PA Community Trust
Scheme of Delegation for
Prince Albert Primary School
Heathfield Primary School
Highfield Junior and Infant School
Birchfield Primary School (joined 01/07/2018)
Effective Date: April 2016
Reviewed: April 2018
**Scheme of Delegation**

The MAT Board considers the vision and aims of the Trust and its schools, as well as the strategy to deliver its key policy objectives. It has ultimate responsibility for standards, budgets, human resources and safeguarding.

Apart from ensuring good governance, the Trust Board’s primary objectives are to develop the Trust, to assist schools in delivering the best possible outcomes for all pupils and to hold Executive Trustees, Local Academy Committees and school leaders to account for the ways in which these functions are carried out.

The Prince Albert Community Trust (PACT) has a Scheme of Delegation for schools that distinguishes between those schools that are and those that aren’t ‘Requires Improvement’ (RI) or ‘Special Measures’ (SM). Schools that are ‘Good’ or better have a larger amount delegated to them to enable local autonomy and decision making. The schools that are RI or SM have less delegation in recognition of the need for additional input from the central MAT Board in order to support a quick turnaround. In some cases a RI or SM school may not have its own Academy Committee, their governance will be overseen solely by the MAT Board.

**The Scheme of Delegation**

1. The Scheme of Delegation has been developed to provide clarity on the level of delegation approved by the Trust Board to Local Academy Committees; CEO / COO and the Heads of School.

2. What makes a school a special and successful place is its unique set of context, history and experience. The PACT will allow each school to bring that vision with them to the MAT, tying it closely to the ethos of the MAT and adding to the richness and diversity of the whole family.

3. The PACT is determined that each school within the MAT will continue to celebrate its own unique context whilst receiving the appropriate level of support from the Central Support Team (CST). With this in mind we have developed our Scheme of Delegation which supports the concept of ‘earned autonomy’, to be worked out in each individual school. This will be particularly evident initially with sponsored academies.

4. Each school will enter the scheme with the delegated authority which is appropriate for its present context and this will be reviewed annually by the MAT Board of Trustees, allowing schools to move within the scheme. Our aim will always be to support our schools in order for them to achieve the highest level of autonomy where they can flourish and develop, ably led by their Local Academy Committee and their Senior Leadership Team.

1. **INTRODUCTION**

   1.1 As a charity and company limited by guarantee, the PA Community Trust (the “Company”) is governed by a Board of Trustees (the “Trustees”) who are responsible for, and oversee, the management and administration of the Company and the academies run by the Company.

   1.2 The Trustees are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education they provide and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.
In order to discharge these responsibilities to schools graded ‘Good’ or better, the Trustees appoint people who have the relevant experience or are more locally based to serve on a board (the “Local Academy Committee”) which has been established to ensure the good governance of the Academy.

The Trustees shall delegate various delegated functions to the Local Academy Committee pursuant to clause 5 of this Scheme but the function of the Local Academy Committee shall be to:

1.4.1 Have a monitoring role in connection with the Academy;

1.4.2 Govern all curriculum and non statutory policy;

1.4.3 Govern admissions to apply admissions criteria in accordance with the Admissions Code and with due regard to any locally agreed fair access protocols;

1.4.4 Govern exclusions in accordance with appropriate regulations;

1.4.5 Consider standards of teaching and learning, including that of SEND, monitoring information and make recommendations to the Head of School in relation to school improvement;

1.4.6 Monitor and be accountable for standards and report annually to the Trustees;

1.4.7 Act as a critical friend to the Head of School;

1.4.8 Represent the views of the community that relate to community engagement and activity and make recommendations to the Head of School; and

1.4.9 Govern safeguarding by carrying our regular checks to ensure the school is compliant.

This Scheme of Delegation explains the ways in which the Trustees fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Trustees and the members of the Local Academy Committee and the commitments to each other to ensure the success of the Academy.

This Scheme of Delegation has been put in place by the Trustees 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.

TRUSTEES’ POWERS AND RESPONSIBILITIES

2.1 The Trustees have overall responsibility and ultimate decision making authority for all the work
of the Company, including the establishing and running its Academies. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required.

2.2 The Trustees have a duty to act in the fulfilment of the Company’s objects.

2.3 Trustees 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.

2.4 Article 50 provides for the appointment by the Trustees of committees to whom the Trustees may delegate certain of the functions of the Trustees. In further recognition of the Trustees’ power to delegate under Articles 101 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 Academy Committee of the Academy.

2.5 The constitution, membership and proceedings of the Local Academy Committee is determined by the Trustees and this Scheme of Delegation expresses such matters as well acknowledges the authority delegated to the Local Academy Committee in order to enable the Local Academy Committee to run the Academy and fulfil the Academy’s mission.

2.6 Any member of the Company appointed as the Academy’s representative shall consult with the Local Academy Committee before voting on any resolution of the members of the Company.

