

SCHEME OF DELEGATION

made between

THE STOUR ACADEMY TRUST

and

**THE ADVISORY BODY OF ADISHAM CHURCH OF
ENGLAND PRIMARY SCHOOL, STURRY CHURCH OF ENGLAND
PRIMARY SCHOOL, HERSDEN VILLAGE PRIMARY SCHOOL, LANSDOWNE PRIMARY
SCHOOL AND FINBERRY PRIMARY SCHOOL**

1 Introduction

- 1.1 This document (the "**Scheme of Delegation**") has been made by the Directors of The Stour Academy Trust ("the **Trust**") in exercise of the powers conferred on them by Articles 105 and 137 of the articles of association of the Trust ("the **Articles**"). The Scheme of Delegation should be read in conjunction with the Articles.
- 1.2 The Trust currently operates Sturry Church of England Primary School, Hersden Village Primary School, Adisham Church of England Primary School, Lansdowne Primary School and Finberry Primary School (individually referred to as an "Academy" and collectively referred to as "the **Academies**"). This Scheme will also be applicable to any academy which joins the Trust in the future.
- 1.3 The Directors are responsible for, and oversee, the management and administration of the Trust and the Academies. The Directors are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education provided by the Academy Trust and they are required to have systems in place through which they can assure themselves of quality, safety and good practice. The Directors are also accountable to the Members.
- 1.4 In order to discharge these responsibilities, the Master Funding Agreement entered into between the Trust and the Secretary of State on 31 August 2012 enables the Directors to establish an Advisory Body for each Academy. We call this the Local Advisory Body. The Local Advisory Body is established to provide information to the Directors on the functioning of the relevant Academy.
- 1.5 This Scheme sets out, among other things:
- The duties which the Local Advisory Bodies will have; and
 - The constitution, membership and proceedings of the Local Advisory Body.

2 Purpose of the Local Advisory Body

- 2.1 The role of the Local Advisory Body is to champion the Trust's ethos and mission, hold to account and support the Headteacher and to monitor the Academy's key performance indicators.

3 Remit

- 3.1 Broadly, the role of a Local Advisory Body is to provide focused governance for an Academy at a local level, subject to the provisions of the Companies Act 2006, the Articles, the strategic plan and policies of the Directors of the Trust, and any directions given and rules and regulations set by the Directors.
- 3.2 Please note that the Local Advisory Body is not a decision making body but rather a body which brings a local perspective to the way in which the Academy is managed.
- 3.3 More specifically, the Advisory Body shall carry out the duties referred to below. These duties will be reviewed by the Directors on such basis as they shall determine from time to time. The Local Advisory Body shall have any other role that the Directors of the Trust agree shall be carried out by the Local Advisory Body and that is communicated in writing to the Chairman of the Local Advisory Body.

* SEE APPENDIX

- 3.4 In the exercise of its functions, the Local Advisory Body shall implement instructions given by the Directors.
- 3.5 At all times the Directors shall ensure that the Local Advisory Body is conducted in accordance with its object (as set out in the Articles of Association for the Trust), the terms of any trust governing the use of land which is used for the purposes of the Trust and any agreement entered into with the Secretary of State for the funding of the Trust.
- 3.6 The Local Advisory Body shall submit to any inspections by the Directors and any inspections pursuant to section 48 of the Education Act 2005 (Statutory Inspections of Anglican and Methodist Schools).
- 3.7 The Trust's ethos and mission shall be determined by the Directors. The Local Advisory Body will comply with and champion all policies of the Directors communicated to the Advisory Bodies from time to time.

Religious Designations

- 3.8 Where an Academy is designated with a Church of England religious character (referred to as a '**Church of England Academy**'), it shall be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and in having regard to any advice and following any directives issued by the DBE.
- 3.9 Neither the Directors nor the Local Advisory Body shall make any alteration to the religious character of the Academy or the conduct of the Academy as a Church of England Academy without the written consent of the DBE.
- 3.10 The Directors are accountable to the DBE where an Academy is a Church of England Academy under the provisions of the Diocesan Boards of Education Measure 1991 and to the Trustees (as defined in the Articles) to ensure that the Academy is conducted as a Church of England Academy.

4 Constitution of the Local Advisory Bodies

- 4.1 The number of people who shall sit on each Local Advisory Body shall be a maximum of 4, not including the Headteacher who will attend all LAB meetings.
- 4.2 The Directors shall appoint to each Local Advisory Body one elected parent or guardian of a pupil at the Academy; appointed under clause 5.2; [Article 101A provides that there must be two parent governors. Article 101B requires 25% of members of the Advisory Board must be appointed by the Canterbury Diocesan Umbrella Trust for Adisham Church of England Primary School and Sturry Church of England Primary School.](#)
- 4.3 Each Local Advisory Body shall have a Chairman, appointed in accordance with clauses 5.1 .
- 4.4 The length of service of all Local Advisors shall be four years.
- 4.5 Where the Local Advisor was a governor of the predecessor school immediately prior to the opening of the Academy, his or her first term of office shall be deemed to have commenced on the date on which they are appointed as a Local Advisor.
- 4.6 Subject to remaining eligible to be a Local Advisor, any Local Advisor retiring may be reappointed or re-elected.

