local Governing Board is satisfied should remain confidential.
- 6.19. Any member of the Local Governing Board shall be able to participate in meetings of the Local Governing Board by telephone or video conference provided that:
- 6.19.1. 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

- 6.19.2. the Local Governing 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 Governing 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 Governing 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 Governing Board by the member. A member whose registered address is not within the United Kingdom and who gives to the Local Governing 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 Governing Board.
- 7.3. A member of the Local Governing Board present, either in person or by proxy, at any meeting of the Local Governing Board shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.

8. INDEMNITY

- 8.1. Subject to the provisions of the Companies Act 2006 every member of the Local Governing Board or other officer or auditor of the Trust acting in relation to the Academy shall be indemnified out of the assets of the Trust against any liability incurred by 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

TRUSTEES' AREAS OF AUTHORITY AND RESPONSIBILITY

Pursuant to paragraph 5 above Trustees retain overall responsibility in respect of the following matters of strategic importance otherwise responsibility is delegated as set out in the schedule set out in Appendix 3:

- Compliance with Funding Agreement and compliance with the current DFE's Academies Financial Handbook
- Preparation and approval of this Scheme of Delegation under which the Academy is governed and subsequent amendments
- Agreement of the Academy's annual funding in consultation with the Local Governing Board
- Procurement policies for the Trust
- Compliance with the financial and accounting requirements of the Trust
- Strategic and financial planning for the Trust and the Academies
- Cost allocation between the Trust and the Academies
- Employment of staff and the appointment of the responsible officer for the Academy
- Appointment of internal and external auditors
- Determination of admissions policy and arrangements
- Determination of trips

APPENDIX 3 – DELEGATION PLANNER

Insert Planner here.

APPENDIX 4

RESERVATION OF POWERS

The Trustees of the Trust reserve the right to deliver themselves the powers and functions, as delegated under this Scheme to the Local Governing Board, in the following circumstances:

1. Academy in Special Measures
 - 1.1 In the event that the Academy is placed in Special Measures, the Trustees may reserve to themselves any or all powers delegated to the Local Governing Board under this Scheme of Delegation; save for which the Trustees, in their absolute discretion, deem necessary to operate the Academy.
 - 1.2 The Local Governing Board may continue to operate the Academy on a day to day basis, subject to regular consultation with the Chair of the Trustees.
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 Board to appoint staff;
 - 2.1.2 request the Local Governing 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 to Local Governing Board, further to clause 5.3.2 in this 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 Board may continue to oversee operation of the Academy on a day to day basis, in conjunction with the Principal and staff of the Academy but shall keep the Trustees 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 the Academy is deemed to "Require Improvement" the Trustees may:
 - 3.1.1 withhold the right of the Local Governing 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 Governing Board may continue to oversee operation of the Academy on a day to day basis, in conjunction with the Principal and staff of the Academy but shall keep the Trustees regularly informed, at their reasonable request, of progress generally, operational decisions and other matters of importance to the running of the Academy.
- 3. Trustees' discretion
 - 3.1 The Trustees may override provisions relating to delegation to the Local Governing Board contained in this Scheme where, in their absolute discretion, they deem it necessary for the efficient operation of the Academy or the Trust.
 - 3.2 If the Trustees decide to exercise their power under this clause 3, the Chair of Trustees and the Chief Education Officer of the Trust shall be authorised to exercise this right.

APPENDIX 5



National Governors' Association (adopted by NET)

Model Code of Practice for Academy Governors

Introduction

The National Governors' Association has for a number of years recommended that governing boards adopt a code of practice which sets out the purpose of the governing body and describes the appropriate relationship between individual governors, the whole governing body and the leadership team of the school.

We know that many governing boards do already have a code of practice or code of conduct and indeed ours was based on a number of codes already in use. However there are also many governing boards which do not yet have a code of practice and the NGA wants to help spread this good practice.

This code of practice has been slightly modified so as to be more suitable for academy governing boards, but as with any charitable company, it must be read in conjunction with the articles of association which every academy will have. The composition of the governing body will vary depending upon the articles of association as well as whether the academy followed the multi-academy model or the single academy model. **This model code may need to be modified for your academy in the light of its articles.**

We offer the following code as a starting point built on the best practice from around the country, and would like to thank all who have contributed to its development. Each governing body may want to tailor this recommended code to their own situation. We recommend that such a code should be thoroughly discussed so that the whole governing body has ownership of it. Once it has been adopted, the governors should be asked to review it and sign it on an annual basis, ideally at the first meeting in the autumn term.

NGA's Model Code of Practice for Academy Governors

This code sets out the expectations on and commitment required from governors in order for the governing body to properly carry out its work within the school and the community. It can be amended to include specific reference to the aims and ethos of the particular school.

The purpose of the governing body

The governing body is the academy's local accountable body. It is responsible for the conduct of the academy and for promoting high standards. The local governing body aims to ensure that children are attending a successful academy which provides them with a good education and supports their well-being.

The governing body:

- Sets the strategic direction of the school by:
 - Setting the values, aims and objectives for the school
 - Agreeing the policy framework for achieving those aims and objectives
 - Setting targets
 - Agreeing the school improvement strategy which includes approving the budget and agreeing the staffing structure

- Challenges and supports the school by monitoring, reviewing and evaluating:
 - The implementation and effectiveness of the policy framework
 - Progress towards targets
 - The implementation and effectiveness of the school improvement strategy
 - The budget and the staffing structure
 - Conducts self-evaluation

- Ensures accountability by:
 - Responding to Ofsted reports when necessary
 - Holding the principal to account for the performance of the school
 - Ensuring parents and pupils are involved, consulted and informed as appropriate
 - Making available information to the community

- Performance manages the principal who will deliver the aims (through the day to day management of the academy implementation of the agreed policy framework and academy improvement strategy, and delivery of the curriculum) and report appropriately to the governing body.