3. CONSTITUTION OF THE LOCAL ACADEMY COMMITTEE

3.1 Members of the Local Academy Committee

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

3.1.2 The Local Academy Committee shall have the following members:

3.1.2.1 Up to 7 members, appointed under clause 3.2.1;

3.1.2.2 Two parent members elected or appointed under clause 3.2.5;

3.1.2.3 Three Community/external members appointed under clause 3.2.12;

3.1.2.4 The Head of School;
3.1.2.6 The Deputy Head Teacher

3.1.2.7 A Trustee may be appointed to sit on a Local Academy Committee if the Trustees feel it is necessary to do so. It is preferred for established Local Academy Committees to have complete separation from the Trust Board.

3.1.2.7 Any additional members, if appointed by the Trustees at the request of the Secretary of State of Education (the “Secretary of State”) pursuant to section 5 of the Master Funding Agreement entered into between the Company and the Secretary of State governing the affairs of the Company.

3.1.3 The Trustees (all or any of them) shall also be entitled to serve on the Local Academy Committee and attend any meetings of the Local Academy Committee. Any Trustee attending a meeting of the Local Academy Committee shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the Local Academy Committee.

3.2 Appointment of Representatives of the Local Academy Committee

3.2.1 The Local Academy Committee may appoint up to 5 persons to serve on the Local Academy Committee, having regard to any recommendations and views of the Trustees in relation to ensuring that the people serving on the Local Academy Committee between them have an appropriate range of skills and experience and due attention is given to succession planning.

3.2.2 The Local Academy Committee will consist of two members of staff (the Head of School and Deputy Head Teacher). The total number of staff members must not exceed one third of the total number of persons on the Local Academy Committee.

3.2.3 The Head of School and Deputy Head Teacher shall be treated for all purposes as being ex officio members of the Local Academy Committee.

3.2.4 The number of parent members of the Local Academy Committee required shall be made up by persons appointed by the Local Academy Committee with guidance from the Trustees. The vacant position will be advertised on the Academy/Trust website and all suitable candidates will be interviewed by at least the Head of School and a Trust Board representative (this could be the Clerk).

3.2.5 In appointing a person to be a parent member of the Local Academy Committee pursuant to clause 3.2.4, the Local Academy Committee 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.
3.2.6 The Local Academy Committee (after consulting the Trustees) may appoint persons to be a Community Representative provided that the person who is appointed as a Community Representative is:

(a) A person who lives or works in the community served by the Academy; or

(b) A person who, in the opinion of the Local Academy Committee, is committed to the government and success of the respective Academy.

3.3 Term of office

The term of office for any person serving on the Local Academy Committee shall be 4 years, save that this time limit shall not apply to the Head of School. Subject to remaining eligible to be a particular type of member on the Local Academy Committee, any person may be re-appointed or re-elected to the Local Academy Committee. No Representative should serve more than 4 terms.

3.4 Resignation and removal

3.4.1 A person serving on the Local Academy Committee shall cease to hold office if he/she resigns his/her office by notice to the Local Academy Committee (but only if at least three persons will remain in office when the notice of resignation is to take effect).

3.4.2 A person serving on the Local Academy Committee shall cease to hold office if he/she is removed by the person or persons who appointed him/her. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Academy Committee by a person or persons who appointed him/her, any failure to uphold the values of the Company and/or the Academy or to act in a way which is appropriate in light of this Scheme of Delegation will be taken into account. The Trustees can also remove a person from the Local Academy Committee should their practice be deemed inappropriate and not for the good of the Academy.

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

3.4.4 Where a person who serves on the Local Academy Committee resigns his/her office or is removed from office, that person or, where he/she is removed from office, those removing him/her, shall give written notice thereof to the Clerk who shall inform then inform the Trustees and Local Academy Committee.
3.5 Disqualification of members of the Local Academy Committee

3.5.1 No person shall be qualified to serve on the Local Academy Committee unless he/she is aged 18 or over at the date of his/her appointment. No current pupil of the Academy shall be entitled to serve on the Local Academy Committee.

3.5.2 A person serving on the Local Academy Committee shall cease to hold office if he/she becomes incapable by reason of mental disorder, illness or injury of managing or administering his/her own affairs.

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

3.5.4 A person shall be disqualified from serving on the Local Academy Committee if:

3.5.4.1 His/her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

3.5.4.2 He/she is the subject of a bankruptcy restriction order or an interim order.

3.5.5 A person shall be disqualified from serving on the Local Academy Committee at any time when he/she is subject to a disqualification order or a disqualification undertaking under the Company Trustees Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

3.5.6 A person serving on the Local Academy Committee shall cease to hold office if he/she would cease to be a Trustee by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

3.5.7 A person shall be disqualified from serving on the Local Academy Committee if he/she has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he/she was responsible or to which he/she was privy, or which he/she by his/her conduct contributed to or facilitated.

3.5.8 A person shall be disqualified from serving on the Local Academy Committee at any time when he/she is:
3.5.8.1 Included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or

3.5.8.2 Disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or

3.5.8.3 Barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).

3.5.9 A person shall be disqualified from serving on the Local Academy Committee if he/she is a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.