- 4.7 Every person wishing to become a Local Advisor will be required to sign a declaration of acceptance and of willingness to act as a Local Advisor and uphold the object of the Trust, in the form prescribed by the Directors from time to time, and shall make disclosures for the purposes of a check by the Disclosure and Barring Service.
- 4.8 Every person wishing to become a Local Advisor of a Church of England Academy will be required to sign a declaration of acceptance and of willingness to act as a Local Advisor, which shall include an undertaking to The Diocese of Canterbury Academies Company Limited, to uphold the Church of England character of the Academy.
- 4.9 No person shall be qualified to serve on the Local Advisory Body unless they are aged 18 or over at the date of their election or appointment. No current pupil or student of the Trust shall be entitled to serve on the Local Advisory Board.
- 4.10 Directors are free to attend any meeting of the Local Advisory Body.

5 Appointment and particular responsibilities of Local Advisors

5.1 Chairman

- 5.1.1 The Chairman shall be appointed by the Directors.
- 5.1.2 The Directors shall be entitled to remove any member of the Local Advisory Body from office at any time. Advisors will automatically cease to hold office if they are employed by the Trust, whether or not at an Academy.
- 5.1.3 Subject to paragraph 5.1.2, the Chairman shall serve in such capacity for one year, but shall be eligible for reappointment at the end of that term.
- 5.1.4 The responsibilities of the Chairman include the following:
- (a) to chair meetings of the Local Advisory Body;
 - (b) to follow the set agenda for Local Advisory Body monitoring meetings;
 - (c) to report to the Directors in writing (and when requested by Directors in person) following any Local Advisory Body meeting; and
 - (d) to provide a direct link between the Local Advisory Body and the Directors of the Academy Trust.

5.2 Parent Local Advisor

- 5.2.1 Parent Local Advisors for each Local Advisory Body shall be elected in accordance with the process set out below:
- (a) When a vacancy arises, the Local Advisory Body will write to all parents of pupils at the Academy seeking nominees for the vacancy. Nominees will be asked to provide a short statement about why they are interested in being a Parent Local Advisor and their background and experience that makes them suitable for the role.
 - (b) In the event that the number of nominees equals or is less than the number of vacancies on the Local Advisory Body, the nominees shall be deemed elected.
 - (c) If the number of nominees is less than the number of vacancies on the Local Advisory Body, the Directors may appoint suitable persons to fill any vacancy.
 - (d) If there are more nominees than places available, the Local Advisory Body will write to all parents of pupils at the Academy asking them to vote for their preferred candidate.
- 5.2.2 A Parent Local Advisor should be a parent of a registered pupil at the relevant Academy or where this is not reasonably practical, a person who is the parent of a child of compulsory school age.

5.3 Ceasing to be a Local Advisor

- 5.3.1 The office of a Local Advisor shall be vacated if:
- (a) any event or circumstance occurs which would disqualify him or her from the office of Director of the Trust under the Articles were he or she to hold such office;

- (b) he or she has, without the consent of the Local Advisory Body, failed to attend three consecutive Local Advisory Body meetings; or
- (c) he or she resigns from office by written notice to the Local Advisory Body; and
- (d) he or she becomes incapable by reason of illness or injury of managing or administering his or her own affairs.

5.4 **Clerk to the Local Advisory Body**

5.4.1 The Directors shall appoint a Clerk to the Local Advisory Body who may not be a Local Advisor. In the absence of the Clerk, the Local Advisory Body shall elect a replacement for the meeting.

5.4.2 The responsibilities / functions of the Clerk to the Local Advisory Body are as follows:

- (a) convene meetings of the Local Advisory Body including sending notices and papers of meetings;
- (b) attend meetings of the Local Advisory Body and ensure minutes are produced and signed at the same or next subsequent meeting by the person acting as chairman thereof. Copies of the minutes of all meetings should be provided to the Directors as soon as reasonably practicable after those minutes are approved;
- (c) maintain a register of advisors of the Local Advisory Body and report any vacancies to the Executive Advisor;
- (d) maintain a register of Local Advisors' attendance at meetings and report on non-attendance to the Executive Advisor;
- (e) report to the Local Advisory Body as required on the discharge of the Clerk's functions; and
- (f) perform such other functions as shall be determined by the Local Advisory Body from time to time.

