

**SCHEME OF DELEGATION**

**made between**

**DERBY DIOCESAN ACADEMY TRUST**

**and**

**THE LOCAL GOVERNING BODY OF  
NEWBOLD CHURCH OF ENGLAND PRIMARY SCHOOL ACADEMY**

**EFFECTIVE DATE:**

*21<sup>st</sup> January 2015*

## **CONTENTS**

- 1. Definitions**
- 2. Introduction**
- 3. Ethos and Mission Statement**
- 4. Directors' Powers and Responsibilities**
- 5. Delegated Powers and Operational Matters**
- 6. Annual Review and Termination**

### **Schedule 1**

#### **Part 1 Constitution of the Local Governing Body**

- 1. Members**
- 2. Appointment of Members**

#### **Part 2 Functioning of the Local Governing Body**

- 1. Chair, Vice-Chair and Secretary**
- 2. Conflicts of Interest**
- 3. Minutes**
- 4. SubCommittees/Working Groups**
- 5. Delegation**
- 6. Meetings**
- 7. Notices**
- 8. Indemnity**

### **Schedule 2**

#### **Functions of and Decision making by the Local Governing Body**

THIS SCHEME OF DELEGATION (the "Scheme") is made on  
between:

2015

- (1) **DERBY DIOCESAN ACADEMY TRUST**, a company limited by guarantee and registered in England and Wales under company number **8980079** (the "DDAT"); and
- (2) **THE LOCAL GOVERNING BODY OF NEWBOLD CHURCH OF ENGLAND PRIMARY SCHOOL ACADEMY** (the "Local Governing Body" or "the LGB") constituted by this Scheme.

## 1. DEFINITIONS

### 1.1 In this Scheme:

**"Academy"** means Newbold Church of England Primary School Academy of Cranbourne Road, Chesterfield, Derbyshire S41 8PF;

**"Articles"** means the Articles of Association of the DDAT;

**"Budget"** means the annual budget set by the Directors for the Academy in accordance with the Master Funding Agreement and/or the Supplemental Funding Agreement;

**"DBE"** means the Diocesan Board of Education for the Diocese of Derby;

**"Directors"** means the directors of the DDAT;

**"Incumbent"** means the Incumbent or Officiating Minister of the Parish of Newbold with Dunston in the Diocese of Derby or, in the case of vacancy or unwillingness of the Incumbent to act, such person(s) as may be authorised to act in their stead ;

**"Master Funding Agreement"** means the Master Funding Agreement entered into by the DDAT and the Secretary of State for Education on 28<sup>th</sup> May 2014;

**"Head Teacher"** means the head teacher of the Academy;

**"Supplemental Funding Agreement"** means the Supplemental Funding Agreement entered into by the Company and the Secretary of State for Education in respect of the Academy on 30<sup>th</sup> June 2014;

**"Trustees"** means the sole trustee of the Newbold Free School Charity being the Derby Diocesan Board of Education pursuant to a resolution of appointment dated 1<sup>st</sup> June 2014 pursuant to s.280 of the Charities Act 2011.

## 2. INTRODUCTION

- 2.1 As a charity and company limited by guarantee, the DDAT is governed by a board of Directors who are responsible for, and oversee, the management and administration of the DDAT and the academies run by the DDAT. The Academy is one of the academies overseen and managed by the DDAT.
- 2.2 The Directors 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 provided by the DDAT and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.
- 2.3 As the Academy is a Church of England academy, designated as such, the Directors are also accountable to the DBE under the provisions of the Diocesan Boards of Education Measure 1991, and to the Trustees, to ensure that the Academy is conducted as a Church of England school.
- 2.4 In order to discharge these responsibilities, the Directors may appoint people with appropriate skills and knowledge to serve on the LGB which has been established to assist with the good governance of the Academy in accordance with clause 4 of this Scheme and Articles 100 - 106.
- 2.5 This Scheme explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Directors and the members of the LGB and the commitments to each other to ensure the success of the Academy.
- 2.6 The role of the LGB is to:-

