



Scheme of delegation

Giles Academy Trust

Introduction

This Scheme of Governance, Management and Delegation (the "Scheme") has been made by the Directors (the "Directors") of The Giles Academy (the "Academy Trust") in exercise of the powers conferred on them by Articles 105 and 137 of the Academy Trust's articles of association (the "Articles").

The academy trust

The academy trust is responsible for **Giles Academy**.

The Academy Trust has entered into a master funding agreement under section 1 of the Academies Act 2010 with the Secretary of State for Education in relation to the funding of the Academies (together, the "Funding Agreement").

The Funding Agreement places a number of requirements on the Academy Trust including the requirement to comply with the Department for Education's (the "DfE") Academies Financial Handbook (the "Handbook").

Roles and responsibilities

The academy trust has defined the roles and responsibilities of each person involved in the administration of academy finances to avoid the duplication or omission of functions and to provide a framework of accountability for governors and staff. The scheme is as follows:

<p>Members Trustees / Governors Accounting Officer Chief Financial Officer Business Manager Other Staff</p>

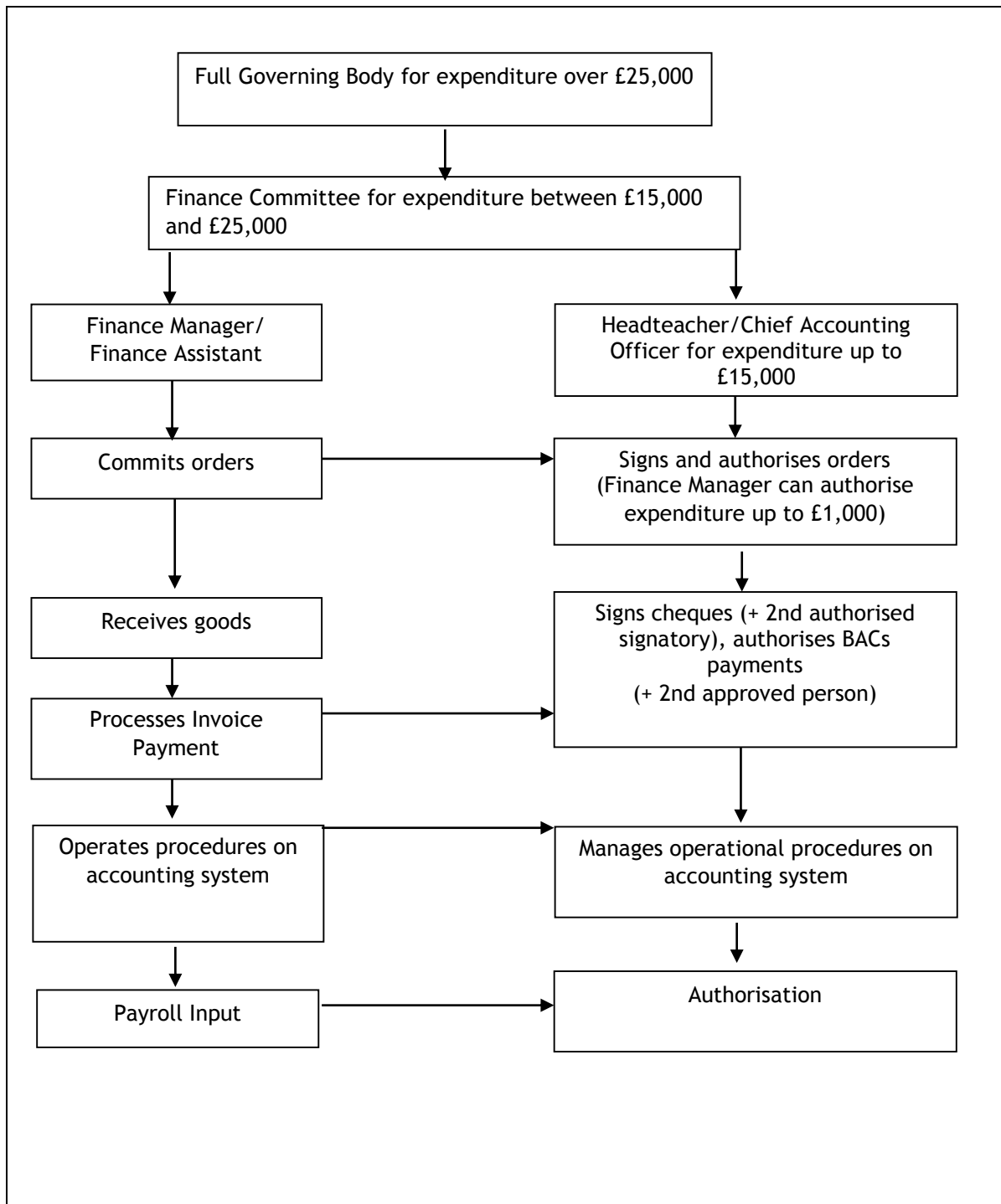
Secure access manager

The role of secure access manager is held by Mrs C Goodwin.

<p>This individual is responsible for access to the portals with DfE and EFA. Further information is on gov.uk (https://www.gov.uk/government/publications/secure-access-approver-role-guide)</p>
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Segregation of duties

The academy trust has decided on the following segregation of duties:



