



# Terms of Reference for Local Academy Board

**Policy Scope:** Local Academy Board

**Responsibility:** Board of Directors

**Date Adopted:** September 2018

**Review Frequency:** Annually

**Review Date:** July 2020

Approved by the Board of Directors

Signed *Dan McDonald*

Print name and title Dan McDonald, Chair of the Board of Directors

**The Howard Academy Trust**  
**Terms of Reference for Local Academy Board**

**Adopted by resolution of the Board on 26 September 2018**

**1. INTRODUCTION**

1.1 The Howard Academy Trust] (the “Trust”) is governed by a Board of Directors (the “Directors”) who are accountable to the Department for Education and have overall responsibility and ultimate decision-making authority for all the work of the Trust, including the establishing and running of the academies operated by the Trust.

1.2 The following academies are currently operated by the Trust:

- The Howard School
- Deanwood Primary School
- Temple Mill Primary School
- Thames View Primary School
- Miers Court Primary School
- Waterfront University Technical College

(each one the “Academy” or collectively the “Academies”).

1.3 In order to assist with the discharge of their responsibilities, the Directors have established a Local Academy Board (“LAB”) for each of the Academies. The LAB shall be a committee established pursuant to Articles 100 to 104 (inclusive) of the Articles of Association of the Trust (the “Articles”).

1.4 The Directors may review these terms of reference at any time but shall review them at least annually.

1.5 These terms of reference may only be amended by the Board of Directors.

**2. DELEGATION**

2.1 The Howard Academy Trust’s Articles of Association state:

‘The Trustees may delegate any of their powers or functions (including the power to sub-delegate) to any Trustee, committee (including any Local Governing Body), the Chief Executive Officer or any other holder of an executive office. Any such delegation shall be made in writing and subject to any conditions the Trustees may impose, and may be revoked or altered.

A Trustee, committee (including any Local Governing Body), the Chief Executive Officer or any other holder of an executive office to whom a power or function of the Trustees is delegated under Article 105 may further sub-delegate those powers or functions (or any of them) to a further person. Where any power or function of the Trustees is sub-delegated by any person to whom it has been delegated, that person must inform the Trustees as soon as reasonably practicable which powers and functions have been further delegated and to whom, and any such sub-delegation shall be made subject to any conditions the Trustees may impose, and may be revoked or altered by the Trustees.

Where any power or function of the Trustees has been exercised by any committee (including any Local Governing Body), any Trustee, the Chief Executive Officer, any other holder of an executive office, or a person to whom a power or function has been sub-delegated under Article 105A, that person or committee shall report to the Trustees in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Trustees immediately following the taking of the action or the making of the decision.

### **3. CONSTITUTION OF THE LABs**

- 3.1 Members of the LAB shall be known as “governors”.
- 3.2 The Directors have the right to appoint such persons to the LAB as they shall determine from time to time.
- 3.3 Subject to clause 2.2, the composition of each Local Academy Body must consist of:
  - 3.3.1 the Head of School /Principal (as applicable) of the Academy;
  - 3.3.2 up to 2 staff governors;
  - 3.3.3 2 parent governors; and
  - 3.3.4 Up to 5 co-opted governors.
  - 3.3.5 UTCs to ensure that more than half of its governors are appointed by the University Sponsor(s) and Employer Sponsor(s)
- 3.4 The procedure for the appointment and the removal of governors shall be as set out in Annex 1.

3.5 Any additional co-opted governors may be appointed at the discretion of the Board of Directors.

#### 4. **PROCEEDINGS OF THE LAB**

4.1 The proceedings for meetings of the LAB shall be as set out in Annex 2.

#### 5. **RELATIONSHIP BETWEEN THE BOARD AND LAB**

5.1 The LAB shall in carrying out its role:

5.1.1 promote high standards and aim to ensure that students and pupils are attending a successful school which provides them with a good education and supports their well-being;

5.1.2 be responsible to the Directors for its actions and follow the expectations of Governors;

5.1.3 aim to establish that it is competent, accountable, independent, diverse and that it promotes best practice in governance;

5.1.4 aim to ensure that its governors promote and uphold high standards of conduct, probity and ethics;

5.1.5 aim to ensure standards of staff comply with the code of conduct for Local Academy Board members

5.1.6 comply with the Schemes of Delegation as outlined in Annex 3 and Annex 4.

5.2 The Directors shall support the work of the LAB by:

5.2.1 setting a clear strategic vision to allow the LAB to set and achieve its own aims and objectives within such vision;

5.2.2 ensuring that systems are put in place to allow the governors to be presented with timely and good data to allow the LAB to analyse Academy performance in order to support and challenge the Head of School/Principal and the senior leadership team of the Academy; and

- 5.2.3 ensuring that the governors have access to high quality training.
- 5.3 Without prejudice to the Directors' other rights to remove any governor and the Directors rights to amend these terms of reference at any time, where the Directors have concerns about the performance of a LAB they may amongst other actions:
  - 5.3.1 require the relevant LAB to adopt and comply with a governance action plan in such form as determined by the Directors;
  - 5.3.2 suspend or remove any or all of the matters delegated to the LAB;
  - 5.3.3 suspend or remove any or all of the governors of the relevant LAB;
- 5.4 The Directors may require a governance action where:
  - 5.4.1 the Academy has a deficit budget (both revenue and capital) in excess of £50,000;
  - 5.4.2 levels of progress and achievement fall below national norms and:
  - 5.4.3 Academy is not properly staffed across all areas with appropriately qualified and effective staff.
- 5.5 The Directors may vary the matters delegated where:
  - 5.5.1 the LAB acts outside its delegated powers and limitations;
  - 5.5.2 the LAB is in breach of these terms of reference;
- 5.6 The Directors may remove governors where:
  - 5.6.1 the Academy is in [material] breach of its funding arrangements;
  - 5.6.2 the LAB is in material breach of these terms of reference or has persistently breached these terms of reference.
- 5.7 The circumstances listed in paragraphs 4.4, 4.5 and 4.6 are illustrative only and shall not limit the rights of the Directors to suspend or remove any or all of the matters delegated to the LAB.

