

# South Northamptonshire CEVA Multi Academy Trust

## SCHEME OF DELEGATION FOR LOCAL GOVERNING BODIES

	Item	Page
1.	<b>The Role of the Local Governing Body</b>	
2.	<b>South Northamptonshire CEVA Multi Academy Trust and the Local Governing Body</b>	
3.	<b>Local Governing Body – Governors</b>	
4.	<b>Appointment of Chair of the Local Governing Body</b>	
5.	<b>Responsibilities of Directors and Governors</b> <ul style="list-style-type: none"> <li>• Compliance and Governance</li> <li>• Appointments and Training</li> <li>• Performance Management</li> <li>• Finances</li> <li>• Policies</li> <li>• Targets and Monitoring</li> <li>• Christian Ethos</li> </ul>	
6.	<b>The Role of the Chair</b>	
7.	<b>Conflicts of Interest</b>	
8.	<b>Meetings of the Local Governing Body</b>	
9.	<b>Accounts and Audit</b>	
10.	<b>Rules and Operating Procedures</b>	
11.	<b>Amendment of Instrument and Rules of Government</b>	
12.	<b>Effective Date</b>	
13.	<b>Interpretation</b>	
<b>Appendix 1</b>	<b>List of shared policies</b>	

## **1 THE ROLE OF THE LOCAL GOVERNING BODY**

1.1 The Local Governing Body (“**LGB**”) is a committee of the Directors of SNCEMAT . Each LGB is established by the Directors in accordance with the Articles of Association of SNCEMAT. This document will detail the responsibilities of the LGB and its relationship with the Directors.

1.2

## **2 SNCEMAT AND THE LOCAL GOVERNING BODY**

2.1 SNCEMAT is a charitable company limited by guarantee. It has entered into a Master Funding Agreement with the Department for Education and a Supplemental Funding Agreement in respect of each Academy (together the “**Funding Agreements**”) and so it is SNCEMAT that is ultimately responsible to the Department for Education under the Funding Agreements.

2.2 The Directors are the charity trustees (within the terms of section 177 of the Charities Act 2011) and are responsible for the general control and management of the administration of SNCEMAT in accordance with the provisions set out in the Articles. The LGB is a committee of the Directors established by SNCEMAT using their powers in the Articles of Association of SNCEMAT. It is expected that the LGB will act in accordance with this Scheme of Delegation unless otherwise directed by the Directors. The LGB will be accountable to the Directors for its decisions.

## **3 LOCAL GOVERNING BODY – GOVERNORS**

3.1 Membership of the LGB will comprise the following Governors:

- (a) The Headteacher
- (b) 2 elected parents
- (c) Up to 4 elected Staff Members
- (d) Foundation Governors in numbers appropriate to the previous status of the Academy as a Voluntary Aided or Voluntary Controlled school
- (e) Those as may from time to time be co-opted with the approval of SNCEMAT.

3.2 A Governor must be aged 18 or over and must not be a current pupil of the Academy.

3.3 A Governor’s term of office will be terminated if:

- 3.3.1 he/she resigns by serving written notice to the Chair of the LGB and to SNCEMAT;
- 3.3.2 in the case of a Staff Member, his/her employment is terminated;
- 3.3.3 he/she becomes incapable by reason of mental disorder, illness or injury of managing or administering his/her own affairs;
- 3.3.4 he/she is absent, unless agreed otherwise, for two consecutive meetings of the Governors, in which case the Governors and/or Directors may remove a Governor at their discretion;

- 3.3.5 he/she would be disqualified from acting as a charity trustee by virtue of section 72 of the Charities Act 1993;
- 3.3.6 his/her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced or if he/she is the subject of a bankruptcy restrictions order or an interim order;
- 3.3.7 he/she is:
- (i) included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999; or
  - (ii) disqualified from working with children under section 28, 29, 29A and 29B of the Criminal Justice and Court Services Act 2000;
- 3.3.8 he/she is a person in respect of whom a direction has been made under section 142 of the Education Act 2002;
- 3.3.9 he/she has not complied with SNCEMAT's safeguarding/DBS policies or a material part of this Scheme of Delegation;
- 3.3.10 at any time the Directors reasonably consider, after discussions with the LGB, his/her removal to be in the interests of SNCEMAT.
- 3.4 Where a person becomes disqualified from holding, or continuing to hold office as a Governor and he/she is, or is proposed, to become such a Governor, he/she shall upon becoming so disqualified give written notice of that fact to SNCEMAT and to the Chair of the LGB.
- 3.5 The LGB may continue to act notwithstanding a temporary vacancy in its composition.