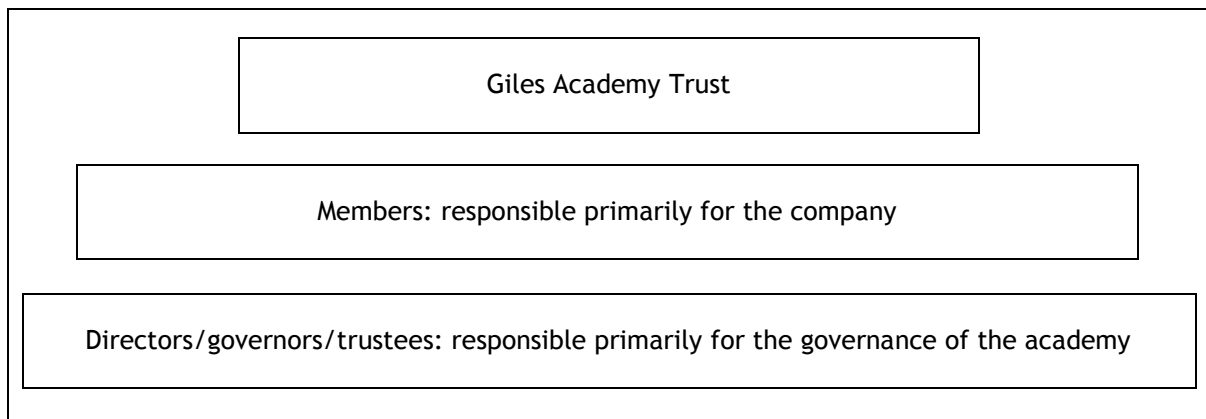
The distinction between members and trustees

The members of Giles Academy Trust provide key elements of the vision and direction for the Trust. Through the Trust, members influence the vision and direction for the academy.

Members appoint directors / governors / trustees to form the governing body of Giles Academy, in accordance with the articles of association. Members will primarily be responsible for:

- Oversight of the achievement of company objectives
- Appointing some of the trustees and ensuring that the Trust has secure procedures for electing parent and staff governors
- Removing the trustees if this were to become necessary.
- Conducting an annual general meeting and any extraordinary general meetings that are needed.
- Signing off the company's financial accounts and annual report.
- Amending the articles of the company where necessary.

Ideally there should be a degree of separation between members and trustees, and the current EFA guidance suggests that there might be five members in an academy trust to ensure that a 75% majority vote is achievable without unanimity. In the case of the Giles Academy trust it is recognised that the trust was set up under different guidance and that three members of the Trust are also trustees.



For clarity, the term trustee will be used for the role of director, governor and trustee. The trustees will have three areas of responsibility as:

- Directors in respect of company law
- Governors in respect of education law
- Trustees in respect of charity law

The full trust will determine the strategic direction of the academy and hold it to account for performance, ensuring that the trust's resources are used wisely and effectively.