## 6 DELEGATED POWERS

### General principles

6.1 In the exercise of its delegated powers and functions, the LAB shall:

- 6.1.1 ensure that the Academy is conducted in accordance with the objects of the Trust, the terms of any trust governing the use of the land which is used for the purposes of the Academy, any agreement entered into with the Secretary of State for the funding of the Academy and these terms of reference;
  - 6.1.2 promptly implement and comply with any policies or procedures communicated to the LAB by the Directors from time to time;
  - 6.1.3 review its own policies and practices on a regular basis, in view of any advice or recommendations made by the Directors;
  - 6.1.4 work closely with the Directors and act with integrity, objectivity and honesty in the best interests of the Trust and the Academy;
  - 6.1.5 be open about decisions and be prepared to justify those decisions;
  - 6.1.6 keep confidential all information of a confidential nature obtained by them relating to the Academy and the Trust; and
  - 6.1.7 adopt financial prudence in managing the financial affairs of the Trust in so far as these relate to the Academy and are delegated to them.
- 6.2 Each governor shall be required to take part in self-review and is accountable for meeting their own training and development needs. It is a governor's responsibility to consider if, and raise any concerns where, he or she feels that appropriate training and development is not being provided.
- 6.3 Governors shall be expected to report Key Performance Indicators to the Trust against KPIs which have been set for the Academy and provide such data and

information regarding the business of the Academy and the pupils attending the Academy as the Directors may require from time to time.

6.4 The powers retained by the Trust and delegated from the Directors to the LABs shall be as follows:

6.4.1 In respect of Non-Sponsored Academies, Annex 3 sets out the powers retained by the Trust, the powers delegated to the Head of School/Principal; and

6.4.2 In respect of **Sponsored Academies**, Annex 4 sets out the powers retained by the Trust, the powers delegated to the **CEO/Head of School/Principal**.

6.5 For the avoidance of doubt, where a power is not expressly delegated to the **CEO**, any **LAB** or **Head of School/Principal**, it will be deemed to have been retained by the Trust regardless of whether it is specified in Annex 3 or Annex 4.

6.6 Annex 3 and 4 may be reviewed by the Directors at any time but shall be reviewed at least annually. Directors reserve the right to remove or alter any delegation at any time, whilst having due regard to, but not being bound by, the views of the LAB.

6.7 Notwithstanding the application of any provision of these terms of reference, if the Chair of the LAB or the Vice Chair, is of the opinion that a matter of urgency exists and a delay in exercising the function would likely be seriously detrimental to the interests of the Academy, any pupil or their parent or a person who works at the Academy, then they may exercise any function of the LAB which can be delegated to an individual or any function relating to the exclusion of pupils after consultation with **CEO/Head of School/Principal**.

## **Annex 1 - Appointment and Removal of Governors**

### **1 Staff governors**

- The Directors shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the Academy and, where there are any contested posts, shall hold an election by a secret ballot.
- All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Directors. The Directors may delegate the running of the election to the LAB.

### **2 Parent governors**

- Parent governors of the LAB shall be elected by parents of registered pupils at the Academy. He or she must be a parent of, or have parental responsibility for, a pupil at the Academy at the time when he or she is elected.
- The Directors shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent governors. The Directors may delegate the running of the election to the LAB.
- Where a vacancy for a parent governor is required to be filled by election, the Directors shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he or she is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- Any election of persons who are to be the parent governors which is contested shall be held by secret ballot. The arrangements made for the election of the parent governors shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he or she prefers, by having his ballot paper returned to the Academy by a registered pupil at the Academy.



- Where the number of parents standing for election is less than the number of vacancies, the Directors may 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 registered pupil of another Academy run by the Trust.

### **3 Co-opted governors**

3.1 Co-opted governors of the LAB shall be appointed by the Directors. He or she must be:

- a) a person who lives or works in the community served by the Academy; or
- b) a person who, in the opinion of the Directors, has the necessary skills set and is committed to the governance and success of the Academy.

3.2 The Directors may not appoint an employee of the Trust as a co-opted governor.

### **4 Term of office**

4.1 The term of office for any governor shall be 4 years, save for the Head of School/Principal of the Academy (as applicable) who shall remain a governor until he or she ceases to work at the Academy.

4.2 Subject to remaining eligible to be a particular type of governor, any person may be re-appointed or re-elected to the LAB and the Chair and Vice Chair who are elected/re-elected annually.

### **5 Resignation and removal**

5.1 A person serving on the LAB shall cease to hold office if:

- a) he or she resigns his office by giving notice in writing to the clerk of the LAB;
- b) the Head of School/Principal or a staff governor ceases to work at the Academy;
- c) the Directors terminate the appointment of a governor whose presence or conduct is deemed by the Directors, at their sole discretion, not to be in the best interests of the Trust or the Academy;

d) attendance of governors as per the Governors Handbook.

5.2 For the avoidance of doubt, a parent governor shall not automatically cease to hold office solely by reason of their child ceasing to be a pupil at the Academy.

## **6 Disqualification of governors of the LAB**

6.1 A person shall be disqualified from serving on the LAB if he or she would not be able to serve as a Director in accordance with Articles 68-80 of the Articles.

## **7 Appointment and removal of Chair and Vice Chair**

7.1 The Chair and Vice Chair of the LAB shall be ratified by the CEO and Chair of the Board of Directors and may be removed from office by the Directors at any time.

7.2 The term of office of the Chair and Vice Chair shall be 1 year. Subject to remaining eligible to be a governor, any governor may be re-appointed as Chair or Vice Chair of the LAB.

7.3 The Chair and Vice Chair may at any time resign his office by giving notice in writing to the Directors. The Chair or Vice Chair shall cease to hold office if:

- a) he or she ceases to serve on the LAB;
- b) he or she is employed by the Trust whether or not at the Academy; or
- c) in the case of the Vice Chair, he or she is appointed to fill a vacancy in the office of the Chair.

7.4 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. Where the Vice Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice Chair, the governors of the LAB shall elect one of their number to act as chair for the purposes of that meeting.