3.5.10 A person shall be disqualified from serving on the Local Academy Committee where he/she has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 72 of the Charities Act 1993.

3.5.11 After the Academy has opened, a person shall be disqualified from serving on the Local Academy Committee if he/she has not provided to the Chair of the Local Academy Committee a Disclosure and Barring certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the Chair or the Headteacher confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

3.5.12 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Academy Committee; and he/she was, or was proposed, to so serve, he/she shall upon becoming so disqualified give written notice of that fact to the Clerk who shall inform the Local Academy Committee and the Trustees.

3.5.13 This clause 3.5 and paragraph 2 of the Appendix shall also apply to any member of any committee of the Local Academy Committee who is not a member of the Local Academy Committee.
4. **DELEGATED POWERS**

4.1 **General Provisions**

4.1.1 Subject to the provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Company following a special resolution, the management of the business of the Academy shall be delegated by the Trustees to the Local Academy Committee who may exercise the powers of the Company set out in articles 5(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r) and (s) of the Articles of Association (the “Delegated Functions”) in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation PROVIDED THAT they are not Reserved Matters. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Academy Committee which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme of Delegation, the powers given by this Scheme of Delegation shall not be limited by any special power given to the Trustees by the Articles or to the Local Academy Committee by this Scheme of Delegation and a meeting of the Local Academy Committee at which a quorum is present may exercise all of the Delegated Functions.

4.1.2 In general terms, the responsibility of the Trustees in so far as the business of the Academy is concerned is to determine the policy and procedures of the Academy and to consider and respond to strategic issues but the following matters (“Reserved Matters”) shall not be Delegated Functions:

4.1.2.1 The powers set out in Articles 5 (a), (c), (e), (g), (l), (m), (n), and (o) of the Articles of Association;

4.1.2.2 Ensuring compliance with the Company’s duties under Company Law and Charity Law and agreements made with the Department for Education, (including the Master Funding Agreement and the Supplemental Funding Agreement);

4.1.2.3 The determination of the educational character, and mission of the Academy and the Company;

4.1.2.4 Ensuring the solvency of the Company, safeguarding its assets and delivering its charitable outcomes;

4.1.2.5 Ensuring the continued charitable status of the Company;

4.1.2.6 The determination of the establishment, constitution, membership, proceedings and delegated powers and functions of any committee...
(including Local Academy Committees) and their annual review and revision;

4.1.2.7 The approval of the Company and the Academy's statutory policies;

4.1.2.8 To receiving reports from the Local Academy Committee and making recommendations to the Local Academy Committee;

4.1.2.9 Selling or otherwise disposing of any asset which is of a value in excess of 10% of the total net book value of all assets belonging to the Academy;

4.1.2.10 Creating or allowing to come into being any third party interest (other than a lien on assets arising in the ordinary course of trading or a charge operating as a result of a title retention clause);

4.1.2.11 Giving any guarantee or indemnity other than in the ordinary course of business, the value of which exceeds £1,000;

4.1.2.12 Entering into a contract or arrangement which is of a value of in excess of 10% of the General Annual Grant (“GAG”) for the Academy per year or which the termination provisions require more than six months' notice;

4.1.2.13 Acquiring assets having a market value in excess of [5%] of the GAG for the Academy;

4.1.2.14 Entering into, varying or terminating any lease, licence, tenancy or other similar arrangement;

4.1.2.15 Any lending;

4.1.2.16 Commencing or settling any litigation or arbitration proceedings;

4.1.2.17 Entering into any other arrangement in the nature of borrowing (including debts factoring, invoice discounting, hire purchase, equipment leasing, conditional or credit sales or any off-balance sheet borrowings) if the value of the amount borrowed exceeds [5%] of the GAG for that Academy;

4.1.2.18 Terminating or varying the terms of any contract which has a value in excess of 10% of the GAG for that Academy;

4.1.2.19 Engaging any employee or consultant whose annual emoluments per annum exceeds the total annual emoluments of the Head of School of that Academy per annum;
4.1.2.20 Varying the terms and conditions of that engagement so that the terms and conditions of that engagement are no longer comparable to the equivalent engagement in one or more of the academies within the Company;

4.1.2.21 Establishing or amending any pension scheme or granting any pension rights to any Trustee, officer, employee, former Trustee, officer or employee, or any member of any such person’s family.

4.1.3 Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Academy Committee and without detracting from the generality of the powers delegated, the Local Academy Committee shall have the following powers, namely:

4.1.3.1 Adopting the PACT Disciplinary Policy which has been approved by Trustees

4.1.4 In the exercise of its powers and functions, the Local Academy Committee shall:

4.1.4.1 Consider any advice given by the Head of School and any other Executive Officer;

4.1.4.2 Have due regard to any guidelines and policies issued by the Trustees.

4.1.5 Any bank account in which any money of the Company in so far as it relates to the Academy is deposited shall be operated by the Trust Board in the name of the Company. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Trust Board. All non-pay related cheques in excess of £50,000 will be required to be detailed in termly financial management reports detailing the supplier, the amount and a brief description of goods being purchased.