As the employer of all staff, the trust will also take on the responsibilities for implementing all requirements on schools under health and safety, employment and equalities law. It will ensure the academy's procedures for child protection and safeguarding are fully in place.

Governance in action

The Trust and its main committees	
Full Governing Body	<ul style="list-style-type: none"> • Set out and maintain the vision for the academy. • Appointment of chair and co-opted Trustees; appointment of committees and committee chairs; appointment of clerk; agree a scheme of delegation. • Appointment of a person or company to conduct internal audit services and (separately) an external auditor. • Compliance with statutory requirements. • Budget approval. • An annual self-evaluation and development plan for the Trust, based largely on an evaluation of the performance of the academy as it strives to achieve its mission. • Policy approval following recommendation from committee(s). • The academy's performance; reviewing national test results; and internal assessments of attainment and progress. • Self-evaluation and ensuring the academies are "Ofsted-ready". • Agreeing each academy's development plan that would enable it to achieve, where relevant, the targets set in the Trust's development plan. • The interpretation of the Trust's vision into the curriculum and teaching. • The quality of teaching and its links to pupils' progress. • Effective provision of the curriculum, including the promotion of values of tolerance and democracy, and curriculum development. • Use of educational technology, ensuring latest developments are considered. • Relevant policy development and recommendation to the trust. • Oversight of policies relating to child protection and safeguarding and all pastoral matters to ensure statutory requirements are met. • Employment legislation; staffing structures, recruitment and salary levels; performance management of staff. • Performance management systems.
Finance Committee	<ul style="list-style-type: none"> • Budgets, accounting and financial control procedures, debt collection, banking arrangements. • The effectiveness of leadership at all levels in the academy. • Monitoring major premises projects, overseeing developments; fundraising; the financial and operational efficiency of the Trust. • Procurement and effective use of services. • The adequacy and effectiveness of the Trust's systems of internal control and its arrangements for risk management and governance processes. • Oversight of all aspects of the work of the internal audit service and the external auditor. • Review and advise on any areas that require financial and other areas that require legal compliance. • Relevant policy development and recommendation to the Trust.

Audit Committee	<p>The Governing Board (“the Board”) has resolved to establish an Audit Committee in accordance with the provisions of Article 6 of the Articles of Association to advise the Board on matters relating to the Corporation’s audit arrangements and systems of internal control. This Committee will be subject to the provisions of the Standing Orders of the Corporation and its Committees (to which specific reference should be made) and shall operate in accordance with any requirements of the Education Funding Agency and any other national funding bodies. It is responsible to the Board.</p> <p>Authority The Committee is authorised by the Board to:-</p> <ul style="list-style-type: none"> • investigate any activity within its terms of reference. • seek any information it requires from the internal audit service, the financial statements auditor, Governors, Committees and College employees, plus relevant information from subcontractors and other third parties. • obtain external professional advice.
Headteacher’s Performance Management	<p>Purpose of the Committee</p> <ul style="list-style-type: none"> • To arrange to meet with the External Adviser (or Link Adviser subject to purchase of School Improvement Service Contract) to discuss the Headteacher’s performance targets • To decide, with the support of the External Adviser, whether the targets have been met and to set new targets annually • To monitor through the year the performance of the Headteacher against the targets • To make recommendations to the Finance Committee in respect of awards for the successful meeting of targets set
Statutory Committees (Panel Meetings)	<p>Set up as and when needed to deal with appointments, and with hearings and appeals related to exclusions, disciplinary and other matters.</p>

Register of Interests

It is important for anyone involved in spending public money to demonstrate that they do not benefit personally from the decisions they make. To avoid any misunderstanding that might arise all academy governors and staff with significant financial or spending powers are required to declare any financial interests they have in companies or individuals from which the academy may purchase goods or services. The register is open to public inspection.

The register should include all business interests such as directorships, share-holdings or other appointments of influence within a business or organisation which may have dealings with the academy. The disclosures should also include business interests of relatives such as a parent or spouse or business partner where influence could be exerted over a governor or a member of staff by that person.