- 2.6.1 maintain an overview of the conduct and progress of the Academy
  - 2.6.2 act as a critical friend to the Head Teacher and staff of the Academy
  - 2.6.3 keep the Directors properly informed and assist the Directors to ensure accountability for the running of the Academy
  - 2.6.4 be accountable to the Directors, parents and the wider community for the LGB's actions and the Academy's overall performance
- 2.7 This Scheme has been put in place by the Directors from the Effective Date in accordance with the provisions of the DDAT's Articles and it should be read in conjunction with those Articles as well as with:
- 2.8.1 the Directors' strategic plans and policies for the Academy;
  - 2.8.2 any budget set for the Academy;
  - 2.8.3 any regulations made by the Directors pursuant to Article 104, any rules or byelaws set by the Directors pursuant to Article 137 or any directions given by the Directors.

### **3. ETHOS AND MISSION STATEMENT**

- 3.1 The ethos of the Academy is as follows:

Recognising its historic foundation, the Academy will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at Parish and Diocesan level.

- 3.2 The mission statement of the Academy is as follows:

The Trustees and the Academy aim to serve their communities by providing an education of the highest quality within the context of Christian belief and practice. They encourage an understanding of the meaning and significance of faith and promote Christian values through the experience the Academy offers to all its pupils.

- 3.3 The objects of the DDAT are to advance for the public benefit education in the United Kingdom by establishing, maintaining, carrying on, managing and developing academies which shall offer a broad and balanced curriculum and which shall include Church of England Schools designated as such which shall be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and having regard to any advice issued by the DBE.

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

- 4.1 Articles 100 to 106 provide for the appointment by the Directors of local governing bodies and other committees, for the Directors to decide their constitution, membership and proceedings, and for delegation of Directors' functions to them, but requiring them to report on the actions taken and decisions made. Each scheme of delegation made is required to be reviewed annually.
- 4.2 The constitution, membership and proceedings of the LGB shall be as set out in Schedule 1 of this Scheme.
- 4.3 The functions and decision making of the LGB shall be as set out in Schedule 2 of this Scheme.

#### **5. DELEGATED POWERS AND OPERATIONAL MATTERS**

##### **5.1 General Provisions**

Subject to the provisions of:

- (a) the Companies Act 2006;
- (b) the Articles;
- (c) the strategic plan and policies of the Directors of DDAT;
- (d) any financial resources delegated by the Directors to the LGB;  
and
- (e) any directions given and rules and regulations set by the Directors,

the management of the business of the Academy shall otherwise be delegated by the Directors to the LGB who may exercise all the powers of the DDAT in so far as they relate to the Academy, in accordance with the terms of this Scheme.

- 5.2 The LGB agrees to conduct the Academy's business in accordance with the system of decision making set out in Schedule 2.
- 5.3 The LGB will adopt and will comply with all policies of the Directors communicated to the LGB from time to time.
- 5.4 Both the Directors and all members of the LGB will act with integrity, objectivity and honesty in the best interests of the DDAT 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.
- 5.5 The LGB will review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time.
- 5.6 The LGB shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors may require from time to time.
- 5.7 The LGB shall submit to and co-operate with any inspections by Ofsted, other statutory inspectors including pursuant to section 48 of the Education Act 2005 (Statutory Inspections of Anglican Schools), the DBE and the Directors.
- 5.8 The LGB shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State and the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the LGB under this Scheme in such circumstances.

## **6. ANNUAL REVIEW AND TERMINATION**

- 6.1 This Scheme shall operate from the Effective Date in respect of the Academy.
- 6.2 This Scheme may be terminated by the Directors at any time by giving notice in writing to the LGB.

- 6.3 Notwithstanding this being the first Scheme to apply in respect of the Academy, the Directors will have the absolute discretion to review this Scheme at least on an annual basis and to alter any provisions of it.
- 6.4 In considering any material changes to this Scheme or any framework on which it is based, the Directors will have regard to and give due consideration of any views of the LGB.



This Scheme of Delegation was executed as a Deed on

Executed on behalf of the DDAT by:

.....  
**Director**

In the presence of:

Witness.....

Address.....

.....

.....

Occupation.....

Or

.....  
**Director**

.....  
**Director/Secretary**

Executed on behalf of the Local Governing Body by:



.....  
**Chair**

In the presence of:

Witness..... 

Address.....

.....