## **8 Committees**

8.1 The LAB will not have any sub committees except groups established to deal with:

- Pay Appraisal Panel
- Pupil Exclusion Panel
- Staff Disciplinary Panel

## **Annex 2 - Proceedings of the LAB**

### **1. Meetings**

- 1.1 The LAB shall meet in line with the schedule of meetings provided by the Trust.
- 1.2 Meetings of the LAB shall be convened by the clerk to the LAB, who shall send the governors written notice of the meeting and a copy of the agenda at least seven clear days in advance of the meeting. Where there are matters demanding urgent consideration, the Chair or, if absent, the Vice-Chair, may waive the need for seven days' notice of the meeting and substitute such notice as he or she thinks fit.
- 1.3 Any governor shall be able to participate in meetings of the governors by telephone or video conference provided that he or she has given reasonable notice to the clerk of the LAB and that the governors have access to the appropriate equipment.
- 1.4 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 or any defect in the election, appointment or nomination of any person serving on the LAB.

### **2. Quorum**

The quorum for a meeting of the LAB, and any vote on any matter at such a meeting, shall be any three of the governors of the LAB, or, where greater, any one third (rounded up to a whole number) of the total number of governors of the LAB at the date of the meeting, which must include at least one governor appointed by the Trust.

### 3. **Voting**

- 3.1 Every matter to be decided at a meeting of the LAB shall be determined by a simple majority of the votes, ie 50% + 1, of the governors present and entitled to vote on the matter. Every governor shall have one vote. Where there is an equal division of votes, the Chair of the meeting shall have the casting vote. A governor may not vote by proxy.
- 3.2 Any governor who is also an employee of the Trust shall withdraw from that part of any meeting of the LAB at which their remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 3.3 A resolution in writing, signed by all the governors shall be valid and effective as if it had been passed at a meeting of the governors duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the governors.

### 4 **Conflicts of Interest**

- 4.1 Any governor who has or may have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest (as defined below)) that conflict or may conflict with their duties as a governor of the LAB shall disclose that fact to the LAB as soon as they become aware of it. A person must absent themselves from any discussions of the LAB in which it is possible that a conflict will arise between their duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).
- 4.2 A governor of the LAB has a Personal Financial Interest if they, or any child, stepchild, parent, grandchild, grandparent, brother, sister or spouse of the governor or any person living with the governor as their partner, is in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the Academy.

## **5 Minutes of meetings**

- 5.1 At every meeting of the LAB the minutes of the last meeting shall be taken as the first agenda item after any apologies and, if agreed to be accurate, shall be signed as a true record.
- 5.2 The clerk to the LAB shall ensure that a copy of the agenda for every meeting of the governors, the draft minutes of every such meeting (if they have been approved by the Chair of that meeting), the signed minutes of every such meeting and any report, document or other paper considered at any such meeting are, as soon as is reasonably practicable, made available to the Clerk to the Board of Directors.

## **6 Format of the meeting**

6.1 The remit of the LAB meetings must include:

- 6.1.1 Review educational performance of the academy against KPI's
- 6.1.2 Challenge the Head of School in relation to pupil information regarding progress and attainment.
- 6.1.3 Review financial performance of the academy against KPI's.
- 6.1.4 Challenge the Head of School in relation to spending against benchmarking and performance against target reserves.

6.2 The agenda for all LAB meetings must include a report from the Head of School addressing the following:

- 6.2.1 Attainment, progress and standards
- 6.2.2 Financial performance
- 6.2.3 Safeguarding
- 6.2.4 Health & Safety

6.3 The LAB should review at least annually the effectiveness and quality of the curriculum.

6.4 LABs are permitted to add any additional matters pertaining to their academy to the agenda

## Annex 3 - Scheme of Delegated Authority (Non Sponsored Academies)

In this Annex the phrases used have the following meanings:

**Consult:** the individual/group that should be consulted as part of the process of completing a particular task.

**Deliver:** the individual/group that has responsibility for undertaking the particular task delegated to them and reporting on its delivery at suitable intervals. In the case of the CEO this will be at Trust level. In the case of the Principal/Head of School this will be at Academy level.

**Determine:** the individual/group that has primary responsibility for ensuring the particular task is completed and determining how the Trust and/or Academies (as appropriate) should undertake the task including determining appropriate milestones and targets to be reported against.

**Develop:** the individual/group that has responsibility for developing proposals relating to a task for discussion and approval by the appropriate decision-making individual/group.

**Recommend:** the individual/group that should make recommendations as to how a particular task should be completed. In the case of (i) the CEO they will be making recommendations to the Board and/or LAB (as appropriate), (ii) the LAB they will be making recommendations in relation to their Academy to the Board, CEO and/or Principal/Head of School (as appropriate) and (iii) the Principal/Head of School they will be making recommendations in relation to their Academy to the CEO and/or LAB (as appropriate).

