

## SCHEME OF DELEGATION

### THE HOLY FAMILY EDUCATION TRUST

#### INTRODUCTION

The Holy Family Education Trust is a Multi Academy Trust which provides an innovative, first class education to inspire children to achieve their full potential. In carrying out any functions on behalf of the Trust all governors, directors and members will ensure this mission statement is at the core of all they do and decisions they make. Accordingly, the functions of the Trust.

Our schools will be a places of excellence – providing service and witness to children, their families and the wider Catholic community, adding value as a family of schools and enriching the learning and experience of all our young people so they may achieve their full potential.

The English Martyrs School and Sixth Form College’s mission statement is -

#### **Founded On Truth**

To learn and live the Gospel values on which our faith is rooted.

#### **Built on Justice**

Whereby we judge with integrity and wisdom, and act with mercy and compassion.

#### **Animated by Love**

Living in community with each other in fairness and with equality as Jesus teaches us.

Wherever possible, decisions will be at the level nearest to those affected by those decisions. Accordingly, a Local Governing Body is established to conduct each Academy and to ensure its good governance. The Scheme of Delegation therefore aims to entrust to the Local Governing Body of each Academy those functions as listed.

The members, Trustees and the Local Governing Bodies share a particular commitment to the mutual support of all Academies for whom the Trust is responsible, especially those that are in need of assistance at any particular time. Accordingly, the Scheme of Delegation recognises the obligation to contribute to the common good of all Academies from the resources entrusted to them. The Trustees recognise and agree to work in partnership with the representatives of each of the Academies, sharing experiences and working collaboratively for the benefit of all.

#### TRUST ACCOUNTABILITIES

The Directors are accountable to external agencies including the Charity Commission, the Department for Education (including any successor bodies) and OfSTED for the quality of the education they provide and the overall governance of the Trust in line with its Articles of Association and Funding Agreements.

As the Academy is a Catholic school, designated as such, the Directors are also accountable to the Diocesan Board of Education (the “DBE”) and the Bishop of Hexham & Newcastle to ensure that the Academy is conducted as a Catholic school in accordance with the canon law and teachings of the Roman Catholic Church so that at all times the School may serve as a witness to the Catholic faith in Our Lord Jesus Christ. In order to discharge these responsibilities, the Directors appoint people who

are more locally based to serve on the Local Governing Body which has been established to ensure the good governance of the Academy in accordance with Article 101. The Directors are required to have systems in place through which they can assure themselves of quality, safety, good practice and good governance.

This Scheme of Delegation 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 Local Governing Body and the commitments to each other to ensure the success of the Academy. This Scheme of Delegation has been put in place by the Directors from the Effective Date in accordance with the provisions of the Company'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

### **LEVELS OF RESPONSIBILITY**

The scheme of delegation explains the ways in which the board of Trustees fulfils its responsibilities in relation to the strategic governance of the Academies. It sets out the respective roles and responsibilities of the Trustees and the Local Governing Bodies of the Academies and also the commitments to each other to ensure the success of all the Academies for whom the overarching Academy Trust is responsible. In the event of any inconsistency between the provisions of the Articles of Association and the scheme of delegation the provisions of the Articles of Association shall take precedence.

### **DIRECTORS' POWERS AND RESPONSIBILITIES**

The Directors have overall responsibility and ultimate decision making authority for all the work of the Company, including the establishing and running of schools and in particular the Academy as a Catholic 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 Directors have the power to direct change where required.

The Directors have a duty to act in the fulfilment of the Company's objects. The Directors also have a duty to the Bishop to uphold and adhere to the Memorandum of Understanding agreed with the Diocese of Hexham & Newcastle.

Directors will have regard to the interests of the other academies for which the Company is responsible in deciding and implementing any policy or exercising any authority in respect of the Academy.

Article 101 provides for the appointment by the Directors of committees to whom the Directors may delegate certain of the functions of the Directors. In further recognition of the Directors' power to delegate under Articles 102 and 105, 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 body of the Academy.