.....Occupation..... *School Clerk,*

## **SCHEDULE 1**

### **CONSTITUTION AND FUNCTIONING OF THE LOCAL GOVERNING BODY**

#### **PART 1 – CONSTITUTION OF THE LOCAL GOVERNING BODY**

#### **1. CONSTITUTION OF THE LOCAL GOVERNING BODY**

##### **1.1 Members of the Local Governing Body**

1.1.1 The number of people who shall sit on the LGB shall be not less than 3 but, unless otherwise determined by the Directors, shall not be subject to any maximum.

1.1.2 Unless otherwise determined by the Directors, the LGB shall have the following members:-

1.1.2.1 5 members<sup>1</sup>, appointed by the Directors under paragraph 2.1 below;

1.1.2.2 The Incumbent ex officio;

1.1.2.3 1 staff member<sup>2</sup> appointed by the Directors;

1.1.2.4 2 parent members<sup>3</sup> elected or appointed under paragraph 2 below;

1.1.2.5 the Head Teacher ex officio;

1.1.2.6 members co-opted by the Directors

1.1.2.7 any additional members, if appointed by the Directors at the request of the Secretary of State pursuant to clause 102(c) of the Master Funding Agreement.

---

<sup>1</sup> This number can be changed but these Director-appointed members (i.e. all those other than parent members) must comprise the majority of the Local Governing Body.

<sup>2</sup> There is no DfE requirement for an academy to have staff members on its LGB but if there are, there must be no more than 2 (Master Funding Agreement clause 15).

<sup>3</sup> It is a DfE requirement that there be at least 2 elected parent members on any "Advisory Body" which includes an LGB (Master Funding Agreement clause 15).

1.1.3 The Directors (all or any of them) shall also be entitled to serve on the LGB and attend any meetings of the LGB. Any Director attending a meeting of the LGB shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the LGB.

1.1.4 All persons appointed or elected to the LGB shall give a written undertaking to the Directors to uphold the object of the DDAT and the ethos and mission of the Trust and the Academy as set out in clause 3 of this Scheme.

## **2. APPOINTMENT OF MEMBERS OF THE LOCAL GOVERNING BODY**

### **2.1 *General members***

The Directors may appoint up to 6 persons to serve as members on the LGB, from the following:

2.1.1 The individual to be appointed chairperson of the LGB;

2.1.2 The Diocesan Director of Education for the Diocese of Derby or his/her duly appointed representative; and

2.1.3 Four additional individuals.

### **2.2. *Staff members***

The Directors may appoint up to 2 persons who are employed at the Academy to serve on the LGB through such process as they may determine, provided that the total number of such persons (including the Head Teacher) does not exceed one third of the total number of persons on the LGB. The positions held by those employed at the Academy (e.g. teaching and non-teaching) may be taken into account when considering appointments.

2.1.1 In appointing persons to serve on the LGB who are employed at the Academy the Directors may 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 Head Teacher) 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 Directors.

### *2.3 Ex officio members*

The Head Teacher and the Incumbent shall both be treated for all purposes as being ex officio members of the LGB.

### *2.4 Parent members*

- 2.4.1 Subject to paragraph 2.10, the 2 parent members of the LGB 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.
- 2.4.2 The Directors shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the LGB, 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 LGB which is contested shall be held by secret ballot.
- 2.4.3 The arrangements made for the election of the parent members of the LGB shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the Academy by a registered pupil at the Academy.
- 2.4.4 Where a vacancy for a parent member of the LGB is required to be filled by election, the LGB shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a

candidate, and vote at the election, and given an opportunity to do so.

2.4.5 The number of parent members of the LGB required shall be made up by persons appointed by the Directors if the number of parents standing for election is less than the number of vacancies.

2.4.6 In appointing a person to be a parent member of the LGB pursuant to paragraph 2.10, the Directors 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.

## **2.5 Co-opted members of the Local Governing Body**

The Directors may appoint up to 2 persons to be "co-opted" to the LGB. A person who shall be "co-opted" to the LGB means a person who is to serve on the LGB without having been appointed or elected to serve on the LGB. The Directors 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 LGB would exceed one third of the total number of persons serving on the LGB (including the Head Teacher).