4.2 Ethos and Values

4.2.1 Whilst the Local Academy Committee shall be responsible for ensuring that the Academy is conducted in accordance with its ethos and values, the determination of the Academy’s vision statement shall be the responsibility of the Trustees.

4.2.2 At all times, the Trustees and the Local Academy Committee shall ensure that the Academy is conducted in accordance with the object of the Company, the terms of the trust governing the use of the land which is used for the purposes of the Academy and any agreement entered into with the Secretary of State for the funding of the Academy.
4.3 **Finance**

4.3.1 In acknowledgement of the receipt by the Trustees of funds in relation to the Academy; provided by the Secretary of State, donated to the Company and generated from the activities of the Company, the Trustees delegate to the Trust Finance, Resource and Audit Committee (FRAC) the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy less an amount to be determined each year by the Trustees acting reasonably.

4.3.2 The accounts of the Company shall be the responsibility of the Trustees but the Trust FRAC shall provide such information about the finances of the Academy as often and in such format as the Trustees shall reasonably require. Without prejudice to the above, the FRAC shall be provided with termly budget monitoring reports and the Trust Board will receive an annual report.

4.3.3 The Trust FRAC shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the Academies Financial Handbook are observed at all times as well as any requirements and recommendations of the Trustees and the Secretary of State.

4.3.4 The Trust FRAC shall inform the Trustees of any need for significant unplanned expenditure and will discuss with the Trustees (and others as the Trustees shall require) options for identifying available funding.

4.3.5 The Trust FRAC shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy.

4.4 **Premises**

4.4.1 Subject to and without prejudice to clauses 5.3.2 and 5.4.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Trust FRAC, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Trustees (and/or any others) as owners of such buildings and facilities.

4.4.2 The FRAC shall in conjunction with the Trustees develop a 5 year estate management strategy that will identify the suitability of building and facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the Trust FRAC’s responsibility to ensure the buildings and facilities are maintained to a good standard.
4.4.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Trustees.

Insuring the land and buildings used by the Academy will be the responsibility of the Trustees who shall recover the cost from the budget delegated.

4.5 Resources

4.5.1 CEO / COO / Head of School

4.5.1.1 The Trustees shall appoint the CEO, COO and Heads of School and shall allow a representative from the Academy to be a member with full voting rights on the committee making such appointment of the Head of School. The Trustees may delegate such powers and functions as they consider are required by the CEO for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Trustees and the Local Academy Committee and for the direction of the teaching and curriculum at the Academy).

4.5.2 Other Staff

4.5.2.1 The CST and Trust/Academy Senior Leaders shall be responsible for the appointment and management of all other staff to be employed at the Academy provided that they:

4.5.2.1.1 Comply with all policies dealing with staff issued by the Trustees;

4.5.2.1.2 Take account of any pay terms set by the Trustees;

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

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

4.5.2.2 The Trustees shall carry out the performance management of the Heads of School. Line managers shall carry out the performance management of all other staff and shall put in place procedures for the proper professional and personal development of staff.
4.6  **Curriculum and Standards**

4.6.1 The Local Academy Committee shall be responsible for the setting and review of the curriculum but shall have regard to any views of the Trustees in recognition of the Trustees’ obligation to the Secretary of State to provide a broad and balanced curriculum.

4.6.2 The Local Academy Committee shall be responsible for the standards achieved by the Academy and the pupils attending the Academy but shall follow such advice and recommendations of the Trustees as they might issue.

4.6.3 The MAT shall be responsible for the setting and annual review of each Academy’s Admissions Policy. The Local Academy Committee shall appoint such persons as it sees fit to represent and make presentations on behalf of the Academy in any appeal process provided that no change will be made to the admissions criteria without the written consent of the Trustees.

4.6.4 Any decision to expand the Academy Trust shall be that of the Trustees.

4.7  **Income Generation Activity**

4.7.1 Whilst the undertaking of any activities which would be described as part of the Academy’s “extended schools agenda” or any activities designed to generate business income, would be the responsibility of the Local Academy Committee, this shall only be undertaken in a manner consistent with any policy set by the Trustees and having regard to the viability of such activities, the impact on the Academy’s activities and any financial implications, such as the threat of taxation in light of the Company’s charitable objects and any threat to funding provided by the Secretary of State.

4.8  **Regulatory Matters**

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

5.  **OPERATIONAL MATTERS**

5.1 The Local Academy Committee shall comply with the obligations set out in the Appendix which deals with the day to day operation of the Local Academy Committee.
5.2 The Local Academy Committee will adopt and will comply with all policies of the Trustees, communicated to the Local Academy Committee.

5.3 Both the Trustees and all Representatives of the Local Academy Committee have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Company and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter deemed confidential.

5.4 The Local Academy Committee will review its policies and practices on a regular basis, having regard to recommendations made by the Trustees, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

5.5 The Local Academy Committee shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Trustees may require.

5.6 The Local Academy Committee shall work closely with and shall promptly implement any advice or recommendations made by the Trustees in the event that intervention is either threatened or is carried out by the Secretary of State and the Trustees expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Academy Committee under this Scheme of Delegation in such circumstances.