The constitution, membership and proceedings of the Local Governing Body is determined by the Directors and this Scheme of Delegation expresses such matters and describes the authority delegated to the Local Governing Body to run the Academy and fulfil the Academy's mission.

## CONSTITUTION OF THE LOCAL GOVERNING BODY

Each Academy shall have its own Local Governing Body. The Trust is part of the Catholic Church and is to be conducted as a Catholic Academy in accordance with the canon law and teachings of the Roman Catholic Church and in accordance with the Trust Deed of the Diocese of Hexham and Newcastle and in particular:

- Religious education is to be in accordance with the teachings, doctrines, disciplines and general and particular norms of the Catholic Church;
- Religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church; and at all times the Academy is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

The Academy Local Governing Body shall consist of 9 members of which there shall be:

4 x foundation members;  
2 x parent board members;  
2 x staff board members;  
1 x Headteacher/Head of School

The total number of members is nine. The Bishop of Hexham and Newcastle shall have the right to appoint foundation board members, on recommendation by the Board of Directors, who will always be in a majority of at least two. Only practising Catholics will be appointed as foundation board members.

The term of office of foundation governors is four years. The Chair of the Local Governing Body will always be a Foundation member unless otherwise agreed in writing by the Bishop. No changes to the composition of the Local Governing Body shall be made without the consent of the Directors of the Multi Academy Trust and/or the Bishop.

For every vacancy to the Local Governing Body a skills audit will be conducted/reviewed to identify any gaps that need to be filled in the skills, knowledge and experience of existing members. The specific balance of skills that governing bodies require will vary over time to meet their particular needs and challenges. It is therefore for each Local Governing Body, with the necessary advice, to determine in their own opinion what these skills are and to be satisfied that any members they may appoint have them.

For parent elections, the Local Governing Body will take steps to inform the electorate so that they understand the extent to which nominated candidates possess the skills the Local Governing Body ideally requires. Candidate statements should therefore set out the evidence of the extent to which they possess the skills and experience the Local Governing Body desires and set out their commitment to undertake further training. In seeking re-election, details of their contribution to the work of the Local Governing Body during the previous term should be included and how they plan to contribute to the future work of the Local Governing Body. On appointment to the members will be required to sign an undertaking to the Bishop and the Directors of the Holy Family Education Trust and the Code of Conduct.

## **FULL AND ACTIVE PARTICIPATION**

Members of the Local Governing Body (with the exception of Headteacher) will perform one or more of the following roles:

Chair

Vice-Chair

SEN Board member

Attendance & Behaviour Board member

Catholic Ethos Board member (Priest)

Details of the key responsibilities associated with each of these roles together with requisite skills/interest and training requirements will be provided. Members will also be required to confirm their adherence to the Trust's School Board Member Eligibility Declaration Form.

In addition to these specified roles the Local Governing Body may also link board members to defined subjects, departments, curriculum areas and Key Stages.

## **PROCEEDINGS**

The functions and proceedings of Local Governing Body are subject to regulations determined by the Board of Directors from time to time. The membership, constitution and terms of reference of Local Governing Body will be reviewed annually by the Board of Directors. The terms of reference and responsibilities of the Local Governing Body are set out within the Scheme of the Delegation.

## **MEETINGS AND QUORUM**

The Local Governing Body will meet on a half termly basis. The quorum for a Local governing body is four.

The Clerk to the Local Governing Body will be the Office Manager of the Trust. The Clerk will circulate agenda and papers at least seven days in advance of the meeting. The Chair and Vice-chair can call meetings at shorter notice to deal with urgent matters. In the event of a need to make genuinely urgent decisions between meetings, the Chair in consultation with the Headteacher will take appropriate action on behalf of the Local Governing Body. Decisions are made by majority of votes and the Chair has a casting vote.

A member will cease to hold office if they are absent for a period of six months without permission on resolution of the Board of Directors.

### **Election of Chair**

The Chair and vice-chair will be elected by the whole Local Governing Body on an annual basis at the first meeting in the autumn term. The Chair must be a Foundation Governor. No board member employed at the School/Academy will act as Chair.