The existence of a register of business interests does not, of course, detract from the duties of governors and staff to declare interests whenever they are relevant to matters being discussed by the governing body or a committee. Where an interest has been declared, governors and staff should not attend that part of any committee or other meeting.

Financial regulations manual

The Finance Procedures Manual is prepared by the Finance Manager and adopted by the Full governing body following approval by the Finance Committee.

The purpose of the Finance Manual is to ensure that the Academy Trust maintains and develops systems of financial control, which comply with the requirements both of propriety and of good financial management.

Budget approval

The governors of the school need to approve the budget.

Interpretation

Words and expressions defined in Article 1 of the Articles shall have the same meaning in this Scheme unless the context requires otherwise.

No provision of this Scheme may be inconsistent with or shall repeal anything contained in the Articles of the Academy Trust.

The Articles of the Academy Trust and any lawful amendment of them shall take precedence in the event of an inconsistency with this Scheme.

Any reference to a statute includes an amendment or re-enactment of that statute or regulations made under it.

Approved version

This Scheme of delegation was approved and adopted by a resolution of the Directors passed at a meeting held on 18th September 2017 and takes effect from the same date.

Date of next review

September 2018

Terms of reference for committees

Terms of reference - Finance Committee

Purpose of the Committee

The purpose of the Resources Committee is to advise the Trust on:

- a) The financial health and solvency of the Trust;
- b) The financial implications of new initiatives and ventures;
- c) To advise on the financial implications of the Trust's capital planning and development opportunities;

Membership and Operation

The committee shall consist of a minimum of four Trustees appointed by the Trust. The Trust may appoint additional Trustees to increase the size of the Committee's membership. Membership of the Committee may also include additional persons who are not Trustees to add to the skills and expertise available. Such additional members (ie non-Trustees) will not be entitled to vote.

The quorum shall be three Trustees appointed by the Trust. The quorum is the minimum number of members of the Committee necessary to conduct the business of the Committee.

The Committee shall be served by the Clerk to the Trust or his/her deputy.

The Chair will be appointed by the Full Trust.

The committee may appoint a Vice Chair from its members if it so wishes.

In the event of the Chair or Vice Chair of the Committee being unable to attend, the remaining members shall elect one of their members as Chair for the meeting.

The Chair shall have the power to invite other individuals to attend any meeting if deemed appropriate to the business. Lead members of the Senior Leadership Team whose areas of responsibility includes matters relative to the detailed responsibilities of the Committee listed below will be expected to attend meetings of the Committee.

The Committee is entitled, wherever it is satisfied that it is appropriate to do so, to go into confidential session and (subject to the rules of quoracy) to exclude any, or all, other participants and observers, except the Clerk to the Trust.

The Committee shall undertake an annual review of these terms of reference, and recommend to the Trust for approval any changes needed.

Detailed Responsibilities

The Committee shall keep under review and advise the Trust on the following specific matters:

Finance

- The annual estimates of income and expenditure, other budgets and the financial forecasts for the Trust.
- The procedure for expenditure on capital items, and to review the list of spending priorities.
- The Trust's financial ability to implement pay progression for staff.
- The management of the accounts of the Trust, ensuring they comply with the Academies Financial Handbook.
- Year-end accounts.
- The financial elements of risk management in the Trust, including staff and insurances.
- Any relevant taxation issues.
- Investments and borrowings, including treasury management policies.
- The management authorisation of purchases.
- Drawing up a charging and remissions policy for activities, in conjunction with the Achievements & Standards Committee.

Facilities

- Maintain an overview of health & safety policy and practice within the academy.

Procurement

- The management of procurement processes and projects.
- The appointment of architects, builders, surveyors and other contractors according to the established procedures.

ICT

- The development, deployment and support of ICT services to underpin teaching, learning, research and administration systems.

Meetings

Committee meetings will be at 6.00pm unless agreed otherwise and will take place at least once a term (3 times a year) plus additional meetings arranged as required.

The Clerk to the Trust shall be the Clerk to the Committee, keeping appropriate records of the proceedings. The agenda and minutes of Committee meetings shall be circulated to all Trust members.