5.4.3 Attendance at each Local Advisory Body meeting, issues discussed and recommendations shall be recorded. The written record shall be forwarded by the Clerk, to the Directors in sufficient time for consideration for its inclusion in the agenda and papers of the next meeting of the Directors. This is to provide information to the Board.

6 **Convening meetings of the Local Advisory Body**

6.1 The Local Advisory Body shall meet at least six times in every school year and shall preferably have meetings in each school term.

6.2 The Clerk to the Local Advisory Body shall give written notice of each meeting and circulate the agenda and any reports or other papers to be considered at the meeting at least seven clear days in advance of each meeting. However, where the Chairman determines there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda and other papers are given within such shorter period as the Chairman directs.

6.3 The Local Advisors may invite persons who are not Local Advisors (including, but not limited to, a member of a committee, any employee, any pupil, any professional adviser and any experts of any kind) to attend the whole or part of any meeting for purposes connected with such a meeting.

6.4 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.

7 **Notices**

7.1 Any notice to be given to or by any person pursuant to this Scheme (other than a notice calling a meeting of the Local Advisory Body) 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 this Scheme, "Address" in relation to electronic communications, includes a number or address used for the purposes of such communications.

7.2 A notice may be given by the Local Advisory Body to its advisors either personally or by sending it by post in a prepaid envelope addressed to the member at his 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 Advisory Body by the member. A member whose registered address is not within the

United Kingdom and who gives to the Local Advisory Body 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 advisor shall be entitled to receive any notice from the Local Advisory Body.

- 7.3 A member of the Local Advisory Body present, at any meeting of the Local Advisory Body shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.
- 7.4 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.

8 **Proceedings at meetings of the Local Advisory Body**

- 8.1 The proceedings of the Local Advisory Body shall not be invalidated by
- 8.1.1 any vacancy on the Local Advisory Body; or
- 8.1.2 any defect in the election, appointment or nomination of any person serving on the Local Advisory Body.
- 8.2 Subject to paragraph 8.3, the Local Advisory Board shall ensure that a copy of:
- 8.2.1 the agenda for every meeting of the Local Advisory Board;
- 8.2.2 the draft minutes of every such meeting, if they have been approved by the person acting as
- 8.2.3 chairman of that meeting;
- 8.2.4 the signed minutes of every such meeting; and
- 8.2.5 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.
- 8.3 There may be excluded from any item required to be made available any material relating to:
- 8.3.1 a named teacher or other person employed, or proposed to be employed, at the Academy;
- 8.3.2 a named pupil at, or candidate for admission to, the Academy; and any matter which, by reason of its nature, the Local Advisory Body is satisfied should remain confidential.

9 **Conflicts of interest of Local Advisors**

- 9.1 Local Advisors shall complete a register of their business interests, which shall be reviewed annually.
- 9.2 Any Local Advisor who has or can have any direct or indirect duty or personal interest that conflicts or may conflict with his or her duties as a Local Advisor shall:
- 9.2.1 disclose that fact to the Local Advisory Body as soon as he or she becomes aware of it. A Local Advisor must absent himself or herself from any discussions of the Local Advisory Body in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Academy and such duty or personal interest;
- 9.2.2 withdraw from any meeting for that item unless expressly invited to remain in order to provide information;

10 **Alterations**

- 10.1 This Scheme may be altered, added to or repealed by a majority resolution of the Directors of the Trust.
- 10.2 No alteration of the Articles and no such direction shall invalidate any prior act of the Local Advisory Body which would have been valid if that alteration had not been made or that direction had not been given.

11 Circulation list

This constitution and these terms of reference shall be circulated to Directors of the Trust, all Local Advisors, the Clerk to the Local Advisory Body, the DBE and others at the discretion of the Chairman of the Directors of the Trust.

12. Annual Review and termination

- 12.1 This Scheme was approved and adopted by a resolution of the Directors of the Academy Trust passed at a meeting held on 15 July 2015 and take effect from 1 September 2015.
- 12.2 This Scheme may be terminated by the Directors at any time by giving notice in writing to the Local Advisory Body.
- 12.3 The Directors will have the absolute discretion to review this Scheme at least on an annual basis and to alter any provisions of it.

13. Indemnity

Subject to the provisions of the Companies Act 2006, every member of the Local Advisory Body or other officer or auditor of the Trust acting in relation to the Academy shall be indemnified out of the assets of the Trust against any liability incurred by him in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Trust.

This Scheme of Delegation was executed as a Deed on 15 July 2015.

Executed on behalf of the Trust by:

.....
Director

In the presence of:

Witness

Address

.....

.....

.....

Occupation.....