## **2.6 Terms of office**

The terms of office of members shall be:-

- (i) the Head Teacher: throughout the period he/she remains Head Teacher;
- (ii) the Incumbent: throughout the period he/she remains the Incumbent;
- (iii) co-opted members: 1 year
- (iv) other members: 4 years

Subject to remaining eligible to be a particular type of member on the LGB, any person may be re-appointed or re-elected or co-opted again without any maximum number of repetitions.

## **2.7 Resignation and removal**

2.7.1 A person serving on the LGB shall cease to hold office if he/she resigns his/her office by notice to the LGB (but only if at least three (3) persons appointed under paragraphs 2.1 to 2.5 above will remain in office when the notice of resignation is to take effect).

2.7.2 A person serving on the LGB shall cease to hold office if he/she is removed by the person or persons who appointed him/her. This clause does not apply in respect of a person who is serving as a parent member on the LGB, who may be removed by the Directors.

2.7.3 If any person who serves on the LGB 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 LGB automatically on termination of his work at the Academy.

2.7.4 Where a person who serves on the LGB 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 Directors.

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

2.8.1 No person shall be qualified to serve on the LGB unless he/she 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 LGB.

2.8.2 A person serving on the LGB shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.

2.8.3 A person serving on the LGB shall cease to hold office if he/she is absent without the permission of the Chair of the LGB from all the meetings of the LGB held within a period of six months and the LGB resolves that his office be vacated.

2.8.4 A person shall be disqualified from serving on the LGB if:

2.8.4.1 his/her estate is under sequestration; or

2.8.4.2 he/she an undischarged bankrupt or subject to an insolvency administration order; or

2.8.4.3 disqualified from acting as a company director; or

2.8.4.4 disqualified from acting as a charity trustee or removed as a charity trustee for misconduct or mismanagement; or

2.8.4.5 disqualified or barred from working with children or vulnerable persons or has an unsatisfactory result to a

Disclosure & Barring Service check

2.8.5 Where an existing or proposed member of the LGB becomes disqualified from serving on the LGB, he/she shall upon becoming so disqualified give written notice of that fact to the Directors.



## **PART 2 - FUNCTIONING OF THE LOCAL GOVERNING BODY**

### **1. CHAIR, VICE-CHAIR AND SECRETARY OF THE LOCAL GOVERNING BODY**

- 1.1 The chairperson of the LGB ("the Chair") may be appointed by the Directors.
- 1.2 The clerk/secretary of the LGB may be appointed by the Directors having due regard to, but not being bound by, the views of the LGB.
- 1.3 The members of the LGB may, for each school year, at their [first] meeting in that year, elect a vice-chair from among their number to serve until a successor is elected or a vacancy occurs. Neither a person who is employed by the Company (whether or not at the Academy) nor a person who is at the time of election already a Director of the Company (except if the Incumbent is Chair) shall be eligible for election as vice-chair.
- 1.4 The chair or vice-chair may at any time resign his/her office by giving notice in writing to the Directors. The chair or vice-chair shall cease to hold office if:
  - 1.4.1 He/she ceases to serve on the LGB;
  - 1.4.2 He/she is employed by the DDAT whether or not at the Academy;
  - 1.4.3 He/she is removed from office in accordance with this Scheme; or
  - 1.4.4 in the case of the vice-chair, he/she is appointed by the Directors to become Chair.
- 1.5 Where by reason of any of the matters referred to in paragraph 1.4 a vacancy arises in the office of vice-chair, the members of the LGB shall at its next meeting elect one of their number to fill that vacancy.
- 1.6 Where the chair is absent from any meeting 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 Any election of the vice-chair which is contested shall be held by secret ballot.



- 1.8 The chair may be removed from office by the Directors at any time.
- 1.9 The vice-chair may be removed by the LGB in accordance with this Scheme.
- 1.10 A resolution to remove the vice-chair from office which is passed at a meeting of the LGB shall not have effect unless:
- 1.10.1 it is confirmed by a resolution passed at a second meeting of the LGB held not less than fourteen days after the first meeting; and
  - 1.10.2 the matter of the vice-chair's removal from office is specified as an item of business on the agenda for each of those meetings.
- 1.11 Before a resolution is passed by the LGB at the relevant meeting as to whether to confirm the previous resolution to remove the vice-chair from office, the person or persons proposing his removal shall at that meeting state their reasons for doing so and the vice-chair shall be given an opportunity to make a statement in response.