The Committee is also tasked with the following matters of detail:

- Approving the signing of facilities and development contracts and agreements on behalf of the Trust where required in accordance with the Trust's Finance Policy or under the guidance or instruction of the EFA or any successor body.
- Advising the Trust on expenses allowances payable to Trustees.
- Approving financial policies in relation to capitalisation, depreciation, treasury management, investment and borrowings.
- Making recommendations to the Trust on the strategic risk areas remitted by the Trust to the Committee.

Delegated Functions

The Committee has the authority of the Trust to investigate any activity within its Terms of Reference; and may be requested to investigate anything by the Trust within the committee's Terms of Reference.

The Committee may obtain independent professional advice in accordance with the Trust's procedures.

Terms of reference - Audit Committee

Purpose of the Committee

Constitution

The Governing Board (“the Board”) has resolved to establish an Audit Committee in accordance with the provisions of Article 6 of the Articles of Association to advise the Board on matters relating to the Corporation’s audit arrangements and systems of internal control. This Committee will be subject to the provisions of the Standing Orders of the Corporation and its Committees (to which specific reference should be made) and shall operate in accordance with any requirements of the Education Funding Agency and any other national funding bodies. It is responsible to the Board.

Authority

The Committee is authorised by the Board to:

- investigate any activity within its terms of reference.
- seek any information it requires from the internal audit service, the financial statements auditor, Governors, Committees and College employees, plus relevant information from subcontractors and other third parties.
- obtain external professional advice.

NB. The Board must not add to these terms of reference responsibilities that require the Audit Committee to adopt an executive role, or its members to offer professional advice to the Board. The Audit Committee should seek formal professional opinions from the internal audit service, financial statements auditor or other professional advisers to the Board. Advice should only be given in Committee members’ capacity as Governors and co-optees and only within their terms of reference.

Membership and quorum

The Board may co-opt persons to the Committee who are not Governors. The Committee shall consist of a minimum of 3 and a maximum of 6 members (of whom at least two shall be Governors and at least one of whom shall have the relevant skills and expertise). The Chair of the Board, Chair of Finance, the Principal, Staff Governor shall not be eligible for membership. The Committee may include employees of the Academy (other than senior post-holders and those with executive responsibilities in the Academy at senior level).

50% of members, rounded up represent a quorum, provided that there are a majority of Board members present.

Chairmanship

The Chair of the Committee shall be appointed by the Board and will normally be a Governor to allow effective feedback to the Board. If the Chair is absent from a meeting, the members shall choose one of their number to act as Chair for that meeting.

Meetings

1. The Committee shall meet as necessary but normally at least three times a year. The Chair or any two members may call a meeting.
2. The meetings shall be timely with the work of the Academy’s internal audit service and the financial statements auditor.
3. Non-members may be invited to attend meetings.
4. Other Board members shall not have the right to attend meetings.
5. The Clerk to the Committee will keep appropriate records of the proceedings.
6. The minutes of Committee meetings shall be circulated to all Board members.

Duties

The duties of the Committee shall include:-

1. responsibility for monitoring the adequacy and effectiveness of the Academy’s systems of internal control (including review of the statement of internal control) and its arrangements for risk management, control and governance processes and for securing economy, efficiency and effectiveness (value for money).
2. advising the Board on the appointment, re-appointment, dismissal and remuneration of the financial statements auditor and the internal audit service.
3. advising the Board on the scope and objectives of the work of the internal audit service and the financial statements auditor.
4. ensuring effective co-ordination between the internal audit service and the financial statements auditor