*NB - there are various additional conditions that apply to Foundation Governors and these will be dealt with at the time of appointment.*

#### **4 APPOINTMENT OF A CHAIR OF THE LOCAL GOVERNING BODY**

- 4.1 The Chair of the LGB will be appointed each academic year by the Governors from amongst all of the Governors and the Clerk to the LGB will notify SNCEMAT following such appointment. The Directors reserve the right to appoint a Chair in the event of failure to agree as to who the Chair should be.
- 4.2 If both the Chair and the Vice-Chair are absent from any meeting of the LGB, those Governors present will appoint one of their number to chair the meeting.

#### **5 RESPONSIBILITIES OF DIRECTORS AND GOVERNORS**

- 5.1 Responsibilities for:
- Compliance and Governance

- Appointments and Training
- Performance Management
- Finances;
- Policies;
- Targets and Monitoring and
- Agreed Values
- Christian Ethos

	<b>Directors or the Directors' representative/s will:</b>	<b>Governors will:</b>
<b>Compliance &amp; Governance</b>	Ensure compliance across SNCEMAT with all statutory regulations and Acts of Parliament governing the operation of the Academy, including safeguarding/DBS and health and safety.  Comply with the provisions of the Funding Agreements.	Comply with and implement actions required to comply with statutory regulations and Acts of Parliament governing the operation of the Academy, including safeguarding/DBS and health and safety, as well as the Funding Agreements.
	Determine SNCEMAT vision and keep the LGB apprised of that vision and what it requires.  Review each Academy's proposed vision.	Formulate a vision for the Academy which is in line with SNCEMAT vision and submit the proposed vision to SNCEMAT for comment and follow up action if necessary.  Take a strategic role in the leadership and governance of the Academy in accordance with both the Academy's vision and SNCEMAT vision.
	Monitor standards and performance and hold the LGBs to account for standards and performance.	Ensure that standards of attainment and achievement by the pupils of the Academy are high, or improving as quickly as possible and are then maintained at the highest possible level, whilst adhering to all relevant Codes of Practice and holding the Headteacher and Senior Leadership Team to account against clear performance targets.



	<b>Directors or the Directors' representative/s will:</b>	<b>Governors will:</b>
<b>Finances</b>		any employee's terms and conditions without SNCEMAT consent).
	Ensure appropriate training for Directors and that Governor training is available.	As appropriate, attend Governor training provided by SNCEMAT and other providers.
	Oversees the performance management process of the Headteachers to ensure consistency.	Undertake performance management of the Headteacher.  Contribute to the performance management process for the Headteacher.
	Determine the delegated budget to each academy (in practice this will be 100% delegated unless there specific concerns). This will be reviewed annually.  Ensure the SNCEMAT reviews and approves the draft budget and submits the final budget to the EFA.  Liaise with the LGB in relation to maintenance of proper accounting records and the preparation of income and expenditure and balance sheets as required.  Produce financial rules and procedures to be applied at Academy level in liaison with financial advisors and accountants.	In conjunction with Undertake performance management of the Headteacher.  , determine a balanced budget for the Academy.  Prior to finalising the budget to produce a draft budget to SNCEMAT.  Except where prior permission has been obtained from the Directors, the Academy budget is to be prepared to show break even or better.  Provide such further support in connection with the budgetary process as may be required.  Maintain proper accounting records and the preparation of income and expenditure and balance sheets as required by and in accordance with

