

The Aylesbury Vale Academy Trust

GOVERNING BOARD SCHEME OF DELEGATION 2019-20

1. This Scheme of Delegation is established by the Governing Board under its powers contained in the Articles of Association of The Aylesbury Vale Academy Trust 2008 (as amended).
2. This academic year the Governing Board will not form separate committees, apart from the statutory ones detailed in paragraphs 3 and 4 below. Instead, it will exercise all the functions referred to in the Terms of Reference Annex A.
3. The following Statutory Committees are established to exercise the functions set out in Annexes B C D and E to this Scheme respectively:
 - a) Admissions Committee
 - b) Staff Dismissal Committee
 - c) Staff Dismissal Appeal Committee
 - d) Pupil Discipline Committee
4. The following Occasional Committees are established to exercise the functions set out in Annexes F and G to this Scheme respectively:
 - a) Staff Discipline Committee
 - b) Staff Appeal Committee

(No member of the Staff Dismissal Committee shall qualify for membership of the Staff Dismissal Appeal Committee. The membership of the Staff Discipline Committee and the Staff Dismissal Committee shall be the same, and the membership of the Staff Appeal Committee and the Staff Dismissal Appeal Committee shall be the same.)

5. The powers set out in Annex H to this Scheme are delegated to the Executive Director.
6. In accordance with the Articles of Government, the establishment, terms of reference, constitution and membership of any committee of the governors shall be reviewed at least once in every twelve months, usually at the first meeting of the Governing Board in the Academy year. The membership of any committee of the governors may include persons who are not governors, provided that a majority of members of any such committee shall be governors. The governors may determine that some or all of the members of a committee who are not governors shall be entitled to vote in any proceedings of the committee. No vote on any matter shall be taken at a meeting of a committee of the governors unless the majority of members of the committee present are governors.

MEETINGS AND PROCEEDINGS OF COMMITTEES

7. Any matter delegated to the Standing Committee shall be subject to the following restrictions and conditions:
 - a) The Committee shall give effect to any resolution of the Governing Board on matters of policy or principle;
 - b) Notwithstanding the delegated powers given to a Committee, the Governing Board may at any time call for any matter, which is still under discussion to be referred to it for decision.
8. Any member of the Governing Board may attend any Committee meeting (even if not a member) and, with the consent of the Chair of that Committee, speak but not vote.
9. The quorum for a meeting of a Committee shall be three voting members in each case (unless otherwise determined by the Governing Board) members of the Committee who are not members of the Governing Board shall not be entitled to vote, unless otherwise determined by the Governing Board.

10. Every question shall be decided by a majority of votes of the eligible members present and voting on that question save that where there is an equal division of votes, the person who is acting as Chairman of the meeting shall have the casting vote. No vote on any matter may be taken at a meeting of any Committee unless the majority of the members of the Committee present are members of the Governing Board.
11. Any Committee shall report to the Governing Board in respect of any action taken or decision made with respect to the exercise of its functions at the meeting of the Governing Board immediately following the taking of the action or the making of a decision except that the Staff Dismissal and the Pupil Discipline committees will only report their decisions without statements or reasons of evidence, so that the Governors who may form an Appeal Committee are not involved and any appeal is not prejudiced.
12. In the event of the person appointed by the Governing Board to act as clerk to a Committee failing to attend a meeting of that Committee, the Committee shall appoint one of their number to act as clerk for the purposes of that meeting.
13. The agenda for any meeting of a Committee shall be prepared by its Chair in consultation with the Executive Director and will have regard to the advice from the Chair of Governors. Each meeting shall be convened by the Clerk of that Committee who shall give each member (and the Executive Director) at least seven clear days' notice in writing thereof and a copy of the agenda for the meeting save in cases of emergency.
14. The minutes of the proceedings of each meeting of a Committee shall be drawn up, recorded, and duly approved. Minutes should record decisions and other main points together with such brief explanations as may be necessary, together with emphasising areas of governor questioning/challenge. Confidential matters shall be recorded as Part 2 items and, as such, subject to restricted circulation (in case of doubt to be resolved by the Chair). The Clerk to the Governing Board shall arrange for such minutes to be circulated to all members of the Governing Board and for them to be included as an item on the Agenda at the next meeting of the Governing Board.
15. If the persons appointed as Chair and Vice Chair of a Committee are absent from any meeting of the Committee, the members of the Committee who are present shall, before proceeding to any other business, appoint any of their number (not being an employee of the Academy or a registered pupil or a person who is not a member of the Governing Board) to be Chair of the meeting.