## **2. CONFLICTS OF INTEREST**

- 2.1 Any member of the LGB who has or can have any direct or indirect duty or personal interest (including a Personal Financial Interest as described in paragraph 2.2 below) which conflicts or may conflict with his duties as a member of the LGB shall disclose that fact to the LGB as soon as he becomes aware of it. A person must absent himself from any discussions of the LGB in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academy and any 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 Company or is in receipt of remuneration or the provision of any other benefit directly from the Company or in some other way is linked to the Company or the Academy.

## **3. THE MINUTES**

3.1 The minutes of the proceedings of a meeting of the LGB shall be drawn up and entered into a book kept for the purpose by the clerk/secretary or other person authorised to keep the minutes of the LGB, and shall be signed (subject to the approval of the members of the LGB) 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 members and/or officers made by the LGB and/or the Directors; and

3.1.2 all proceedings at meetings of the LGB and of committees of the LGB 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 LGB (and such of the subcommittees as the Directors shall from time to time notify) shall be provided to the Directors as soon as reasonably practicable after those minutes are approved.

#### **4. SUBCOMMITTEES / WORKING GROUPS**

4.1 The LGB may establish subcommittees and /or working groups as it sees fit. A subcommittee may have delegated powers or functions in accordance with paragraph 5 below. Subcommittees may include individuals who are not members of the LGB, provided that such individuals are in a minority. A working group will not have any delegated powers or responsibilities.

4.2 A person shall be disqualified from serving on a subcommittee /working group if disqualified from being a member of the LGB.

4.3 The provisions of paragraph 2 above *Conflicts of Interest* apply to a member of a subcommittee/working group.

#### **5. DELEGATION**

5.1 Provided such power or function has been delegated to the LGB, the LGB may further delegate to any person serving on the LGB, subcommittee, the Head Teacher or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such

delegation may be made subject to any conditions either the Directors or the LGB may impose and may be revoked or altered.

- 5.2 Where any power or function of the Directors or the LGB is exercised by any subcommittee, any Director or member of the LGB, the Head Teacher or any other holder of an executive office, that person or subcommittee shall report to the LGB in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the LGB immediately following the taking of the action or the making of the decision.

## **6. MEETINGS OF THE LOCAL GOVERNING BODY**

- 6.1 Subject to compliance with this Scheme, the LGB may regulate its proceedings as the members of the LGB think fit.
- 6.2 The LGB shall meet at least three times in every school year. Meetings of the LGB shall be convened by the clerk/secretary to the LGB. In exercising his functions under this Scheme the clerk/secretary shall comply with any direction:
- 6.2.1 given by the Directors or the LGB; or
  - 6.2.2 given by the chair of the LGB or, in his/her absence, the vice-chair of the LGB.
- 6.3 Any three members of the LGB may, by notice in writing given to the clerk/secretary, requisition a meeting of the LGB. The clerk/secretary shall convene such a meeting as soon as is reasonably practicable.
- 6.4 Each member of the LGB shall be given notice of a meeting and the agenda at least seven clear days before the date of a meeting.
- 6.5 The convening of a meeting and the business of a meeting shall not be invalidated by reason of any individual present or absent 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 LGB shall not be proposed at a meeting of the LGB unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

- 6.7 Where a meeting is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the clerk/secretary as soon as is reasonably practicable, if practicable within seven days of the date on which the meeting was originally to be held or was so terminated.
- 6.8 Subject to paragraph 6.9, the quorum for a meeting of the LGB, and any vote on any matter thereat, shall be any three of the members of the LGB, or, where greater, any one third (rounded up to a whole number) of the total number of members of the LGB at the date of the meeting. The LGB 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.
- 6.9 The quorum for the purposes of:
- 6.9.1 any vote on the appointment of a parent member in accordance with paragraph 2 of Part 1 of Schedule 1 ;
  - 6.9.2 any vote on the removal of a member of the LGB in accordance with this Scheme;
  - 6.9.3 any vote on a recommendation to the Directors for the removal of the chair of the LGB;
- 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.
- 6.10 Subject to paragraph 6.9, every question to be decided at a meeting of the LGB shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the LGB shall have one vote.
- 6.11 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.
- 6.12 The proceedings of the LGB shall not be invalidated by
- 6.12.1 any vacancy on the board; or
  - 6.12.2 any defect in the election, appointment or nomination of any

person serving on the LGB.