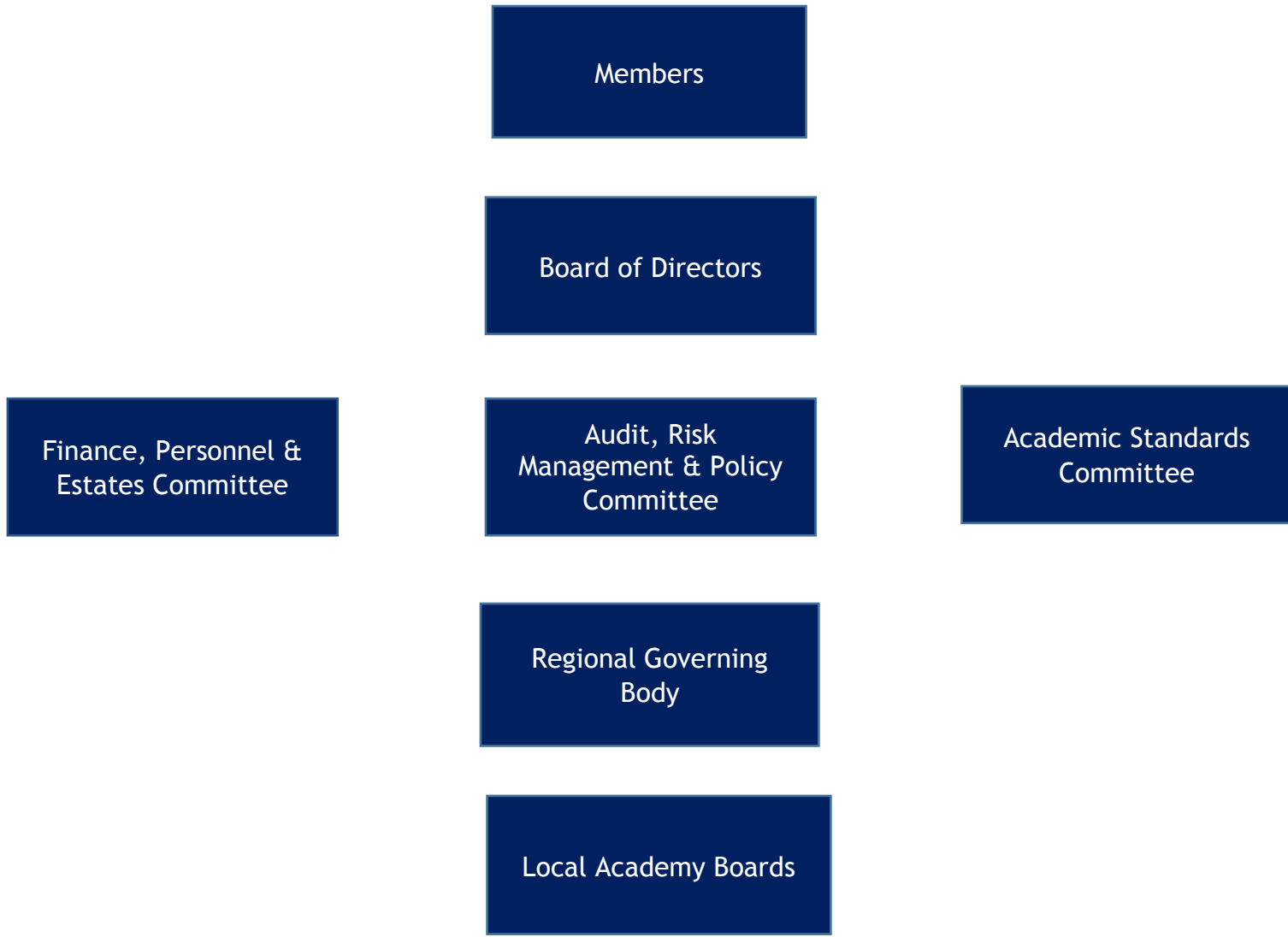
**Report:** the individual/group that has responsibility for reporting on the delivery of tasks. In the case of (i) the CEO they will be making reports to the Board and/or LAB (as appropriate), (ii) the LAB they will be making reports in relation to their Academy to the Board and/or CEO (as appropriate) and (iii) the Principal/Head of School they will be making reports in relation to their Academy to the CEO and/or LAB (as appropriate).

**Review:** the individual/group that has responsibility for reviewing whether a particular task is being carried out satisfactorily and where appropriate requiring action to be taken to ensure task is delivered appropriately. In the case of (i) the Board they will be reviewing the CEO and/or LAB (as appropriate), (ii) the CEO they will be reviewing the Principal/Head of School and (iii) the LAB they will be reviewing the Principal/Head of School and his leadership team.

**Comply:** the individual/group will follow agreed policies and procedures.

*To assist interpretation of the matters delegated the table below provides additional comment as appropriate.*

# The Howard Academy Trust Governance Structure





	Directors	Trust	LAB	Principal/Head of School	
<b>STRATEGY AND LEADERSHIP</b>	Set strategic objectives of the Trust & Academies	Determine - for the Trust & Academies	Develop - in the case of the Academies in consultation with LAB & Principal/Head of School	Recommend for their own academy Consult - in the case of their Academy	
	Deliver strategic objectives of the Trust & Academies	Review	Deliver	Review for their own academy Deliver	
	Scrutiny - review & challenge progress of the Trust against its strategic objectives and KPIs	Review - progress of the Trust & Academies	Report Review - reports from the LABs/ Principal/Heads of School	Review - progress of the Academy Report - progress to the CEO & Board	Report - progress of the Academy to the LAB
	Compliance: Funding Agreement - comply with all obligations including the Academies Financial Handbook	Review	Deliver	Comply	Comply
	Compliance: Regulatory - with all regulations affecting the Trust (including all charity law, company law, employment law and health and safety)	Review	Deliver Report - to Board	Review	Deliver Report - to LAB & CEO
	Compliance: Financial Oversight - ensuring that there are appropriate financial controls so that there is regularity, probity and value for money in relation to the management of public funds	Determine - policies to ensure compliance Review	Deliver Report - to Board	Review for their own academy	Deliver Report - to LAB & CEO

		Directors	Trust	LAB	Principal/Head of School
	Compliance - completing the register of business interests and put in place a procedure to deal with any conflicts of interest and connected party transactions	Determine - policies to ensure compliance Deliver		Deliver	
STRATEGY AND LEADERSHIP	Appointments of Directors and Governors - ensuring processes in place for appointment of directors (including ensuring that the Directors and Governors have the skills to run the Trust and the Academies)	Determine - policies and criteria for the selection of Directors and Governors  Review - the Board's own performance  Review - performance of the LABs	Report - to the Board on the performance of the LABs  Review - annually the size, structure and composition and skill Determines of LABs  Recommend - if appropriate changes to the size and composition of the LABs	Review - procedures for the election of staff and parent governors of the LAB  Review - own performance	
	Appointment of the Responsible Officer and Audit Committee	Deliver - appoint Responsible Officer and (if necessary) the Audit Committee	Deliver - the Responsible Officer role		
	Appointment of Clerk - Board and LABs	Deliver - appoint the clerk to the Board & LABs		Consult - in connection with the appointment of the LAB clerk	

		Directors	Trust	LAB	Principal/Head of School
STRATEGY AND LEADERSHIP	Policies - review and approval of Trust Wide Policies (including admissions, DBS, charging and remissions policies, health & safety and safeguarding)	Determine	Deliver - presenting policies to the Board for approval  Report - material non-compliance to the Board	Comply - all policies approved by the Board and Academy specific policies	Deliver - presenting Academy specific policies for approval by the LAB  Report - non-compliance to the LAB and the CEO
	Prepare terms of reference for LAB's, RGB and Board Committees	Deliver  Review - annually	Develop	Comply	Comply
	Training programme for directors and governors	Deliver	Develop	Deliver	