ANNEX A

Terms of Reference

Financial Policy & Planning

- To comply with the requirements of the Funding Agreement and Academies Financial Handbook 2019
- To review annually the Academy Trust's Finance Policy, which includes a scheme of delegation for spending and budgetary adjustments (virements) for the Executive Director and Business Manager
- To ratify virements of less than £10,000 initially approved by the Executive Director to the approved annual budget following notification by the Executive Director or Business Manager. All virements, in excess of £10,000 to be approved by the Governing Board
- To establish and maintain a three-year financial plan, taking into the account priorities of the School Improvement Plan, roll projection and signals from central government within the constraints of available information
- To approve the annual formula budget prepared by the Executive Director and Business Manager, ensuring it takes into account the priorities of implementing the SIP/Post-Ofsted Action Plan, and is submitted to the ESFA by the required deadline
- To review, adopt and monitor all additional financial policies, including a charging and remissions policy
- To make decisions, in respect of service level agreements
- To ensure that sufficient funds are set aside for pay increments, as set out in the Pay Policy and as recommended by the Executive Director

Financial Monitoring

- To monitor the income and expenditure throughout the year of all delegated and devolved funds against the annual budget plan.
- To receive at least twice-termly budget monitoring reports from the Executive Director.
- To be alert to potential problems or significant anomalies at an early date.
- To approve any budgetary adjustments that will from time to time be necessary in response to the evolving requirements of the school

Audit

- To prepare the Trustees Report to form part of the Statutory Accounts of the Governing Board and for filing in accordance with Companies Act requirements
- To ensure the appointment or reappointment of the external auditors, putting additional services in a separate letter of engagement
- To agree a programme of work annually to deliver internal scrutiny that provides coverage across the year
- To receive auditors' reports and to take appropriate actions as appropriate, in response to audit findings
- To submit an annual summary of internal scrutiny to the ESFA by the required deadline
- To use financial benchmarking (where it is available) to compare expenditure with similar schools/academies and to review value for money issues throughout the academy
- To maintain a register of interests for staff and governors
- To review annually all insurance arrangements and significant contracts entered into by the academy Trust
- Security of assets:
 - To ensure annual individual checks of assets and the asset register.
 - To authorise the disposal of individual items of equipment and materials which have become surplus to requirements, unusable or obsolete, with an original purchase value of up to £5000, and report such authorisations to the Governing Body.
- To oversee the Business Continuity Plan
- To review the risk register to inform the programme of work, ensuring checks are modified as appropriate each year

Premises

- To provide the Business Manager support and guidance on all matters relating to the maintenance and development of the premises and grounds, including Health and Safety.
- To review, adopt and monitor the Health and Safety Policy, ensuring the Academy and its staff meet all statutory requirements concerning Health and Safety.
- To ensure that termly inspections of the premises and grounds take place and a report is received, identifying any issues.
- To arrange professional surveys and emergency work as necessary.
- To review emergency planning and its implementation.
- To establish and keep under review an Accessibility Plan and a Building/Premises Development Plan, setting out a proposed order of priorities for maintenance and development, in line with the SIP/Post-Ofsted Action Plan.
- To monitor and review external contracts annually, including cleaning, maintenance and catering provision, considering proposals for renewal or otherwise as appropriate.
- To review annually the Academy's Letting Policy and oversee arrangements for the use of the academy premises.

Staffing

- To ensure that the school is staffed sufficiently for the fulfilment of the SIP/Post-Ofsted Action Plan and the effective operation of the school.
- To establish and oversee the operation of the school's Performance Management Policy - including the arrangements and operation of the Academy's Performance Management Procedures for the Executive Director.
- To establish a Pay Policy and to be responsible for the administration and review of the Pay Policy.
- To ensure that staffing procedures (including recruitment procedures) follow Equalities legislation.
- To ensure that staff selection procedures conform to safer recruitment practice and to review these procedures as necessary.
- To monitor and review procedures for dealing with staff discipline and grievances on an annual basis and ensure that staff are kept informed of these.

- To ensure that appropriate opportunities for the continuing professional development are available in line with the SIP/Post-Ofsted Action Plan and receive reports on staff CPD.
- To establish the annual and longer-term salary budgets and other costs relating to personnel, e.g. training.