6.13 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the LGB or of a subcommittee of the LGB, shall be valid and effective as if it had been passed at a meeting of the LGB or (as the case may be) a subcommittee of the LGB duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the LGB and may include an electronic communication by or on behalf of the LGB indicating his or her agreement to the form of resolution providing that the member has previously notified the LGB in writing of the email address or addresses which the member will use.

6.14 Subject to paragraph 6.15, the LGB shall ensure that a copy of:

6.14.1 the agenda for every meeting of the LGB;

6.14.2 the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;

6.14.3 the signed minutes of every such meeting; and

6.14.4 any report, document or other paper considered at any such meeting,

are, as soon as is reasonably practicable, provided to the Directors and made available at the Academy to persons wishing to inspect them.

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

6.15.1 a named teacher or other person employed, or proposed to be employed, at the Academy;

6.15.2 a named pupil at, or candidate for admission to, the Academy; and

6.15.3 any matter which, by reason of its nature, the LGB is satisfied should remain confidential.

6.16 Meetings of the LGB may be conducted by telephone conference or video-telephone conference.

**7. NOTICES**

Notices relating to the LGB, meetings of the LBB or any business of the LGB may be given by post or email.

**8. INDEMNITY**

8.1 Subject to the provisions of the Companies Act 2006 and in accordance with Article 136 every member of the LGB or other officer or auditor of the DDAT acting in relation to the Academy shall be indemnified out of the assets of the DDAT against any liability incurred by him/her 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/her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the DDAT.



**SCHEDULE 2**

**FUNCTIONS OF  
AND DECISION-MAKING BY  
THE LOCAL GOVERNING BODY**

**PART A**

**Scheme Overview**

1. The DDAT operates a flexible Scheme incorporating three operating levels of authority ("Operating Levels"). These levels are based on Ofsted criteria as updated by Ofsted from time to time and decided on by the MAT board based on information provided by the Director of School Improvement.

Level 1 – where the Academy's overall effectiveness meets Ofsted grade 1: Outstanding;

Level 2 – where the Academy's overall effectiveness meets Ofsted grade 2: Good;

Level 3 – where the Academy's overall effectiveness meets Ofsted grade 3 :  
Requires Improvement or Ofsted grade 4: Inadequate.

2. The LGB will conduct the Academy's business at the Operating Level set out at Part B below.
3. The functions of the LGB will be exercised in accordance with the Scheme Decision Level table at Part C below and which has been completed for the Operating Level of the Academy.
4. The Operating Levels within the Scheme have the following key features:

**Level 1**

- the Academy will be largely autonomous with full powers delegated to the LGB, subject to the Academy remaining in the required performance category based on Multi Academy Trust School Improvement criteria;

- failure to retain its performance category may result in the Academy being required by the DDAT to move to a lower Operating Level;
- should the Academy move to a lower Operating Level (a) the DDAT may exercise its intervention powers to make the relevant number of appointments to the LGB, (b) the Scheme Decision Levels will be scaled back to those of the new Operating Level and (c) any necessary amendments will be made to its budget.

## **Level 2**

- the Directors may nominate the majority of appointees to the LGB;
- the DDAT will retain appropriate powers in the Scheme to ensure delivery of any required school improvement measures;
- the Academy may move to either a higher or a lower Operating Level depending on its performance, in which case adjustments may be made to (a) the membership of the LGB, (b) the Scheme Decision Levels and (c) the school improvement budget to reflect the new Operating Level.

## **Level 3**

- the Directors may select all members of the LGB, other than parental and staff representatives;
- the Academy will have limited powers delegated to it;
- should the Academy improve its performance and move to a higher Operating Level there will be (a) a grant of additional places on its LGB, (b) an increase in the Scheme Decision Levels available to it and (c) appropriate budgetary adjustments.

## **PART B**

### **Operating Level**

The LGB will conduct the Academy's business at Operating Level 3.