		Directors	Trust	LAB	Principal/Head of School
EDUCATION AND CURRICULUM	Academy Development Plan - for each Academy in line with strategic aims of the Trust	Determine - the Academy Development Plan in consultation with the appropriate LAB	Deliver - drafting and agreeing the Academy Development Plan	Review - Academy Development Plan to the Board as part of meeting schedule	Work with the CEO in producing the Academy Development Plan  Review - the Academy Development Plan
	Key Performance Indicators - setting and reviewing performance of the Trust & the Academies	Determine - Trust wide and Academy KPIs  Review - performance against KPIs	Consult - with the LABs and propose KPIs to the Board  Receive reports - from the LABs and report performance of the LABs against KPIs	Monitor targets set by the Trust for performance of the Academy and report on progress to the Trust  Review - performance of the Academy and report to the CEO  Deliver - holding leadership to account for delivery against KPIs	Deliver - performance of the Academy against KPIs  Report - performance of the Academy to LAB against agreed targets

	Directors	Trust	LAB	Principal/Head of School
EDUCATION AND CURRICULUM	Quality of Teaching - ensuring appropriate levels of support, challenge and intervention to support delivery of education outcomes	Review - the work of the CEO	Deliver - supporting the Academies and intervening where appropriate	Review - at the Academy  Report- strengths and concerns in the quality of teaching to LAB
	Curriculum - setting the curriculum for the Academies and reviewing its effectiveness	Determine - curriculum and standards  Review - effectiveness of the curriculum across Trust	Deliver  Recommend	Review  Deliver
	Pupil Premium - reviewing and challenging the value for money/ ROI of the Pupil Premium in terms of educational outcomes and narrowing the achievement gap	Review	Report - to Board effectiveness of use of the Pupil Premium across Trust	Review - how Pupil Premium is spent at the Academy  Deliver  Report - on effectiveness of use of the Pupil Premium

	Directors	Trust	LAB	Principal/Head of School	
EDUCATION AND CURRICULUM	Set admissions policy	Deliver	Develop		
	Admission decisions			Deliver Consult	
	Collective worship arrangements for school, without religious character			Review Deliver	
	Student issues (including attendance, exclusions, punctuality and disciplinary matters for each Academy)	Review	Review delivery	Receiving reports from the Principal/Head of School  Review and hold exclusion panels for fixed term and permanent exclusions  Report any material issues to the Board and the Trust	Deliver - ensuring student issues are dealt with in accordance with Trust and Academy Policies  Report - to the LAB on any material issues
	Academy Hours - setting the opening and closing times for the Academies	Determine - in consultation with LABs		Consult - with the Board	Comply

		Directors	Trust	LAB	Principal / Head of School
EDUCATION AND CURRICULUM	Term Dates and length of school day	Determine - in consultation with LABs		Consult - with the Board	Comply
	School lunch - ensure provided to appropriate nutritional standards			Review	Deliver
	Provision of free school meals to those meeting criteria			Review	Deliver

		Directors	Trust	LAB	Principal/ Head of School
FINANCIAL	Funding Model - agreeing a funding model across the Trust and develop an individual funding model for the Academies) so as to the secure the Trust's financial health in the short term and the long term	Determine - in consultation with the LABs	Recommend a funding model to the Board for approval  Review	Review - compliance with the overall financial plan for the Academy	Comply
	Trust Annual Budget - formulating and setting the Trust wide budget	Determine	Deliver - on preparation of Trust budget and present to the Board for approval  Review - submission of Trust budget to the ESFA		
	Academy Annual Budgets - formulating and determining the proportion of the overall budget to be delegated to each Academy (including uses of contingency funds/ balances)	Determine	Deliver - on preparation of Academy budgets in consultation with the LABs and present to the Board for approval  Review - submission of Academy budgets to the ESFA	Receive and Review  Review performance against target reserves position	Deliver  Comply



	Directors	Trust	LAB	Principal/ Head of School	
FINANCIAL	Expenditure and ensuring delivery of Annual Budgets	Review	Report - to the board any material issues with delivery against the Annual Budget by the Academies  Receive reports - on matters of concern in connection with compliance with the Annual Budgets	Review  Report - to the Trust any issues with expenditure or compliance with the Annual Budgets by the Academy	Report - to the LAB any need for any matters of concern in respect of the Academy's annual budget
	Reporting: financial reporting and KPIs	Determine	Deliver	Review	Deliver
	Delegated Budgets and Finances - in the form of a scheme of delegation of financial authority to the Academies	Determine	Deliver - on recommending financial limits to the Board  Review - effectiveness of limits	Comply - adherence to limits	Comply - adherence to limits

		Directors	Trust	LAB	Principal/ Head of School
<b>FINANCIAL</b>	Financial Policies -establishing of policies and procedures to ensure compliance with the Trust's financial and reporting requirements	Determine	Review - compliance with policies  Report - any issues or non-compliance to the Board	Comply  Report - any issues or non-compliance to the CEO	Deliver - compliance with finance policies
	Approving annual accounts	Approve	Deliver - arrange for auditing and filing of annual report and accounts		
	Corporate Risk Register	Review delivery	Deliver - management of corporate risk register	Comply and advise on perceived risks for the academy	Comply and advise on perceived risks for the academy
	Investments - agreeing the investment policy in line with the Academies Financial Handbook and any internal polices and controls	Determine and review delivery	Deliver		

		Directors	Trust	LAB	Principal/ Head of School
HR AND OPERATIONS	Appointing the CEO	Appoint			
	Appointing the Principal /Head of School at each Academy	Approve -in consultation with the CEO/ LABs	Recommend - sit on appointment panel along with [two] representatives of the relevant LAB	Recommend - [two representatives] to sit on the appointment panel with the Trust colleagues	
	Appointing of cross-Trust Staff (in line with recruitment policy)	Review	Appoint and report to the Board		
	Appointing Academy Staff			Appoint (in consultation with the Principal/Head of School)	Recommend
	Appointing Senior Leadership Staff		Recommend - sit on appointment panel	Recommend - representatives to sit on the appointment panel with the Trust and Principal/Head of School	Receive Trust approval for the post
	Establishing Trust wide HR Policies (including recruitment, discipline, capability, grievance and absence policies) in accordance with all appropriate regulations	Determine Review	Comply	Comply	Comply
		Directors	Trust	LAB	Principal/ Head of School