6. **ANNUAL REVIEW**

6.1 This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy Trust and its Academies. Where applicable, it will be based on the framework Scheme of Delegation that will have been put in place on the incorporation of the Company and will have been attached to Company’s first Articles of Association.

6.2 The Trustees will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.

6.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Trustees will have regard to and give due consideration of any views of the Local Academy Committee.
APPENDIX 1

FUNCTIONING OF THE LOCAL ACADEMY COMMITTEE

1. CHAIR AND VICE-CHAIR OF THE LOCAL ACADEMY COMMITTEE

1.1 The Company could appoint the Chair and Vice-Chair of the Local Academy Committee.

1.2 Subject to paragraph 1.4, the Chair or Vice-Chair shall hold office as such until his/her successor has been elected in accordance with this clause 1.

1.3 The Chair or Vice-Chair may at any time resign his office by giving notice in writing to the Clerk of the Local Academy Committee. The Chair or Vice-Chair shall cease to hold office if:

1.3.1 He/she ceases to serve on the Local Academy Committee;

1.3.2 He/she is removed from office in accordance with this Scheme of Delegation; or

1.3.3 In the case of the Vice-Chair, he/she appointed in accordance with this Scheme of Delegation to fill a vacancy in the office of Chair.

1.4 Where by reason of any of the matters referred to in paragraph 1.3, a vacancy arises in the office of Chair or Vice-Chair, the Company shall appoint an eligible person to fill the vacancy.

1.5 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.

1.6 Where in the circumstances referred to in paragraph 1.5 the Vice- is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the Representatives of the Local Academy Committee shall elect one of their number to act as a Chair for the purposes of that meeting.

1.7 The Clerk shall act as Chair during that part of any meeting at which the Chair is elected.

1.8 Any election of the Chair or Vice-Chair which is contested shall be held
by secret ballot.

1.9 The Chair or Vice-Chair may only be removed from office by the Trustees at any time or by the Local Academy Committee in accordance with this Scheme of Delegation.

1.10 A resolution to remove the Chair or Vice-Chair from office which is passed at a meeting of the Local Academy Committee shall not have effect unless:

1.10.1 It has been authorised by the Trustees;

1.10.2 It is confirmed by a resolution passed at a second meeting of the Local Academy Committee held not less than fourteen days after the first meeting; and

1.10.3 The matter of the Chair’s or 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 Local Academy Committee at the relevant meeting as to whether to confirm the previous resolution to remove the Chair or Vice-Chair from office, the person or persons proposing his/her removal shall explain their reasons to the Trustees and gain their approval to pass the resolution. If the request is authorised by the Trustees the person or persons proposing his/her removal shall at that meeting state their reasons for doing so and the Chair or Vice-Chair shall be given an opportunity to make a statement in response.

2. CONFLICTS OF INTEREST

2.1 Any member of the Trust Board and/or Local Academy Committee who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his/her duties as a member of the Trust Board/Local Academy Committee shall disclose that fact to the Trust Board/Local Academy Committee as soon as he/she becomes aware of it. A person must absent him/herself from any discussions of the Trust Board/Local Academy Committee in which it is possible that a conflict will arise between his/her duty to act solely in the interests of the Academy/Trust 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/she 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.

2.3 In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.

2.4 Any disagreement between the Representatives of the Local Academy Committee and the Head of School, or any subcommittee of the Local Academy Committee shall be referred to the Trustees for their determination.

3. **THE MINUTES**

3.1 The minutes of the proceedings of a meeting of the Local Academy Committee shall be drawn up and recorded by the Clerk for the purpose by the person authorised to keep the minutes of the Local Academy Committee; and shall be signed (subject to the approval of the members of the Local Academy Committee) at the same or next subsequent meeting by the person acting as chair thereof. The minutes shall include a record of:

3.1.1 All appointments of officers made by the Local Academy Committee; and

3.1.2 All proceedings at meetings of the Local Academy Committee and of committees of the Local Academy Committee including the names of all persons present at each such meeting.

3.2 The Clerk shall ensure that copies of minutes of all meeting of the Local Academy Committee (and such of the subcommittees as the Trustees shall be notified) shall be provided to the Trustees as soon as reasonably practicable after those minutes are approved.

4. **COMMITTEES**

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

5. **DELEGATION**

5.1 Provided such power or function has been delegated to the Local Academy Committee, the Local Academy Committee may further delegate to any person serving on the Local Academy Committee, committee, the Head of School or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions either the Trustees or the Local Academy Committee may impose and may be revoked or altered. Delegated powers are presented within this appendix.

5.2 Where any power or function of the Trustees or the Local Academy Committee is exercised by any subcommittee, any Trustee or member of the Local Academy Committee, the Head of School or any other holder of an executive office, that person or subcommittee shall report to the Local Academy Committee in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Academy Committee immediately following the taking of the action or the making of the decision.