5. considering and advising the Board on the audit strategy and annual internal audit plans for the internal audit service.
6. advising the Board on internal audit assignment reports and annual reports and on control issues included in the management letters of the financial statements auditor, and management's responses to these.
7. monitoring, within an agreed timescale, the implementation of agreed recommendations relating to internal audit assignment reports, internal audit annual reports and the financial statements auditor's management letter.
8. considering and advising the Board on relevant reports by the National Audit Office, the Education Funding Agency (including those from the local provider financial assurance teams) and other funding bodies and, where appropriate, management's response to these.
9. establishing, in conjunction with Academy management, relevant annual performance measures and indicators and monitoring the effectiveness of the internal audit service and financial statements auditor through these measures and indicators and deciding, based on this review, whether a competition for price and quality of the audit service is appropriate.
10. monitoring the Academy's risk management plan and advising the Board on its adequacy and effectiveness
11. producing an annual report for the Board and accounting officer which should include the Committee's advice on the effectiveness of the Academy's risk management, control and governance processes and any significant matters arising from the work of the internal audit service and the financial statements auditor.
12. monitoring and advising the Board on any alleged fraud and irregularity in the Academy's financial and other control systems and ensuring that all allegations of fraud and irregularity are properly followed up.
13. being informed of all additional services undertaken by the internal audit service and the financial statements auditors.
14. recommending the annual financial statements to the Board for approval.
15. monitoring the effectiveness of the Academy's whistleblowing procedures meeting privately with the Internal and External Auditors, and separately with the Director of Finance at least once a year.

Terms of reference - Headteacher's Performance Management Committee

Purpose of the Committee

- To arrange to meet with the External Adviser (or Link Adviser subject to purchase of School Improvement Service Contract) to discuss the Headteacher's performance targets
- To decide, with the support of the External Adviser, whether the targets have been met and to set new targets annually
- To monitor through the year the performance of the Headteacher against the targets
- To make recommendations to the Finance Committee in respect of awards for the successful meeting of targets set

Membership and quorum

The Board may co-opt persons to the Committee who are not Governors. The Committee shall consist of a minimum of 3 and a maximum of 6 members (of whom at least two shall be Governors and at least one of whom shall have the relevant skills and expertise). 50% of members, rounded up represent a quorum, provided that there are a majority of Board members present.

Disqualification -The Headteacher and Staff Governor

Chairmanship

The Chair of the Committee shall be appointed by the Board and will normally be a Governor to allow effective feedback to the Board. If the Chair is absent from a meeting, the members shall choose one of their number to act as Chair for that meeting.

Governors' Panel Meetings

Terms of reference - Complaints Panel

Purpose of the Committee

To ensure all parties feel their concerns have been listened to in an open minded and non-judgemental forum. Governors' powers are limited and in some circumstance it may not be able for the original outcome to be reconsidered, only reviewed.

Delegated Power

To review complaints under stage 4 of the complaints procedure, having already been addressed by the Headteacher and Chair of Governors.

Membership / Quorum

Normally 3 named non staff members of the governing body and one independent panel member who is independent of the management and running of the school. The nominated governors will need to be able to confirm they are not tainted in respect of the case under determination.

Chair

The members must appoint a member of the committee to chair proceedings. The chair must be a member of the governing body and cannot be the Headteacher or a member of staff employed to work at the school.

Meetings

As required under the complaints policy.

Reporting

The panel will write to the complainant having decided the course of action. The minutes of the meeting containing a summary of the case are available to the complainant and the subject of the complaint on request.

Rights of Attendance

Complainants have the right to be accompanied by a partner and/or a friend or representative as a supporter. The Headteacher and chair of governors have the right to be accompanied by a member of staff as a supporter.

Clerk/Minutes

The governing body or chair of the committee should appoint a clerk to take notes of the proceedings. The clerk cannot be a member of the governing body or the Headteacher or a member of the committee.

The clerk to the committee shall keep notes of the proceedings of the hearing. Once the notes have been agreed they will be signed by the chair of the committee at the earliest possible opportunity. These notes are confidential and excluded from the usual rules concerning publication of governing body proceedings as they relate to a named member of the school's staff.

Terms of reference - Pupil Discipline (Exclusions) Committee

Purpose of the Committee

- To consider fixed term exclusions exceeding 15 days per school term or permanent exclusions.

Membership

The Pupil Discipline Committee shall consist of not less than three members of the Governing Body, none of whom shall be the Headteacher. If a governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down. The Chair has the casting vote in all cases where an uneven number of governors are considering the case.

Quorum

Three

Clerking

The Clerk to the Committee must not be a governor at the school or the Headteacher.