For governing boards to carry out their role effectively, governors must be:

- Prepared and equipped to take their responsibilities seriously;
- Acknowledged as the accountable body by the lead professionals;
- Supported by the appropriate authorities in that task; and
- Willing and able to monitor and review their own performance.

The role of a governor

The governing body is a corporate body, which means:

- No governor can act on her/his own without proper authority from the full governing body;
- All governors carry equal responsibility for decisions made, and
- Although appointed through different routes (i.e. parents, staff, co-opted, member appointed), the overriding concern of all governors has to be the welfare of the school as a whole.

General

- We understand the purpose of the governing body and the role of the Principal as set out above.
- We are aware of and accept the Nolan seven principles of public life: see appendix.
- We accept that we have no legal authority to act individually, except when the governing body has given us delegated authority to do so, and therefore we will only speak on behalf of the governing body when we have been specifically authorised to do so.
- We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.
- We will encourage open government and will act appropriately.
- We accept collective responsibility for all decisions made by the governing body or its delegated agents. This means that we will not speak against majority decisions outside the governing body meeting.
- We will consider carefully how our decisions may affect the community and other schools.
- We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school. Our actions within the school and the local community will reflect this.
- In making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing body.

Commitment

- We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
- We will each involve ourselves actively in the work of the governing body, and accept our fair share of responsibilities, including service on committees or working groups.
- If acting as directors, we will not go beyond our duties or act outside of the powers of authority conveyed on us, and acknowledge that were we to do so we could be held liable to the school and/or third parties.
- If acting as members of the trust body, we accept that we may be held responsible up to the limit in the articles of association, were the school/trust to go bankrupt.
- We will make full efforts to attend all meetings and where we cannot attend explain in advance in full why we are unable to.
- We will get to know the school well and respond to opportunities to involve ourselves in school activities.
- Our visits to school will be arranged in advance with the staff and undertaken within the framework established by the governing body and agreed with the principal.

- We will consider seriously our individual and collective needs for training and development, and will undertake relevant training
- We are committed to actively supporting and challenging the principal.

Relationships

- We will strive to work as a team in which constructive working relationships are actively promoted.
- We will express views openly, courteously and respectfully in all our communications with other governors.
- We will support the chair in their role of ensuring appropriate conduct both at meetings and at all times.
- We are prepared to answer queries from other governors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
- We recognise that the roles of governor, staff member and volunteers in school are different. Where I am also a staff member and/or volunteer in school I will maintain the separation of my roles.
- We will seek to develop effective working relationships with the principal, staff and parents, the local authority and other relevant agencies and the community.

Confidentiality

- We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school.
- We will exercise the greatest prudence at all times when discussions regarding school business arise outside a governing body meeting.
- We will not reveal the details of any governing body vote.

Conflicts of interest

- We will record any pecuniary or other business interest that we have in connection with the governing body's business in the Register of Business Interests.
- We will declare any pecuniary interest - or a personal interest which could be perceived as a conflict of interest - in a matter under discussion at a meeting and offer to leave the meeting for the appropriate length of time.
- We will act in the best interests of the school as a whole and not as a representative of any group, even if elected to the governing body.

Breach of this code of practice

- If we believe this code has been breached, we will raise this issue with the chair and the chair will investigate; the governing body should seek to resolve any difficulties or disputes constructively;
- Should it be the chair that we believe has breached this code, another governor, such as the vice chair will investigate;
- We understand that any allegation of a material breach of this code of practice by any governor shall be raised at a meeting of the governing body, and, if agreed to be substantiated by a majority of governors, shall be minuted and can lead to consideration of suspension or in some circumstances removal from the governing body.
- In taking the decision to suspend we will follow a process as set out in Annex A.

The Governing Body of {name of Academy} adopted this code of practice on {date}.
Governors will sign the Code at the first governing body meeting of each school year.

Undertaking:

As a member of the governing body I will always have the well-being of the children and the reputation of the school at heart; I will do all I can to be an ambassador for the school, publicly supporting its aims, values and ethos; I will never say or do anything publicly that would embarrass the school, the governing body, the principal or staff.

Signed

Printed name

Date:

Appendix: The Seven Principles of Public Life

(originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex A

Process for governor suspension

Subject to the following paragraphs the governing body may by resolution suspend a governor for all or any meetings of the governing body, or of a committee, for a fixed period of up to 6 months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his employment;
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that he is disqualified from continuing to hold office as a governor under the articles of association;
- (c) that the governor is in breach of any of the provisions of this code of practice which the governing body believes has, or could, bring the office of school governor into disrepute;
- (d) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or his office into disrepute; or
- (e) that the governor is in breach of his duty of confidentiality to the school or to any member of staff or to any pupil at the school.

A resolution to suspend a governor from office shall not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with the articles of association.

Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution shall at the meeting state his reasons for doing so. The governor who is the subject of the resolution shall then be given the opportunity to make a statement in response before withdrawing from the meeting.

Nothing in this regulation shall be read as affecting the right of a governor who has been suspended to receive notices of, and agendas and reports or other papers, for meetings of the governing body during the period of his suspension.