5.3 Delegated powers can be found in Appendix 2

6. **MEETINGS OF THE LOCAL ACADEMY COMMITTEE**

6.1 Subject to this Scheme of Delegation, the Local Academy Committee shall regulate its proceedings as the Representatives of the Local Academy Committee think fit and meet at least three times a year.
6.2 The Local Academy Committee shall meet at least three times in every school year. Meetings of the Local Academy Committee shall be convened by the Clerk to the Local Academy Committee. In exercising his/her functions under this Scheme of Delegation the Clerk shall comply with any direction:

6.2.1 Given by the Trustees; or

6.2.2 Given by the Chair of the Local Academy Committee or, in his/her absence or where there is a vacancy in the office of Chair, the Vice-Chair of the Local Academy Committee, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.

6.3 Any three Representatives of the Local Academy Committee may, by notice in writing given to the clerk, requisition a meeting of the full Local Academy Committee; and it shall be the duty of the Clerk to convene such a meeting as soon as is reasonably practicable.

6.4 The Clerk (as defined below) shall provide to each representative of the Local Academy Committee at least seven clear days before the date of a meeting:

6.4.1 Notice in writing thereof, and sent to each representative of the Local Academy Committee at the address provided by each representative (this will be via email);

6.4.2 All reports or other papers to be considered at the meeting; and

6.4.3 A copy of the agenda for the meeting;

provided that where the Chair or, in his/her absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as he/she directs.

6.5 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.

6.6 A resolution to rescind or vary a resolution carried at a previous meeting of the Local Academy Committee shall not be proposed at a
meeting of the Local Academy Committee unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

6.7 A meeting of the Local Academy Committee shall be terminated forthwith if:

6.7.1 The representatives of the Local Academy Committee so resolve; or

6.7.2 The number of representatives present ceases to constitute a quorum for a meeting of the Local Academy Committee in accordance with paragraph 6.10, subject to paragraph 6.12.

6.8 Where in accordance with paragraph 6.7 a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the Clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.

6.9 Where the Local Academy Committee resolves in accordance with paragraph 6.7 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Academy Committee shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the clerk to convene a meeting accordingly.

6.10 Subject to paragraph 6.12, the quorum for a meeting of the Local Academy Committee, and any vote on any matter thereat, shall be at least 50% of the Trustee appointed Representatives of the Local Academy Committee.

6.11 The Local Academy Committee may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.

6.12 The quorum for the purposes of:

6.12.1 Appointing a parent member;

6.12.2 Any vote on the removal of a person in accordance with this
Scheme of Delegation;

6.12.3 Any vote on the removal of the Chair of the Local Academy Committee;

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.

6.13 Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Academy Committee shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Academy Committee shall have one vote.

6.14 Subject to paragraphs 6.10 – 6.12, where there is an equal division of votes, the Chair of the meeting shall have a casting vote in addition to any other vote he/she may have.

6.15 The proceedings of the Local Academy Committee shall not be invalidated by

6.15.1 Any vacancy on the board; or

6.15.2 Any defect in the election, appointment or nomination of any person serving on the Local Academy Committee.

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

6.17 Subject to paragraph 6.18, the Local Academy Committee shall ensure that a copy of:
6.17.1 The agenda for every meeting of the Local Academy Committee;

6.17.2 The draft minutes of every such meeting, if they have been approved by the person acting as Chair of that meeting;

6.17.3 The signed minutes of every such meeting; and

6.17.4 Any report, document or other paper considered at any such meeting,

Are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.

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

6.18.1 A named teacher or other person employed, or proposed to be employed, at the Academy;

6.18.2 A named pupil at, or candidate for admission to, the Academy; and

6.18.3 Any matter which, by reason of its nature, the Local Academy Committee is satisfied should remain confidential.

6.19 Any member of the Local Academy Committee shall be able to participate in meetings of the Local Academy Committee by telephone or video conference provided that:

6.19.1 He/she has given notice of his/her intention to do so detailing the telephone number on which he/she can be reached and/or appropriate details of the video conference suite from which he/she shall be taking part at the time of the meeting at least 48 hours before the meeting; and

6.19.2 The Local Academy Committee has access to the appropriate equipment if after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

7. CLERK
7.1 The Local Academy Committee must appoint a Clerk (the “Clerk”) (who must not be the Head of School) and may remove the Clerk from office at any time with authorisation from the Trustees.

7.2 In the absence of the Clerk from a Local Academy Committee meeting, the Local Academy Committee may appoint any one of the Representatives to act as Clerk for the purposes of that meeting.

7.3 The Clerk must:

7.3.1 Convene meetings of the Local Academy Committee;

7.3.2 Attend meetings of the Local Academy Committee and ensure that minutes of the proceedings are drawn up; and

7.3.3 Perform any other functions determined by the Local Academy Committee.

8. NOTICES

8.1 Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Academy Committee) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In these Articles, “Address” in relation to electronic communications, includes a number or address used for the purposes of such communications.