<b>HR AND OPERATIONS</b>	Setting Appraisal Performance Management Policy together with pay reviews (in line with the Trust's pay policy and all statutory regulations)	Review - in respect of CEO Receive reports - in respect of appraisal arrangements and outcomes Review - any appeals in respect of the Principals/ Heads of School and cross academy staff	Review - in respect of Principals/ Heads of School and cross Trust staff (and any appeals from Academy staff) Review - and Report-(annually) to the Board on appraisal arrangements and outcomes	Deliver- in respect of performance management of Principal/Head of School Review - any appeals respect of all other staff Authorise pay recommendations brought forward by Headteacher / Head of School	Review - in respect of all other staff  Report - annually to the CEO on appraisal arrangements and outcomes
	Setting Terms and Conditions of Employment and Staff Handbook	Determine - and consider any proposals by LABs to make amendments	Recommend	Comply	Comply
	Dismissing CEO, Headteachers/Heads of School, senior/ cross Trust staff (in accordance with the Trust disciplinary and capability policies)	Review - in respect of CEO	Review - in respect of Principals/ Heads of School, cross academy staff and senior leadership teams of the Academies  Report- any dismissals to the Board		
		<b>Directors</b>	<b>Trust</b>	<b>LAB</b>	<b>Principal/ Head of School</b>

HR AND OPERATIONS	Dismissing all other staff (in accordance with the Trust disciplinary and capability policies)		Review Report - to the Board	Review (in consultation with the Trust) Report - to the Trust	Comply
	Reviewing discipline and grievance policy	Review delivery	Recommend		
	Setting trust wide procurement policies (for suppliers including auditors, HR and payroll providers and solicitors) in accordance with the Funding Agreement, Academies Financial Handbook and the Trust's procurement policy	Determine	Deliver	Comply	Comply

		Directors	Trust	LAB	Principal/ Head of School
HR AND OPERATIONS	Setting academy specific procurement policies - in accordance with the Funding Agreement, Academies Financial Handbook and the Trust's procurement policy	Determine	Review	Comply	Recommend
	Determining and allocating central services provided to the Academies by the Trust	Determine (in consultation with the LABs)	Deliver- on recommending the allocation of services to the Board		
	Overseeing the effectiveness of services provided centrally by the Trust	Review	Deliver and report to Board	Report - to the Trust	
	Asset and Premises Maintenance Strategy - determining use of Academies' premises and ensuring premises are adequately maintained	Determine - Trust wide policy	Recommend	Review delivery of academy plan	Deliver - in accordance with Academy policy
	Acquiring and disposing of Trust land	Deliver	Recommend		
	Changing use of Assets	Deliver	Recommend to the Board of any changes to fixed assets used by the Academy		

		Directors	Trust	LAB	Principal/ Head of School
HR AND OPERATIONS	Arranging insurance for the Trust	Review	Deliver		
	Media and PR - overseeing public relations activities to project the activities of the Trust and the Academies to the wider community	Review	Deliver - Trust wide activities	Comply	Comply
	Academy Prospectus		Review	Deliver	Recommend
	Trust Prospectus and website	Review	Deliver		

## Annex 4 - Scheme of Delegated Authority (Sponsored Academies)

In this Annex the phrases used have the following meanings:

**Consult:** the individual/group that should be consulted as part of the process of completing a particular task.

**Deliver:** the individual/group that has responsibility for undertaking the particular task delegated to them and reporting on its delivery at suitable intervals. In the case of the CEO this will be at Trust level. In the case of the Headteacher / Principal this will be at Academy level.

**Determine:** the individual/group that has primary responsibility for ensuring the particular task is completed and determining how the Trust and/or Academies (as appropriate) should undertake the task including determining appropriate milestones and targets to be reported against.

**Develop:** the individual/group that has responsibility for developing proposals relating to a task for discussion and approval by the appropriate decision-making individual/group.

**Recommend:** the individual/group that should make recommendations as to how a particular task should be completed. In the case of (i) the CEO they will be making recommendations to the Board and/or LAB (as appropriate), (ii) the LAB they will be making recommendations in relation to their Academy to the Board, CEO and/or Headteacher / Principal (as appropriate) and (iii) the Headteacher / Principal they will be making recommendations in relation to their Academy to the CEO and/or LAB (as appropriate).

**Report:** the individual/group that has responsibility for reporting on the delivery of tasks. In the case of (i) the CEO they will be making reports to the Board and/or LAB (as appropriate), (ii) the LAB they will be making reports in relation to their Academy to the Board and/or CEO (as appropriate) and (iii) the Headteacher / Principal they will be making reports in relation to their Academy to the CEO and/or LAB (as appropriate).