Curriculum Planning and Delivery

- To review, monitor and evaluate the curriculum offer.
- To approve the:
 - Self-Evaluation Form (SEF)
 - SIP/Post-Ofsted Action Plan
 - Targets for academy improvement and milestones
- To develop and review policies identified within the school's policy review programme and in accordance with its delegated powers.
- To ensure that the requirements of children and young people with special needs and disabilities are met, as laid out in the Code of Practice, and receive termly reports from the SENCO and an annual report from the SEND governor.
- In conjunction with the Primary and Secondary Headteachers, to oversee the arrangements for religious education and collective worship and ensure they are in accordance with the Academy's Memorandum and Articles of Association and the funding agreement with the DfE.
- To monitor the expression and impact of the faith designation, undertaking an annual review of its effectiveness in consultation with the Executive Director.

Assessment and Improvement

- To set priorities for improvement, and monitor and evaluate the impact of the SIP/Post-Ofsted Action Plan.
- To monitor and evaluate:
 - the effectiveness of leadership and management
 - the rates of progress and standards of achievement by pupils and any underachieving groups
 - the impact of quality of teaching on rates of pupil progress and standards of achievement
 - the impact of continuing professional development on improving staff performance
 - the provision for all groups of vulnerable children (e.g. those in receipt of Pupil Premium, looked after children) and ensure all their needs have been identified and addressed, and to evaluate their progress and achievement.
- To keep teaching, learning and assessment under review, in line with the Academy's Teaching, Learning and Assessment Handbook.
- To ensure that all pupils have equal opportunities.
- To keep the Child Protection procedures under review and ensure that the Child Protection Policy is reviewed on an annual basis and that an Annual Safeguarding Report is produced and submitted to the Local Safeguarding Board.
- To monitor all matters of student discipline, racial incidents and any subsequent exclusions.
- To ensure that the Academy fully complies with requirements of the Equality Act and produces an Annual Equality Report.
- To regularly monitor student attendance and review strategies for improvement.
- To consider recommendations from external reviews of the school (e.g. Ofsted, SIAMS, ODBE, Pupil Premium Review,), agree actions as a result of reviews and evaluate regularly the implementation of the subsequent plans.

Engagement

- To monitor the Academy's publicity, public presentation and relationships with the wider community.
- To identify and celebrate pupil achievements.
- To oversee arrangements for educational visits, including the appointment of a named co-ordinator.
- To ensure all statutory requirements for reporting and publishing information are met and the school website content is fully compliant and presented in an accessible way.

ANNEX B - ADMISSIONS COMMITTEE

Terms of Reference:

- To exercise the power of the Governing Board to determine applications for admission to the Academy in accordance with Annex B to the Funding Agreement with the Secretary of State for Education <https://www.theacademy.me/files/users/12/statutory%20info/finance/C359A93DB91FE796984CDC53E6D34136.pdf> and to discharge the functions conferred on it by relevant Education Acts and Regulations to deal with issues relating to admissions.
- To ensure that the responsibilities of the Academy under Annex B in respect of the provision of information to the local authority (LA) are carried out.
- To ensure that the Academy Trust reviews its admission policy on an annual basis

The Admissions Committee shall consist of not less than three governors, one of which will normally be the Primary or Secondary Headteacher. No member of the committee can be an Associate Member of the Governing Board. The quorum of the committee shall be three governors. Meetings will be held on an as and when needed basis. Minutes will be taken which show the basis of the decisions reached. Decisions will be reported to the full governing body.

Terms of Reference

1. The Primary and Secondary Headteachers will have delegated responsibility to apply the admission arrangements and agree admissions where places are available and there are sufficient places for all those applying. Decisions, which may result in a refusal will need to be determined by the Committee.
2. The Committee will also be responsible when applying the criteria for making judgements about those who in their judgment fulfil the admission criteria for special medical or social circumstances.
3. The Committee will annually review the school's admission policy, including the published admission number and the area served by the school and present a draft of the policy to the Governing Body for approval for statutory consultation.
4. The Committee will review responses from the consultation period and make a recommendation to the full Governing Body for final determination having regard to the comments received.
5. The Committee will receive reports from the Primary or Secondary Headteachers about the need to remove from the roll students who have taken and exceeded the leave of absence agreed and the relevant checks, which have been carried out to ascertain the whereabouts of the students in question.
6. Where the Committee refuse a request from a parent for admission of their child the Committee will ensure that the parent is informed of their right of appeal against that decision and how that appeal may be made.
7. The Committee will have full regard to the School Admissions and School Admission Appeal Codes and comply with all of the mandatory provisions of the Codes.