### **Working Groups**

The Local Governing Body shall be entitled to establish working groups to inform the decision making process provided that such working groups shall not have decision making powers nor have any duties, powers or responsibilities of the Local Governing Body delegated to them.

## **DELEGATED POWERS**

### **GENERAL PROVISIONS**

Subject to provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Company following a special resolution [or any directives issued by the Bishop] the management of the business of the Academy shall be delegated by the Directors to the Local Governing Body who may exercise all the powers of the Company 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 Body which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme of Delegation, the powers given by this Scheme of Delegation shall not be limited by any special power given to the Directors by the Articles or to the Local Governing Body by this Scheme of Delegation and a meeting of the Local Governing Body at which a quorum is present may exercise all the powers so delegated.

In general terms, the responsibility of the Directors 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. In order to drive school improvement and maintain a focus on standards the Trust has set the following expectations for its Local Governing Body:

#### **DELEGATION OF RESPONSIBILITIES TO THE LOCAL GOVERNING BODY**

- 1 The Local Governing Body, with the Trust, sets the strategic direction and vision for the Academy. Board members hold a shared vision for the Academy which is clear, understood and well communicated to staff, parents/carers and students and reflects the fundamental values, objectives and strategic focus of the Trust.
- 2 The Local Governing Body have responsibility for,
  - a. The Catholic Life of the School,
  - b. Behaviour, Attendance and Safety of Students,
  - c. Pastoral Provision – PSHE/ Citizenship/ CIAG/ Destinations of Students
- 3 Members have a clear understanding of the strengths and weaknesses for their Academy and ensure an appropriate School Development Plan with explicit priorities and targets is in place and is effectively implemented and monitored.
- 4 Members develop detailed knowledge of their School and effectively engage with parents/carers, students and staff and the wider community and are well informed about their views and use this to inform strategic priorities for school development planning.
- 5 Members will ensure that all statutory requirements including those set out within the Scheme of Delegation and Funding Agreement are met and that all Trust policies are implemented through well-developed procedures.
- 6 Review of Policies and Procedures.
- 7 Ensure the health, safety and well-being of staff, students and visitors and ensure that adequate resources are allocated to provide a safe environment.
- 8 Members will maintain the estate in accordance with Trust policies and comply with the conditions of insurance policies.
- 9 Board members are confident in providing high levels of professional challenge to hold the Headteacher to account.
- 10 Members have a good understanding of the barriers to learning, including attendance and behaviour issues, and what the Academy is doing to overcome these.

- 11 Members are fully engaged in the school self-evaluation process, keeping the work of the Academy under review and acting upon their findings.
- 12 Board members give an undertaking to attend meetings, to develop specialisms and to ensure that they know the school through regular visits.
- 13 A rigorous approach is adopted to the self-review of its own skills and performance. This includes a plan for improvement and the commitment as individuals and as a group to improvement.
- 14 The Local governing body is responsible for the conduct of the academy and for promoting high standards.

**FOR THE PURPOSES OF CLARITY THE RESPONSIBILITIES OF DIRECTORS ARE DETAILED BELOW.**

- 1 Compliance with the Funding Agreement, Articles of Association, and all statutory, legal and contractual requirements.
- 2 Compliance with all statutory guidance and regulations and Acts of Parliament governing the operation of the Trust, including, without limitation all charity and company laws and all health and safety regulations.
- 3 Ensuring compliance with any leases and supplemental land agreements.
- 4 Ensuring processes are in place for the appointment of Trustees and Local Board members of the LMB (if appropriate) that have due regard to the appropriate skill set.
- 5 Preparation and approval of the Terms of Reference under which the Academy is governed.
- 6 Agreement of the Academy's annual funding in consultation with the Local governing body.
- 7 Compliance with the Academies Financial Handbook including determining the procurement and finance policies for the Trust
- 8 Responsible for monitoring its budgets ensuring that proper records are maintained and that all Trust finance and procurement policies and procedures are followed. The Local governing body must seek agreement with Directors prior to undertaking any commercial or trading activities.
- 9 Regularly review and approve the curriculum for the Academy, including the allocation of resources.
- 10 Appointment of the Audit Committee.
- 11 Setting out the vision for the Trust and determining the Trust Development Plan.
- 12 Determine the Trust wide performance measures that will be used to evaluate the effectiveness of the Trust as part of the Trust's strategic planning process.
- 13 Consider and evaluate Trust and individual Academy performance against Trust performance and national performance indicators.