	<b>Directors or the Directors' representative/s will:</b>	<b>Governors will:</b>
		<p>Financial Manual and the Academy's Financial Handbook.</p> <p>Observe proper levels of delegation and protocols, in accordance with SNCEMAT Financial Manual.</p> <p>Comply with the final budget, including monitoring and reviewing expenditure on a regular basis.</p> <p>Manage the Academy's cash flow and monitor expenditure by the Academy in accordance with SNCEMAT Financial Manual.</p> <p>Under no circumstances has the LGB the authority to borrow money.</p>
<b>Policies</b>	<p>Have oversight with regard to the finances of SNCEMAT and the Academy, including, but without limitation, responsibility for compliance with the financial and accounting requirements detailed within the Funding Agreements.</p> <p>Comply with the Academies Financial Handbook including, but without limitation, determination of procurement policies for SNCEMAT.</p>	<p>Comply with and support SNCEMAT in complying with the provisions of the Funding Agreements (including the Academies Financial Handbook).</p> <p>Seek value for money and be able to demonstrate that value for money has been achieved, including through the implementation of SNCEMAT procurement procedures.</p>
	<p>Determine the extent of the services provided to the Academy by SNCEMAT and how the costs for such services should be allocated, apportioned or retained.</p>	<p>Access SNCEMAT services.</p>
	<p>Approve policies as set out in the table at Appendix 1 for use by the Academy and any relevant guidance. Liaise with LGB's about producing procedures pursuant to such policies, where required, including risk management, critical</p>	<p>Implement the policies developed by SNCEMAT and, where necessary, procedures pursuant to those policies. Follow any guidance provided by SNCEMAT.</p> <p>Apart from the policies determined by SNCEMAT, draw up and implement all other policies required</p>

	<b>Directors or the Directors' representative/s will:</b>	<b>Governors will:</b>
	incident planning and child protection.	by Statute (such policies as at the date of this Scheme are as set out in Appendix 2) and draw up and implement such other policies as the LGB considers necessary and desirable from time to time for the proper running of the Academy.
<b>Targets</b>	Determine the Admissions policy and arrangements for the Academy in accordance with admissions law, DfE codes of practice and the Funding Agreements.	Annually propose the admissions policy and arrangements for the Academy in accordance with admissions law, DfE codes of practice and the Funding Agreements.  Implement the admissions policy and related arrangements.
	<p>Work with an independent School Improvement Consultant to oversee targets set by the LGB.</p> <p>If a school wishes to become a member of the SNCEMAT, unless it has undergone an Ofsted inspection within the last academic term, within 3 months of the Academy opening to arrange for an assessment of performance and progress at the Academy to be undertaken ("Base Line Assessment") and to provide to the Academy the results of the same together with any recommendations.</p> <p>Arrange for performance targets for the Academy to be set taking into account the results of the Base Line Assessment, monitoring visits and the AIP.</p> <p>At least 3 times per academic year arrange for monitoring visits in accordance with SNCEMAT Programme of Academy monitoring and consider and evaluate</p>	Ensure performance reports against targets and other measures are submitted to SNCEMAT (in the form provided by SNCEMAT) and reviewed as part of monitoring.

	<b>Directors or the Directors' representative/s will:</b>	<b>Governors will:</b>
	<p>performance against the targets SNCEMAT has set and the priorities in the AIP.</p> <p>Determine if any additional reporting needs to be set by SNCEMAT for the Academy.</p>	
		Keep the AIP under regular review.
<b>Christian ethos and Values</b>	To ensure that monitoring and evaluation of the Academy's Christian distinctiveness and agreed values is carried out by a Diocesan consultant.	Ensure that the Academy's Christian distinctiveness is maintained and developed. Ensure strengths and weaknesses are developed in line with SIAMS.