Control and Procedure

The Headteacher is statutorily responsible for determining measures to secure good behaviour. The governors have power to draw up a written statement of general principles and to provide specific guidance to the Headteacher on particular disciplinary matters. The Headteacher is responsible for putting any general principles set out by the governors into practice and for dealing with individual cases. The use of corporal punishment is forbidden.

Exclusions

The Headteacher is the only person with the power to exclude a pupil from the school. In his/her absence, the acting Headteacher has the right to exclude a pupil from school. A pupil may not be excluded for an indefinite period; exclusion must be for a fixed term or permanent.

1. The Headteacher must adhere to the following:
 - a) Where he/she excludes a pupil the parent must be informed immediately and this must be followed by a letter (using the recommended format) within one school day of the exclusion.
 - b) In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change.
 - c) The Governing Body and the Local Authority must be informed, within one school day, of
 - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes in any one term)
 - exclusions which would result in the pupil missing a public examination
 - d) the Local Authority must be informed within one school day of any permanent exclusion so that alternative education arrangements can be made.
2. The Governing Body cannot increase the severity of the exclusion. It is the duty of the Governing Body, where they have been informed of the permanent or fixed term exclusion of a pupil for more than fifteen days in one term:
 - a) to consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.
 - b) where they consider he/she should be reinstated, to give the appropriate direction to the Headteacher.
 - c) where they consider that he/she should not be reinstated to inform the parents of their decision
3. On receiving notice of an exclusion from the Headteacher, the Governing Body:

- a) must, in the case of one or more fixed period exclusions totalling five school days or less in any one term, consider any representations from the parent. If representations from the parent are received they should convene a meeting to consider the representations, although they cannot direct reinstatement
- b) must in the case of one or more fixed period exclusions totalling more than five but not more than fifteen school days in any one term, convene a meeting between the 6th and 50th school day after receiving the notice of exclusion, to consider the exclusion, if the parent requests a meeting.
- c) must in the case of a permanent exclusion, or one or more fixed period exclusions (including lunchtimes) totalling more than fifteen school days in any one term, convene a meeting between the 6th and 15th school day after the date of receipt of notice to consider the exclusion.
- d) must invite the parent, Headteacher to the meeting at a time (within the statutory time limit) and place convenient to all parties
- e) should ask for any written statements (including witness statements) in advance of the meeting
- f) should circulate at least five days in advance any written statements (including witness statements) and a list of those who will be present at the meeting to all parties
- g) where a short exclusion of up to five days causes the pupil to miss a public examination the Chair may consider reinstatement if the Disciplinary Committee is unable to meet before the examination date

The Discipline Committee should normally allow the excluded pupil to attend the meeting and speak, at the parents' request. Parents should be allowed to be accompanied by a friend or legal representative if they wish.

4. It is the duty of the Headteacher where he/she has excluded a pupil to comply with any direction for the reinstatement of the pupil given by the Discipline Committee.
 - Permanent exclusions.
 - It is the duty of the Discipline committee to inform parents of a pupil who has been excluded permanently of their right to ask for the case to be considered by an Independent Review Panel.

Meetings

Committee meetings will be held as required. Clerks should be mindful when drafting minutes of the meeting that parents are entitled to see them. Confidential minutes will be circulated to members of the committee within seven days. Minutes should be sent to parents when requested. A verbal report, as a confidential item, will be given at the next Governing Body meeting if and when the matter has been resolved.

Terms of reference - Disciplinary/Dismissal Committee

Purpose of the Committee

- To consider disciplinary and other matters and dismissals where these functions have not been delegated to the Headteacher under the School's procedure, or in the case of discipline, where the Headteacher has had detailed prior involvement or where the case involves the Headteacher.

Membership

The Committee shall consist of at least three eligible governors. Every governor (other than the Headteacher and Staff Governors) is eligible for membership.

Anyone involved in the investigatory stage may not be involved in making decisions at any subsequent disciplinary hearing.

The Committee may have an advisor at all meetings. The advisor is not eligible to vote.

Quorum

Three

Meetings

The Staff Disciplinary/Dismissal Committee shall meet on an as required basis.

Chair

The Committee shall agree a chair for each meeting.