- 1 Review Academy targets ensuring they are both achievable and sufficiently challenging to lead to sustainable improvement.
- 14 Identify and commission appropriate support and intervention strategies for individual Academies as required.
- 15 Monitor and review the Academy SEF on a termly basis
- 16 Establishing a funding model for use across the Trust and the Academies including developing an individual funding model for the each academy (in consultation with the Local Governing Body).
- 17 Agreement of the Trust's annual budgets and determining the proportion of the overall budget to be delegated to individual Academies.
- 18 Determining the services provided to the Academy by the Trust and how costs are allocated.
- 19 Oversight of the effectiveness of the delivery of centrally provided services.
- 20 Determining the cash flow management and deposits policy for the Trust and the Academy and monitoring income and expenditure for the Trust and the Academy;
- 21 Determining any additional financial and reporting targets for the Academy;
- 22 As the legal employer of all staff, responsibility for human resource policies and procedures and terms and conditions of service;
- 23 Putting in place processes for undertaking the performance management of staff
- 24 Oversight of public relations activities to promote the activities of the Trust and the Academies to the wider community
- 25 Appointment of the Internal and External Auditors for the Trust;
- 26 Appointing bankers and agreeing banking arrangements and signatories;
- 27 Develop an Estate Management Strategy for the Trust to identify the suitability of building and facilities in light of long term curriculum needs and the need for capital investment. Dispose or acquire land or interests in land to be used by the Academies.
- 28 Arranging appropriate insurance policies for Academy land and buildings and it's activities.
- 29 Maintaining a fixed asset register, determining capitalisation policies and approval of the disposal and write-off of assets.
- 30 The Local Governing Body has an effective understanding of the quality of provision within the Academy and how its performance compares locally and nationally. Has a clear understanding of the Academy's performance data and has an accurate overview of how well all students are achieving in relation to their potential and in relation to other schools, as well as how different groups of pupils within the Academy are performing.

- 31 Determining the admissions policy and arrangements for the Academy.
- 32 Determining of the complaints policy and procedures for the Academy.
- 33 Determining the educational vision of the Academy in consultation with the Local Governing Body, including the Academy's School Development Plan;
- 34 Where applicable, the appointment of the CEO of the Trust, and Headteacher, Head of School, Deputy Headteacher and Finance Director of the Academy.
- 35 Appoint the clerk to Board of Trustees and any Committees of the Board of Trustees, including to the Local Governing Body
- 36 Appoint/commission the appointment of the Company Secretary.
- 37 Exercise overall responsibility for the health, safety and welfare of all staff, pupils and visitors to Trust premises and Trust activities.
- 38 Require Local Governing Bodies provide the Board of Trustees with termly performance reports to support the Trust's monitoring and evaluation of each academy.
- 39 Monitor the performance of the Local Governing Body and to categorise the performance of each academy to determine the extent of delegation and the level of support required for school improvement.
- 40 Monitor the work of the Local Governing Body and if necessary review/ withdraw/ reduce/ increase the scope of delegated powers including the appointment of an Interim Advisory Board.
- 41 Ensure there is the Board of Directors and Local governing bodys regularly review their effectiveness.
- 42 Ensure skills audit are periodically undertaken by Directors and all local governing members.
- 43 Managing a corporate risk register for the Trust.
- 44 Undertake any hearings in relation to Exclusions.
- 45 Undertake hearings of complaints.