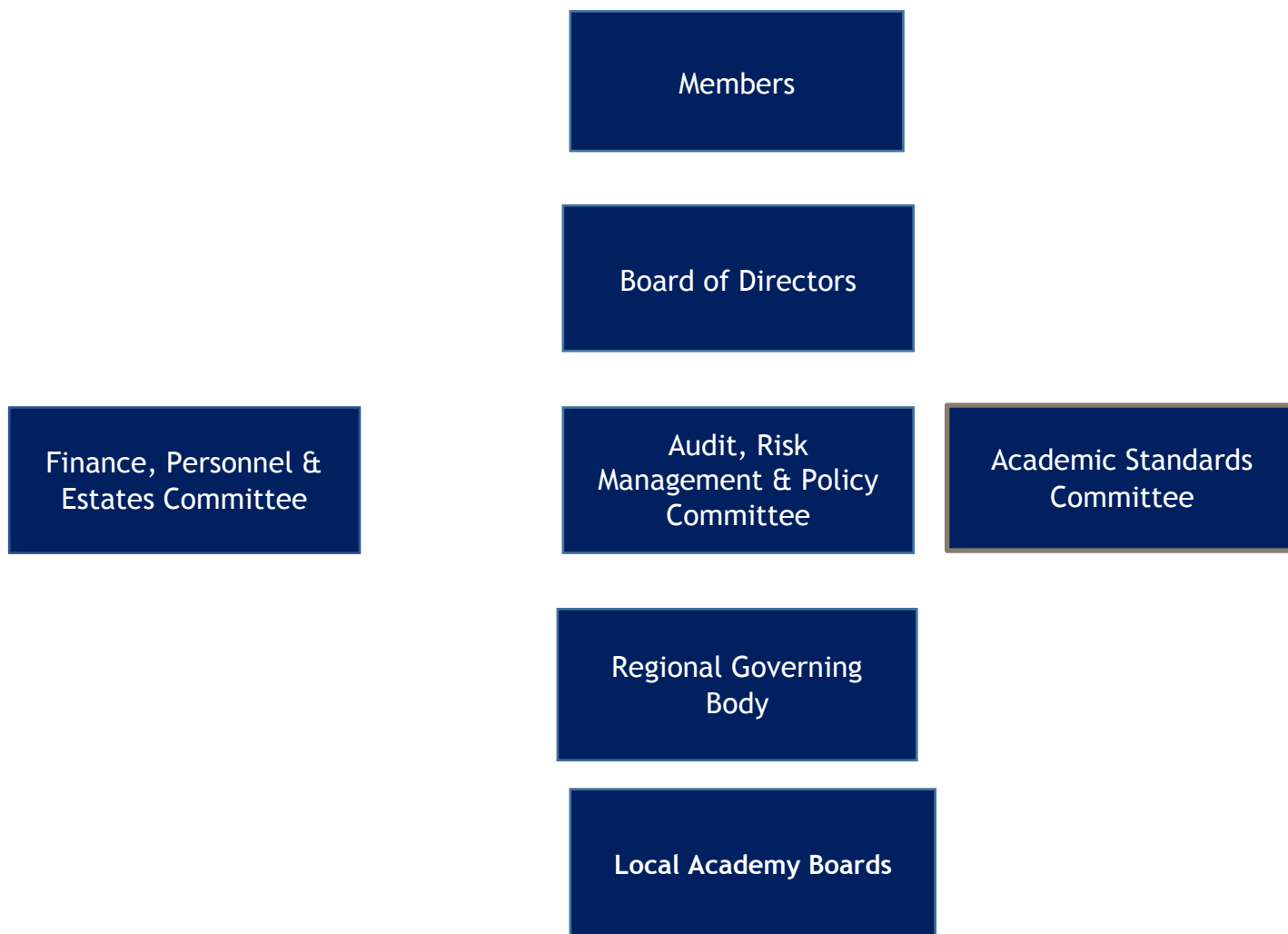
**Review:** the individual/group that has responsibility for reviewing whether a particular task is being carried out satisfactorily and where appropriate requiring action to be taken to ensure task is delivered appropriately. In the case of (i) the Board they will be reviewing the CEO and/or LAB (as appropriate), (ii) the CEO they will be reviewing the Headteacher / Principal and (iii) the LAB they will be reviewing the Headteacher / Principal and his leadership team.

**Comply:** the individual/group will follow agreed policies and procedures.

*To assist interpretation of the matters delegated the table below provides additional comment as appropriate.*



## The Howard Academy Trust Governance Structure



	Directors	Trust	LAB	Headteacher/ Principal	
STRATEGY AND LEADERSHIP	Set strategic objectives of the Trust & Academies	Determine - for the Trust & Academies	Develop - in the case of the Academies in consultation with LAB & Headteacher / Principal	Comply	Consult - in the case of their Academy
	Deliver strategic objectives of the Trust & Academies	Review	Deliver	Review	Deliver
	Scrutiny - review & challenge progress of the Trust against its strategic objectives and KPIs	Review - progress of the Trust & Academies	Report Review - reports from the LABs/Headteacher / Principals	Review - progress of the Academy	Report - progress of the Academy to the LAB
	Compliance: Funding Agreement - comply with all obligations including the Academies Financial Handbook	Review	Deliver	Comply	Comply
	Compliance: Regulatory - with all regulations affecting the Trust (including all charity law, company law, employment law and health and safety)	Review	Deliver Report - to Board	Comply	Deliver Report - to LAB & CEO
	Compliance: Financial Oversight - ensuring that there are appropriate financial controls so that there is regularity, probity and value for money in relation to the management of public funds	Determine - policies to ensure compliance Review	Deliver Report - to Board	Comply	Deliver Report - to LAB & CEO
	Compliance - completing the register of business interests and put in place a procedure to deal with any conflicts of interest and connected party transactions	Determine - policies to ensure compliance	Comply	Deliver	Comply

		Deliver			
STRATEGY AND LEADERSHIP	Appointments of Directors and Governors - ensuring processes in place for appointment of directors (including ensuring that the Directors and Governors have the skills to run the Trust and the Academies)	<p>Determine - policies and criteria for the selection of Directors and Governors</p> <p>Review - the Board's own performance</p> <p>Review - performance of the LABs</p>	<p>Report - to the Board on the performance of the LABs</p> <p>Review - annually the size, structure and composition and skill Determines of LABs</p> <p>Recommend - if appropriate changes to the size and composition of the LABs</p>	<p>Comply with - procedures for the election of staff and parent governors of the LAB</p> <p>Review - own performance</p>	
	Appointment of the Responsible Officer and Audit Committee	Deliver - appoint Responsible Officer and (if necessary) the Audit Committee	Deliver - the Responsible Officer role		
	Appointment of Clerk - Board and LABs	Deliver - appoint the clerk to the Board & LABs			

		Directors	Trust	LAB	Headteacher / Principal
STRATEGY AND LEADERSHIP	Policies – review and approval of Trust Wide Policies (including admissions, DBS, charging and remissions policies, health & safety and safeguarding)	Determine	Deliver – presenting policies to the Board for approval  Report – material non-compliance to the Board	Comply with all policies approved by the Board and Academy specific policies	Deliver – presenting Academy specific policies for approval by the LAB  Report – non-compliance to the LAB and the CEO
	Prepare terms of reference for LAB's, RGB and Board Committees	Deliver  Review - annually	Develop		
	Training programme for directors and governors	Deliver	Develop	Deliver	