Appendix 1 Duties of the Advisory Board

<p>1 General</p>	<p>1.1 Supporting the Headteacher in the creation, and monitoring of the Academy development plan in the context of the Trust's vision, aims and objectives for approval by the Directors.</p> <p>1.2 If requested by the Directors, tailoring Trust template documents to local arrangements.</p> <p>1.3 Ensuring that the Academy implements and monitors the policies approved by the Directors with particular reference to statutory policies.</p> <p>1.4 Assisting the Trust in ensuring that the Academy is operated efficiently and in accordance with the Directors' agreed principles of governance.</p> <p>1.5 Promoting and upholding the ethos of the Trust</p> <p>1.6 Do all such things as the Directors may specify as being necessary to ensure that the Trust is meeting its legal obligations.</p>
<p>2 Academy Development Plan</p>	<p>2.1 Ensuring that the Academy Development Plan identifies and addresses achievement priorities through the analysis of publicly available and internally generated data</p> <p>2.2 Monitoring and evaluating the Academy Development Plan.</p> <p>2.3 Preparing a report for each Board meeting at termly intervals in conjunction with the Headteacher on progress made against the Academy Development Plan and targets set.</p>
<p>3 Risk, health and safety and asset management</p>	<p>3.1 Ensuring asset management systems are adhered to within the Academy.</p> <p>3.2 Ensuring local arrangements for the effective supervision of building maintenance and minor works.</p> <p>3.3 Implementing the Trust Health & Safety policy ensuring full compliance with regulations and report this to the Board of Directors on a termly basis using the required template.</p> <p>3.4 Reviewing annually the risk register relating to the Academy and supporting the Headteacher in the mitigation of risk.</p>
<p>4 Finance</p>	<p>4.1 Monitoring the annual budget for the Academy, prepared by the Board of Directors, for value for money in relation to the Academy Development Plan.</p> <p>4.3 Receiving an update each term against the Academy's budget.</p> <p>4.4 Ensuring that any variances are reported to the Directors' for approval.</p>
<p>5 Governance</p>	<p>5.1 Ensuring that all requests for information or actions required are met within agreed timescales.</p> <p>5.2 If requested by the Directors making arrangements for the election of Advisory Board members.</p> <p>5.3 Appointing from its number, Advisory Board members with specific responsibilities for safeguarding and according to other priorities (KPIs) as identified in the Academy Development Plan.</p> <p>5.4 Advisory Board members will follow agendas and any other standing items which might be prescribed on behalf of the board from time to time using the template provided by the Board of Directors.</p> <p>5.5 Ensuring that accurate minutes are taken of Advisory Board meetings using the agreed template, reporting to the Board on expected actions and outcomes.</p> <p>5.7 Maintaining a register of Advisory Board member's pecuniary interests and ensuring the proper and effective management of conflicts of interest.</p> <p>5.8 Respecting the confidential nature of matters which might be discussed at Advisory Board meetings.</p>

6 Staffing	<p>6.1 Supporting the recruitment of staff if requested by the Board of Directors</p> <p>6.2 If requested by the Directors contribute to panels for example, appraisal, pay, disciplinary, complaints, capability, exclusions, appeals and admissions.</p>
7 Admissions	<p>7.1 Ensuring arrangements are in place for the implementation and monitoring of the admissions policy for the particular Academy.</p> <p>7.2 Positively promote pupil admissions to the Academy with parents.</p>
8 Behaviour	<p>8.1 Monitoring the Academy's pupil behaviour and discipline as prescribed by the Trust's behaviour and discipline policy.</p>
9 Complaints	<p>9.1 Monitoring the management of complaints as prescribed by the Trust's Complaints Procedure.</p>
10 Community and parents	<p>10.1 Positively representing the Academy in the community</p> <p>10.2 Contributing to the development of the Academy prospectus if requested.</p> <p>10.3 Supporting the Headteacher in monitoring the viability of extended schools provision.</p> <p>10.4 Ensuring that extended schools provision is included in all Academy statutory checks eg Health & Safety, risk assessments and DBS.</p> <p>10.5 Monitoring the outcomes of any parent/community questionnaires/audits.</p> <p>10.6 In the case of a Church of England Academy, maintaining a positive link with the Incumbent, the Parish and the wider Diocese.</p>
11 Ofsted and the Statutory Inspection of Anglican and Methodist Schools (SIAMS) inspection	<p>11.1 Attending the Academy for interview by Ofsted/ Diocesan representatives if requested.</p> <p>11.2 Monitoring and implementing the post-inspection agreed actions.</p>
12 Ethos and mission	<p>12.1 Contributing to any consultation carried out by the Directors in respect of the Academy's mission, ethos and policies;</p> <p>12.3 In the case of a Church of England Academy, the Local Advisory Body will monitor the extent to which the Academy is upholding its distinctive Christian Values, within the context of SIAMs.</p>