## PART C

### Scheme Decision Levels

The LGB will conduct the Academy's business in accordance with the Decision Levels set out below.

For ease of reference, these are shown using the colour code for the Operating Level shown in Part A above.

Decisions are allocated between the decision makers. The allocation varies according to the Decision Level. The decision makers are:-

The DDAT

A named individual identified by the Directors ("the Directors' nominee")

The Local Governing Body with approval from the DDAT

The Head Teacher

Function	No	Tasks	Decision Level				Notes
			DDAT	Directors' nominee.	LGB	HT	
Central Services	1.	To determine the scope of central services to be delivered by the Company to and on behalf of the Academy		3	1 2		The only exceptions are legals, HR and finance services
	2.	To identify additional services to be procured on behalf of the Academy		3	1 2		
	3.	To ensure centrally procured			1 2		

Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nominee.	LGB	HT	
		services provide value for money		3			
Budgets	4.	To determine the proportion of the overall Multi Academy Trust budget to be delegated to the Academy	1 2 3				Not to increase 4,5,6%
	5.	To develop and propose the individual Academy budget		3	1 2		
	6.	To approve the first formal budget plan each financial year	1 2 3				
	7.	To [plan, manage and ] monitor monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		3		1 2	
	8.	To approve any amount to be transferred between budget headings and/or likely budget overspends		3	1 2		
	9.	To establish financial decision levels and limits	3		1 2		
	10.	To establish a charging and remissions policy for the Academy		3	1 2		
	11.	To appoint the Responsible Officer for the Academy	1 2 3				
	12.	To enter into additional contracts which exceed the agreed annual budget allocation	1 2 3				
	13.	To make payments within agreed financial limits				1 2 3	
	14.	To collect income due to the Academy				1	

Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nominee.	LGB	HT	
		To maintain proper financial records for the Academy  To prepare accounts for the Academy  To monitor compliance with approved Financial Procedures  To develop risk management strategies  To authorise acquisition of assets  To authorise disposal of assets  To appoint auditors  To decide how to apply Pupil Premium		3		2	
Staffing	15.	Pre-recruitment checks		3	1 2		
Staffing	16.	To appoint a Head Teacher (through a selection panel)		2 3	1		Directors nominee present and involved in all appointments
	17.	To appoint a Deputy Head Teacher ( through a selection panel)		3	1 2		
	18.	To appoint other teachers		3	1 2		
	19.	To appoint non-teaching staff			1 2 3		
	20.	To agree a pay policy	1 2				Consistency of employer is important and keep in line nationally

Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nominee.	LGB	HT	
			3				
	21.	To exercise Pay discretions		3	1 2		
	22.	Establishing disciplinary/capability procedures		3	1 2		
	23.	Dismissal of Head Teacher/Deputy Head Teacher	2 3		1		1 LGB in accordance with agreed policies and in consultation with DDAT  2 & 3 DDAT in dialogue with LGB
	24.	Dismissal of other staff	3		1 2		
	25.	Suspension of Head Teacher	2 3		1		1 LGB in accordance with agreed policies and in consultation with DDAT  2 & 3 DDAT in dialogue with LGB
	26.	Suspension of other Staff		3	1 2		
	27.	Ending of suspension of Head Teacher	2 3		1		1 LGB in accordance with agreed policies and in consultation with DDAT  2 & 3 DDAT in dialogue with LGB
	28.	Ending of Suspension of other Staff		3	1 2		3 DDAT in dialogue with LGB
	29.	Determining Staff complement within agreed budget		3	1 2		

Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nominee.	LGB	HT	
	30.	Determining dismissal payments/early retirement		3	1 2		
	31.	Conduct of Staff Appraisals  Formulation of Employment Policies and Staff Handbook  Management of staff disputes		3	1 2		
Curriculum	32.	To develop a curriculum policy		3	1 2		
	33.	To implement curriculum policy		3	1 2		
	34.	Responsible for standards of teaching		3	1 2		
	35.	Accountability for standards of teaching		3	1 2		
	36.	Responsibility for individual child's education		3	1 2		
	37.	Accountability for individual child's education.		3	1 2		
	38.	Provision of sex education – to establish and keep up to date a written policy		3	1 2		
	39.	To prohibit political indoctrination and ensuring the balanced treatment of political issues		3	1 2		
	40.	Assemble data for pupil assessment and other returns			1		