## 5.2 General responsibilities of Governors:

- 5.2.1 Each Governor will act in the best interests of the Academy and of SNCEMAT at all times.
- 5.2.2 No Governor is to act or omit to act in a way which would be prejudicial to the interests of the Academy or SNCEMAT at any time, including any actions or omissions which might create bad publicity for the Academy or SNCEMAT.
- 5.2.3 The Governors must keep confidential all information of a confidential nature obtained by them relating to the Academy and SNCEMAT.
- 5.2.4 When a Governor becomes a Governor of an Academy within SNCEMAT (following his/her appointment or his/her transfer from a maintained school), he/she will be required to complete and sign a registration form (with details required for SNCEMAT) in which the Governor agrees to comply with:
- the Articles of Association;
  - the Funding Agreements;
  - this Scheme of Delegation;
  - any terms of reference of sub-committees which may apply to that Governor.
- 5.2.5 In addition, each Governor will be required to be aware of the terms of the Governors' Handbook produced by SNCEMAT and know how to access it.
- 5.2.6 Each Governor will be required to carry out appropriate training as provided by SNCEMAT and such other training as is required to enable them to effectively undertake their role as Governor.

5.2.7 Each Governor will also be required to take part in regular self-reviews and Skills Audits and is accountable for meeting his/her own training and development needs. It is a Governor's responsibility to consider if, and raise any concerns where, he/she feels that appropriate training and development is not being provided.

5.2.8 Each Governor will be required on an Annual basis to complete and then periodically update their entry in the Register of Interests.

## **6 ROLE OF THE CHAIR**

6.1 The Chair will:

6.1.1 meet regularly with the Headteacher;

6.1.2 communicate regularly with the Clerk to the LGB;

6.1.3 preside over efficient LGB meetings; and

## **7 CONFLICTS OF INTEREST**

7.1 The income and property of SNCEMAT must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions and procedures which apply to the Directors in the Articles of Association with regard to having a Personal Financial Interest will also apply to the Governors.

7.2 Any Governor who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his/her duties as a Governor must disclose that fact to the Governors as soon as he/she becomes aware of it. A Governor must absent himself/herself from any discussions of the Governors in which it is possible that a conflict will arise between his/her duty to act solely in the interests of the Academy and/or SNCEMAT and any duty or personal interest (including but not limited to any Personal Financial Interest).

## **8 MEETINGS OF LOCAL GOVERNING BODY**

8.1 The LGB must meet at least 3 times per academic year, and will hold such other meetings as may be necessary. A quorum must be present, being three or one third of the Governors (if greater).

8.2 A Clerk must be appointed by the Governors and all meetings will be convened by the Clerk, who will send to the Governors and to SNCEMAT written notice of the meeting and a copy of the agenda at least 7 clear days in advance of the meeting.

8.3 A special meeting of the LGB will be called by the Clerk whenever requested by the Chair or at the request in writing of any three Governors. Where there are matters demanding urgent consideration, the Chair or, in his/her absence, the Vice-Chair may waive the need for 7 days' notice of the meeting and substitute such notice as he/she thinks fit.

- 8.4 The convening of a meeting and the proceedings conducted will not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda.
- 8.5 If the number of Governors assembled for a meeting of the LGB does not constitute a quorum, the meeting must not be held. If in the course of a meeting of the LGB the number of Governors present ceases to constitute a quorum, the meeting must be terminated forthwith.
- 8.6 If for lack of a quorum a meeting cannot be held or, as the case may be, cannot continue, the Chair will, if he/she thinks fit, determine the time and date at which a further meeting will be held and will direct the Clerk to convene the meeting accordingly.
- 8.7 All issues to be decided at a meeting of the LGB will be determined by a majority of the votes of the Governors present and voting on the question. Every Governor will have one vote. Where there is an equal division of votes the Chair of the meeting will have a second or casting vote.
- 8.8 A Governor may not vote by proxy.
- 8.9 No resolution of the Governors may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.
- 8.10 Any Governor who is also an employee of SNCEMAT must withdraw from that part of any meeting of the LGB at which his/her remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 8.11 A resolution in writing, signed by all the Governors will be valid and effective as if it had been passed at a meeting of the Governors duly convened and held. Similarly, a resolution in writing signed by all the members of a committee of the Governors will be valid and effective as if it had been passed at a meeting of that committee. Such a resolution may consist of several documents in the same form, each signed by one or more of the Governors (or the members of a committee as the case may be).
- 8.12 Any Governor will be able to participate in meetings of the Governors by telephone or video conference provided that he/she has given reasonable notice to the Clerk and that the Governors have access to the appropriate equipment.
- 8.13 Minutes must be prepared of all LGB meetings and meetings of all sub-committees. Drafts of those minutes must be sent to all who attended and SNCEMAT no later than 7 days after the date of the meeting. Final minutes, as approved by the Governors, must be sent to SNCEMAT within 7 days of approval.