8.2 A notice may be given by the Local Academy Committee to its Representatives either personally or by sending it by post in a prepaid envelope addressed to the Representative at his/her registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Local Academy Committee by the Representative. A Representative whose registered address is not within the United Kingdom and who gives to the Local Academy Committee an address within the United Kingdom at which notices may be given to him, or an address to which notices may be sent using electronic communications, shall be entitled to have notices given to him at that address, but otherwise no such Representative shall be entitled to receive any notice from the Local Academy Committee.

8.3 A Representative of the Local Academy Committee present, either in
person or by proxy, at any meeting of the Local Academy Committee shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.

8.4 Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

9. INDEMNITY

9.1 Subject to the provisions of the Companies Act 2006 every Representative of the Local Academy Committee or other officer or auditor of the Company acting in relation to the Academy shall be indemnified out of the assets of the Company 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/she 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 Company.

APPENDIX 2

The delegated powers are broken down into different levels in line with the Trust’s principles of governance, leadership and operation. The delegated autonomy for individual academies is aligned with the need for the Trust to fulfil its corporate responsibilities and accountabilities to the Department for Education, Education, Skills Funding Agency, Charities Commission, HMRC and Companies House.

The different levels of delegated power are listed below but it should be noted that not every task requires all levels of delegated power to be defined:

- Approve (A)
- Recommend (R)
- Propose (P)
- Consulted (C)
- Implement (I)
<table>
<thead>
<tr>
<th>Task</th>
<th>Notes</th>
<th>Board</th>
<th>Finance Com</th>
<th>Academy Committee (AC)</th>
<th>CEO/COO/HoS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<tr>
<td>1.1. Approve Trust Articles of Association</td>
<td>Members only</td>
<td>A</td>
<td></td>
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<tr>
<td>1.2. Approve Trust Board Terms of Reference</td>
<td>A</td>
<td></td>
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<tr>
<td>1.3. Approve Trust Scheme of Delegation</td>
<td>A</td>
<td></td>
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<tr>
<td>1.4. Approve new academies joining the Trust</td>
<td>A</td>
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<tr>
<td>1.5. Establish Trust Committees</td>
<td>A</td>
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<tr>
<td>1.6. Approve Trust FRAC Terms of Reference</td>
<td>A</td>
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<tr>
<td>1.7. Approve Local Academy Committee (AC) Terms of Reference</td>
<td>R</td>
<td>A</td>
<td></td>
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<tr>
<td>1.8. Establish Academy Committee working groups</td>
<td>A</td>
<td>R</td>
<td></td>
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<tr>
<td>1.9. Appoint Chair of Trust Board</td>
<td>As per Articles</td>
<td>A</td>
<td></td>
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<tr>
<td>1.10. Appoint Chair of AC</td>
<td>As per AC ToRs</td>
<td>A</td>
<td>R</td>
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<tr>
<td>1.11. Remove the Chair of AC</td>
<td>A</td>
<td>R</td>
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<td>1.12. Appoint Vice Chair of LGB</td>
<td>As per AC ToRs</td>
<td>R</td>
<td>A</td>
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<tr>
<td>1.13. Appoint Representatives to AC</td>
<td>A</td>
<td>R</td>
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<tr>
<td>1.14. Remove Representatives</td>
<td>A</td>
<td>R</td>
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<tr>
<td>1.15. Appoint Company Secretary</td>
<td>A</td>
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<tr>
<td>1.16. Appoint (and remove) Chair(s) of Trust Committees</td>
<td>As per Board ToRs</td>
<td>A</td>
<td>R</td>
<td>R</td>
<td></td>
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<tr>
<td>1.17. Appoint (and remove) Trust Committee members</td>
<td>As per Board ToRs</td>
<td>A</td>
<td>R</td>
<td>R</td>
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<tr>
<td>1.18. Appoint (and remove) Clerk to Trust Board</td>
<td>A</td>
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<tr>
<td>1.19. Appoint (and remove) Clerk to AC</td>
<td>R</td>
<td>A</td>
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<tr>
<td>1.20. Organise calendar of Trust Board</td>
<td>A</td>
<td></td>
<td></td>
<td>P</td>
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<tr>
<td>1.21. Organise calendar of AC</td>
<td>A</td>
<td></td>
<td>P</td>
<td></td>
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<tr>
<td>1.22. Approve Trustees Expenses Policy</td>
<td>A</td>
<td></td>
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<tr>
<td>1.23. Approve a Representatives Expenses Policy</td>
<td>A</td>
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<tr>
<td>1.24. To set up a register of Representatives business interests</td>
<td>A</td>
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<tr>
<td>1.25. To set up a register of Trustee Business interests</td>
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<td>2.</td>
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</table>
### 2.1. MAT Performance Targets