Function	No	Tasks	Decision Level				Notes
			DDA T	Direc- tors' nom- inee.	LGB	HT	
		ICT Post-Inspection action plan		3	2		
Performance Management	41.	To ensure that an approved appraisal policy is in place		3	1 2		
	42.	To secure the statutory appraisal of : <ul style="list-style-type: none"><li>• Head Teacher/Headteacher</li><li>• Other staff</li></ul>	3		1 2		For other staff 3 is directors nominee
	43.	To review annually the performance management policy	3		1 2		
Target Setting	44.	To propose targets for pupil achievement				1 2 3	
	45.	To agree targets for pupil achievement		3	1 2		
	46.	Responsibility for pupil outcomes		3	1 2		
	47.	Accountability for pupil outcomes	2 3		1		
	48.	To establish a discipline policy	3		1 2		
	49.	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a	3		1 2		

Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nominee.	LGB	HT	
		term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair in cases of urgency)					
	50.	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)	3		1 2		
	51.	Approve Academy development/improvement plan	1 2 3				
Admissions	52.	To consult before setting/amending an admissions policy	2 3		1		1 LGB to ensure compliance with statutory requirements
	53.	Admissions: application decisions	3		1 2		
	54.	If appropriate to appeal against LA directions to admit pupil(s)	2 3		1		1 LGB in dialogue with the Headteacher
Religious Education	55.	Responsibility for ensuring provision of RE	1 2 3				
Collective Worship	56.	To ensure that all pupils take part in a daily act of collective worship		3	1 2		
Premises & Insurance	57.	Buildings insurance and public liability	2 3		1		1 LGB to ensure DDAT's minimum criteria are met
	58.	Developing Academy buildings and facilities estate long term strategy or master plan	1 2 3				



Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nominee.	LGB	HT	
	59.	Maintaining buildings, including developing properly funded maintenance plan	2 3		1		
	60.	To institute a health and safety policy	3		1 2		
	61.	To ensure that health and safety regulations are followed	1 2 3				
	62.	Premises security  Premises management		3	1 2		
	63.	To set the times of school sessions and the dates of school terms and holidays	2 3		1		1 LGB to ensure statutory requirements are met.
	64.	To ensure that the school meets the statutory requirement for [380] sessions in a school year	2 3		1		1 LGB to ensure statutory requirements are met.
	65.	To prepare and publish the school prospectus			1 2 3		
	66.	To ensure provision of free school meals to those pupils meeting the criteria			1 2 3		
	67.	Adoption and review of home-school agreements			1 2 3		
	68.	To remove the chair of the LGB	2		1		1 LGB decision in consultation with DDAT; LGB to accept DDAT's decision where there



Function	No	Tasks	Decision Level				Notes
			DDA T	Directors' nom- inee.	LGB	HT	
			3				is a safeguarding or other legal reason.
	69.	To dismiss the secretary to the LGB	2 3		1		1 LGB decision in consultation with DDAT; LGB to accept DDAT's decision where there is a safeguarding or other legal reason.
	70.	To determine the development needs of governors and put in place an appropriate programme		3	1 2		
	71.	To ensure delivery of services offered			1 2 3		
	72.	To develop a safeguarding policy in line with statutory requirements and best practice.	3		1 2		
	73.	To implement the governors safeguarding policy			1 2 3		
	74.	Maintain accurate and effective and secure pupil records.			1 2 3		
	75.	Maintain accurate and effective and secure employee records.			1 2 3		
	76.	Comply with all Data Protection legislation and good practice.			1 2 3		
	77.	To determine, on an annual basis, those policies which will be developed by DDAT and mandatory for all DDAT Academies	1 2 3				
	78.	To provide to DDAT, on an annual basis, copies of all current			1 2		

Function	No	Tasks	Decision Level				Notes
			DDA T	Direc- tors' nom- inee.	LGB	HT	
		policies and procedures and a schedule for their review; to review and update policies where allocated to the Academy			3		
	79.	Complaints Procedure			1 2 3		Third stage complaint with DDAT