#### **DELEGATION OF RESPONSIBILITIES TO THE CHIEF EXECUTIVE OFFICER OR ACCOUNTING OFFICER**

The Local Governing Body acknowledge that the following responsibilities have been delegated to the Chief Executive Officer:

- 1 Implementing the agreed policies and procedures laid down by the Trust this includes the implementation of all statutory regulations, provisions within the Education Acts, Canon Law, Diocesan Policies and compliance with the Master Funding Agreements.

- 2 Advising the Trust on strategic direction, forward planning and quality assurance.
- 3 The leadership and management of the Academy Trust, and line management of all Head Teachers/ Heads of School including advising Board members on setting appraisal targets and performance against appraisal targets;
- 4 As Accounting Officer for the Trust, overall accountability and management of the Trust budget, and oversight of the individual Academy's budget.
- 5 In exceptional circumstances and only on consultation with the Chair of Directors, the Chief Executive Officer may waive the requirements of the Trust Finance policy. These decisions will be formally recorded and reported to Directors at the next meeting of the Resources Committee or the full board.
- 6 Advising the Trust on the appointment of all Leadership posts across the Trust, including the Headteacher of each Academy. Leadership posts are those designated on the Leadership pay scale, or a post who will form part of the Academy's senior management team e.g. a school business manager.
- 7 Delegation of responsibility up to and including dismissal for all staff employed in Trust Academies, other than Head Teachers or Heads of School, which will remain the responsibility of the Directors.
- 8 To enter into Compromise Agreements following Human Resource advice and authorisation by the Chair of the Board of Directors.
- 9 Act as statutory Headteacher with regard to those functions which cannot be delegated to Heads of School.

All such additional functions as may be assigned under the job description or contract of employment.

#### **DELEGATION OF RESPONSIBILITIES TO THE HEADTEACHER**

The Local governing body acknowledge that the following responsibilities have been delegated to the Headteacher:

- 1 Implementing the agreed policies and procedures laid down by the Trust and the Local governing body, this includes the implementation of all statutory regulations provisions within the Education Acts, Canon Law, Diocesan Policies and compliance with the Master and Supplemental Funding Agreement.
- 2 Advising the Local Governing Body on strategic direction, forward planning and quality assurance.
- 3 The leadership and management of the Academy.
- 4 The in-year admission of pupils.
- 5 Managing the delegated budget and resources agreed by the Local governing body.

- 6 Advising the Local Governing Body on the appointment of all staff other than Leadership posts and (except to the extent directed otherwise by the Directors and/or the Chief Executive), the salary grading, allocation of duties, appraisal and discipline of all staff up to final written warning for disciplinary purposes on the advice of the HR Manager.
- 7 The maintenance of good order and discipline by the pupils including their suspension and/or exclusion within the framework laid down by the Local Governing Body.
- 8 Ensure the management and maintenance of the School Website.

All such additional functions as may be assigned under the job description or contract of employment.

### **OPERATIONAL MATTERS**

The Local Governing Body shall comply with the obligations set out above and in relation to their direction within the Governors Handbook. They will adopt and will comply with all policies of the Directors and the Bishop communicated from time to time.

All parties have a duty to comply with the Trust's Code of Conduct for Local Governing Bodies. The Local Governing Body will review its local policies and practices on a regular basis, having regard to recommendations made by the Directors and the Bishop 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.

The Local Governing Body 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.
- submit to any inspections by the Directors and any inspections pursuant to Section 48 of the Education Act 2005 and any additional canonical inspections and visitations of the Bishop and any person appointed by him for the purpose of ensuring that the Academy is being conducted in accordance with canon law and is following the practices and teachings of the Catholic Church.

If the Academy is deemed to require improvement in significant key areas (regardless of their most recent Ofsted judgement) or is not improving at a rate deemed to be acceptable, then as part of its responsibility to take action, the Board of Directors may exercise their right to reconstitute/suspend the Local Governing Body, remove and/ or appoint new board members and/or amend/suspend the Scheme of Delegation and to appoint an Interim Advisory Board.

### **ANNUAL REVIEW**

This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy. The Directors will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.

<b>LAST REVIEW DATE</b>	<b>July 2017</b>
<b>DATE OF NEXT REVIEW</b>	<b>June 2018</b>