## **9 ACCOUNTS AND AUDIT**

- 9.1 Producing and filing accounts and audit requirements is the responsibility of the Academy and the Academy must keep proper accounts and records to enable it to meet its responsibilities and the LGB is responsible for ensuring this happens (see paragraph 5.1). The LGB must ensure compliance with SNCEMAT's Finance Manual.

## **10 RULES AND OPERATING PROCEDURES**

- 10.1 The LGB has power to make rules and develop operating procedures in respect of the governance and conduct of the Academy as appropriate. Such rules and operating procedures and any amendments to them will be subject to the provisions of this document and also, where such rules or operating procedures relate to governance and/or the roles and responsibilities of the Governors, to approval by the Directors.

## **11 AMENDMENT OF INSTRUMENT AND RULES OF GOVERNMENT**

- 11.1 This Scheme of Delegation is drafted and maintained by SNCEMAT. The Directors may make amendments to this Scheme of Delegation from time to time. In the event that amendments are made, SNCEMAT will notify the Chair of each LGB, who will be expected to make the other Governors aware of such changes.
- 11.2 This document will be subject to review at least at the first meeting of the Directors after [ ] and at the first meeting of the Directors in each academic year thereafter.

## **12 EFFECTIVE DATE**

- 12.1 This Instrument and Rules of Government will come into effect, in relation to a LGB, on the earlier of the establishment of the LGB or the signature by the Chair on behalf of the LGB to agree to this Scheme of Delegation.

## **13 INTERPRETATION**

- 13.1 In this document:-

"Academy"	means the Academy which is one of SNCEMAT's;
"Articles"	means the Articles of Association of SNCEMAT;
"Clerk"	means the person appointed to act as clerk to the LGB;
"Funding Agreements"	has the meaning given to it in paragraph 2.1;

“Governor”	means a member of the LGB;
“Governors’ Handbook”	means the handbook, prepared by SNCEMAT explaining the role of governors, in force from time to time;
“Local Governing Body”	means the local governing body for the Academy, being a committee of the Directors, constituted as provided by paragraph 3 of this document;
“Personal Financial Interest”	means any interest in the employment or remuneration of, or the provision of any other benefit to, a Governor as further detailed within Article [6] of the Articles;
“Headteacher”	means the member of staff at the Academy who is appointed by the LGB (in accordance with the terms of this document and his/her contract of employment, as may be amended from time to time) to have overall day to day control of and responsibility [of] the Academy;
“Staff Member”	means a member elected to the LGB by members of staff of the Academy;
“this document”	means this Scheme of Delegation;
“the Directors”	Means those persons appointed as directors (under company law) and trustees of SNCEMAT (under charity law), being comprised as follows: <ul style="list-style-type: none"> <li>• No fewer than 5 Directors appointed by the Members of SNCEMAT;</li> <li>• Up to 5 Directors being chairs of LGB’s;</li> <li>• Co-opted Directors, if appointed.</li> </ul>

13.2 Unless the context requires otherwise, a reference to-

13.2.1 A numbered paragraph is a reference to the paragraph so numbered in this document (or the sub-paragraph, as the case may be), and

13.2.2 Words importing one gender will include any other gender, the singular number will include the plural and vice versa and the headings are included for convenience only and will not affect the construction of this document.

## **Appendix 1**

Attendance  
Safer recruitment  
Teachers pay and conditions  
Appraisal  
Capabilities  
Health and Safety  
Business Continuity Plan  
Whistle Blowing  
Child Protection and Safeguarding policy