A  R

### 2.2. MAT Performance Review *e.g.* SEF

A  R  R

### 2.3. Academy 3 year plan

A  R

### 2.4. Academy 1 Year development Plan

A  R

### 2.5. Curriculum Policy

A

### 2.6. Teaching & Learning Policy

A

### 2.7. Sex Education policy

A

### 2.8. Religious Education policy

A

### 3. Staff Policies and Pay

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<th>3.1. Pay Policy</th>
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<tr>
<td>3.2. Job Role Salary &amp; Grading Policy</td>
<td>A  I</td>
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<td>3.3. Changes to Employee Terms &amp; Conditions or Collective Agreements</td>
<td>A  I</td>
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<tr>
<td>3.4. Adoption of Transferring Policies and Collective Agreements</td>
<td>A  I</td>
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<tr>
<td>3.5. Teachers Annual Pay Award</td>
<td>A  R</td>
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<td>3.6. Support Staff Annual Pay Award</td>
<td>A  R</td>
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<td>3.7. Individual Performance Pay Awards</td>
<td>A  R</td>
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<td>3.9. Disciplinary Policy</td>
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<td>3.10. Grievance Policy</td>
<td>A  I</td>
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<td>3.11. Capability Policy</td>
<td>A  I</td>
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<td>3.12. Whistleblowing Policy</td>
<td>A  I</td>
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<tr>
<td>3.13. Re-structuring &amp; Redundancy Policy</td>
<td>A  I</td>
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<tr>
<td>3.15. Managing Absence Policy</td>
<td>A  I</td>
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<tr>
<td>3.16. Any other staffing policy</td>
<td>A  I</td>
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<tr>
<td>3.17. Any other non-statutory policy that has no approval guidance</td>
<td>A</td>
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</table>

### 4.1. Staff complement, structure and grades

A

### 4.2. Head of School appointment

A  R  A

### 4.3. Deputy Head Teacher appointment

A

### 4.4. Senior leadership appointments

A

### 4.5. Teaching and support staff appointments

A

### 4.6. Suspension of Head of School

A  R

### 4.7. Return of Head of School after suspension

A

### 4.8. Dismissal of Head of School

A  R

### 4.9. Appeal of HOS against dismissal

A

### 4.10. Suspension of Deputy Head Teacher

A

### 4.11. Return of Deputy Head Teacher after suspension

A
| 4.12. | Suspension of teaching and support staff | A |
| 4.13. | Return of teaching and support staff after suspension | A |
| 4.14. | Dismissal of Deputy Head Teacher or teaching and support staff | A |
| 4.15. | Appeal of staff against dismissal | A |

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<tr>
<td>5.1. Trust &amp; Academy Financial Regulations (inc. key policies)</td>
<td>A R P</td>
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<td>5.2. Trust &amp; Academy Financial Procedures</td>
<td>A R P</td>
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<td>5.3. Trust Procurement Policy</td>
<td>A P</td>
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<tr>
<td>5.4. Trust 3 year Budget Plan</td>
<td>A R P</td>
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<td>5.5. Trust 1 year Budget</td>
<td>A R P</td>
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<td>5.6. Trust Consolidated Budget Updates</td>
<td>A R</td>
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<td>5.7. Trust Consolidated Financial Statements</td>
<td>A</td>
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<td>5.8. Trustees Report</td>
<td>A R</td>
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<td>5.9. Trust Academies Accounts Return to ESFA</td>
<td>A</td>
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<td>5.10. Response to Auditor’s Management Letter</td>
<td>A</td>
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<td>5.11. Academy 3 year Budget Plan</td>
<td>A R P</td>
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<tr>
<td>5.12. Academy 1 year Budget</td>
<td>A R P</td>
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<tr>
<td>5.13. Academy Budget Updates</td>
<td>A P</td>
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<td>5.14. Academy Accounts Return to ESFA</td>
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<tr>
<td>5.15. Establish a Charging and Remissions Policy</td>
<td>A R</td>
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<tr>
<td>6.1. Expenditure or contracts up to HoS limit</td>
<td>A</td>
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<td>6.2. Expenditure or contracts from HoS limit to FRAC limit (c.f. Finance Regulations)</td>
<td>A</td>
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<td>6.3. Expenditure or contracts from Finance Committee Limit to OJEU limit</td>
<td>A</td>
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<td>6.4. Expenditure over OJEU limit</td>
<td>A</td>
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<td>6.5. Disposals or write off of stock, assets or debts up to HT Limit</td>
<td>A R P</td>
</tr>
<tr>
<td>6.6. Disposals or write off of stock, assets or debts</td>
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<td>6.7. Compensation payments up to £50,000</td>
<td>A</td>
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<td>6.8. Compensation payments over £50,000</td>
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<td>7.1. Academy times, terms and holidays</td>
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<td>7.2. Expansion of Academy (PAN)</td>
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<td>7.3. Extension of age range</td>
<td>ESFA approval A P</td>
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<td>Extension of Academy provision (Nursery)</td>
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<td>7.8</td>
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<td>Appeals against Permanent Exclusion</td>
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<td>7.14</td>
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<td>Admissions Appeals</td>
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<td>7.18</td>
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<td>7.20</td>
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<td>7.21</td>
<td>Pupil Premium Plan</td>
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<td>8.</td>
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<tr>
<td>8.1</td>
<td>Asset Management Policy &amp; Plan</td>
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<td>8.2</td>
<td>Health &amp; Safety Policy</td>
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