ANNEX C - STAFF DISMISSAL COMMITTEE

Terms of Reference: To hear and determine cases involving the termination or non-renewal of contracts of employment

ANNEX D - STAFF DISMISSAL APPEAL COMMITTEE

Terms of Reference: To hear and determine any appeal in respect of a decision of the Staff Dismissal Committee.

ANNEX E - PUPIL DISCIPLINE COMMITTEE

Terms of Reference: To discharge the functions of the Governing Board set out in the Academy Trust's Learning, Behaviour & Exclusions Policies.

ANNEX F - STAFF DISCIPLINE COMMITTEE

Terms of Reference: To deal with staff discipline, grievance and competency matters not suitable to be dealt with by the Primary or Secondary Headteachers save where these fall within the remit of the Staff Dismissal Committee (see Annexe D above).

ANNEX G - STAFF APPEALS COMMITTEE

Terms of Reference: To hear and determine any appeal in respect of a decision of the Staff Discipline Committee

ANNEX H - POWERS OF THE GOVERNING BOARD DELEGATED TO THE EXECUTIVE DIRECTOR

1. Together with the Governing Board, to establish a common vision, ethos and shared sense of identity across the Academy Trust, bringing the primary and secondary phase together as one through-school.
2. To develop the Senior Leadership of the Aylesbury Vale Academy Trust.
3. To identify future needs of the Aylesbury Vale Academy Trust.
4. To appoint SLT positions, within approved staffing structures. For Primary and Secondary Headteachers, Vice Principals, Deputy Head & Business Manager at least one Governor must be present at interview.
5. To monitor standards across the Aylesbury Vale Academy Trust, intervening as and when necessary.
6. To deal with discipline and grievance involving members of the Senior Leadership Team and other staff at the formal stages of the Discipline and Capability or Grievance processes, including the power to recommend dismissal to the Governing Board, other than those expressly delegated by the Governing Board to Committees under this Scheme or otherwise.
7. To enter into contracts on behalf of the Academy, up to a limit of £10,000.
8. To promote the Aylesbury Vale Academy Trust to the wider community and relevant partners.
9. In conjunction with the Senior Management Team, to draw up the Strategic School Improvement Plan for approval by the Governing Board.

RESPONSIBILITIES DELEGATED BY THE EXECUTIVE DIRECTOR TO THE PRIMARY AND SECONDARY HEADTEACHERS

1. To support the Executive Director in the strategic leadership of the Academy.
2. To take responsibility for the day-to-day running and operations of the Academy.
3. To appoint all Academy staff, excluding SLT positions, within approved staffing structures.
4. To provide advice to the Admissions Committee on applications for admission to the Academy.
5. To deal with discipline and grievance involving employees at the informal stages of the Discipline and Capability or Grievance processes.
6. In conjunction with the Senior Management Team, contribute to the School Development Plan for approval by the Executive Director;
7. To ensure that the website is kept up-to-date, meets all statutory requirements and is a highly effective form of communication.

Signed:

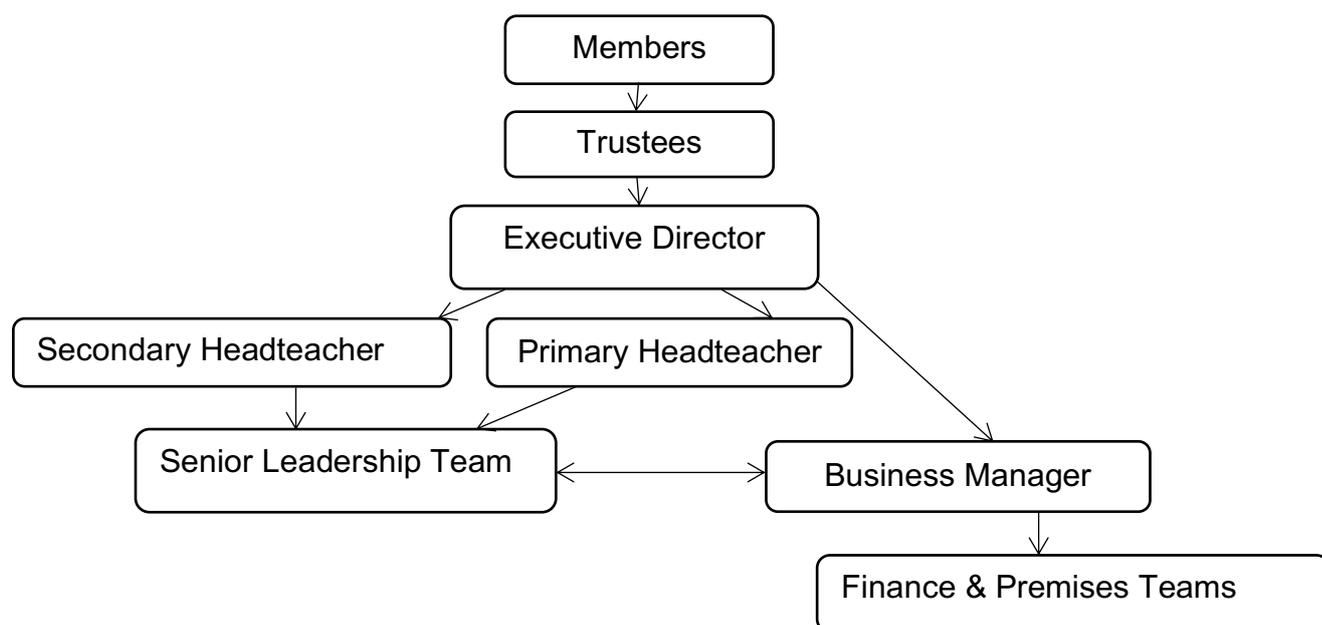
Date: 24th September 2019

R. T. Rochefort

Chair of the Governing Board

Approved by the Governing Board at its meeting on 24th September 2019

The Aylesbury Vale Academy Trust



Governance structure and lines of accountability

The Board of Trustees of an Academy Trust delegates responsibility for delivery of the vision and strategy to the lead professional or Executive Director. The Board will hold the Executive Director to account for the performance of the Trust in both primary and secondary phases. The Executive Director in turn holds the Secondary and Primary Headteachers to account by line managing them.

This means that as the Executive Director is accountable to the Board for the performance of the Trust as a whole, the Executive Director will report to the Board of Trustees on the performance of the Trust including on the performance of the secondary and primary phases within the Academy Trust. The Executive Director is performance managed by the Board of Trustees. The Executive Director manages the performance of the Secondary and Primary Headteachers.

Roles and responsibilities

The members of the Trust have a different status to Trustees. Originally, they will have been the signatories to the memorandum of association and will have agreed the Trust's first articles of association (a document which outlines the governance structure and how the Trust will operate). The Articles of Association will also describe how members are recruited and replaced, and how many of the Trustees the members can appoint to the Board of Trustees. The members appoint Trustees to ensure that the Trust's charitable object is carried out and so must be able to remove Trustees if they fail to fulfil this responsibility. Members are also responsible for approving any amendments made to the Trust's Articles of Association.

While members are permitted to be appointed as Trustees, in order to retain a degree of separation of powers between the members and the Board of Trustees and in line with DfE expectations, not all members should be Trustees. Members are not permitted to be employees of the Academy Trust.

The Trustees are the Charity Trustees (within the terms of section 177(1) of the Charities Act 2011) and are responsible for the general control and management of the administration of the Board of Trustees in accordance with the provisions set out in the memorandum and articles of association. The Board of Trustees is the accountable body for the performance of all phases of education within the Trust and as such must:

1. Ensure clarity of vision, ethos and strategic direction

2. Hold the Executive Director to account for the educational performance of the schools and their pupils, and the performance management of staff
3. Oversee the financial performance of the Trust and make sure its money is well spent

The Board of Trustees is permitted to undertake all governance functions for the academies within the Trust and can determine to delegate some decision making. The Trust has the right to review and adapt its governance structure at any time, which includes removing delegation.

The Trustees may establish committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the Board of Trustees. However, these committees are not legally responsible or accountable for statutory functions – the Board of Trustees retains overall accountability and responsibility. The responsibilities of committees are set out in the scheme of delegation. The Board of Trustees may appoint committee members and committee chairs.

The Executive Director is the accounting officer so has overall responsibility for the operation of the academy Trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability, avoiding waste and securing value for money.

The Primary and Secondary Headteachers are responsible for the day-to-day management of the school and are accountable to the Executive Director.