	Directors	Trust	LAB	Headteacher / Principal	
EDUCATION AND CURRICULUM	Academy Development Plan - for each Academy in line with strategic aims of the Trust	Determine - the Academy Development Plan in consultation with the appropriate LAB	Deliver - drafting and agreeing the Academy Development Plan	Review - Academy Development Plan as part of meeting schedule	Work with the CEO in producing the Academy Development Plan  Review - the Academy Development Plan
	Key Performance Indicators - setting and reviewing performance of the Trust & the Academies	Determine - Trust wide and Academy KPIs  Review - performance against KPIs	Consult - with the LABs and propose KPIs to the Board  Receive reports - from the LBGs and report performance of the LABs against KPIs	Monitor targets set by the Trust for performance of the Academy and report on progress to the Trust  Review - performance of the Academy and report to the CEO  Deliver - holding leadership to account for delivery against KPIs	Deliver - performance of the Academy against KPIs  Report - performance of the Academy to LAB

	Directors	Trust	LAB	Headteacher / Principal
EDUCATION AND CURRICULUM	Quality of Teaching - ensuring appropriate levels of support, challenge and intervention to support delivery of education outcomes	Review - the work of the CEO	Deliver - identify necessary support required by academies and intervene where appropriate	Review - at the Academy and comply with Trust policies on T&L  Report- strengths and concerns in the quality of teaching to LAB
	Curriculum - setting the curriculum for the Academies and reviewing its effectiveness	Determine - curriculum and standards  Review - effectiveness of the curriculum across Trust	Deliver  Recommend and consult with the Headteacher / Principal	Review  Deliver
	Pupil Premium - reviewing and challenging the value for money/ ROI of the Pupil Premium in terms of educational outcomes and narrowing the achievement gap	Review	Report - to Board effectiveness of use of the Pupil Premium across Trust	Review - how Pupil Premium is spent at the Academy in line with Trust policies

		Directors	Trust	LAB	Headteacher / Principal
<b>EDUCATION AND CURRICULUM</b>	Set admissions policy	Deliver	Develop		
	Admission decisions			Deliver	Consult
	Collective worship arrangements for academy, without religious character			Review	Deliver
	Student issues (including attendance, exclusions, punctuality and disciplinary matters for each Academy)	Review	Review delivery	Receiving reports from the Headteacher / Principal  Review and hold exclusion panels for fixed term and permanent exclusions  Report any material issues to the Board and the Trust	Deliver - ensuring student issues are dealt with in accordance with Trust and Academy Policies  Report - to the LAB on any material issues
	Academy Hours - setting the opening and closing times for the Academies	Determine - in consultation with LABs		Consult - with the Board	Comply
	Term Dates and length of school day	Determine - in consultation with LABs		Consult - with the Board	Comply

	School lunch - ensure provided to appropriate nutritional standards	Review	Review	Review	Deliver
	Provision of free school meals to those meeting criteria	Review	Review	Review	Deliver



		Directors	Trust	LAB	Headteacher / Principal
FINANCIAL	Funding Model - agreeing a funding model across the Trust and develop an individual funding model for the Academies) so as to the secure the Trust's financial health in the short term and the long term	Determine - in consultation with the LABs	Recommend a funding model to the Board for approval  Review	Comply	Comply
	Trust Annual Budget - formulating and setting the Trust wide budget	Determine	Deliver - on preparation of Trust budget and present to the Board for approval  Review - submission of Trust budget to the ESFA		
	Academy Annual Budgets - formulating and determining the proportion of the overall budget to be delegated to each Academy (including uses of contingency funds/ balances)	Determine	Deliver - on preparation of Academy budgets in consultation with the LABs and present to the Board for approval  Review - submission of Academy budgets to the ESFA	Comply	Deliver  Comply

		Directors	Trust	LAB	Headteacher / Principal
FINANCIAL	Expenditure and ensuring delivery of Annual Budgets	Review	Report - to the board any material issues with delivery against the Annual Budget by the Academies  Receive reports - on matters of concern in connection with compliance with the Annual Budgets	Review  Report - to the Trust any issues with expenditure or compliance with the Annual Budgets by the Academy	Report - to the LAB any need for any matters of concern in respect of the Academy's annual budget
	Reporting: financial reporting and KPIs	Determine	Deliver and Review	Comply	Deliver
	Delegated Budgets and Finances - in the form of a scheme of delegation of financial authority to the Academies	Determine	Deliver - on recommending financial limits to the Board  Review - effectiveness of limits	Comply - adherence to limits	Comply - adherence to limits

		Directors	Trust	LAB	Headteacher / Principal
FINANCIAL	Financial Policies -establishing of policies and procedures to ensure compliance with the Trust's financial and reporting requirements	Determine	Review - compliance with policies  Report - any issues or non-compliance to the Board	Comply  Report - any issues or non-compliance to the CEO	Deliver - compliance with finance policies
	Approving annual accounts	Approve	Deliver - arrange for auditing and filing of annual report and accounts		
	Corporate Risk Register	Review delivery	Deliver - management of corporate risk register	Comply and advise on perceived risks for the academy	Comply and advise on perceived risks for the academy
	Investments - agreeing the investment policy in line with the Academies Financial Handbook and any internal polices and controls	Determine and review delivery	Deliver		

	Directors	Trust	LAB	Headteacher / Principal	
HR AND OPERATIONS	Appointing the CEO	Appoint			
	Appointing the Headteacher / Principal at each Academy	Approve -in consultation with the LABs	Recommend - sit on appointment panel along with [two] representatives of the relevant LAB	Recommend - two representatives to sit on the appointment panel with the CEO	
	Appointing of cross-Trust Staff (in line with recruitment policy)	Review	Appoint and report to the Board		
	Appointing Academy Staff			Appoint (in consultation with the Headteacher, CEO and Trust HR Team)	Recommend proposed posts to the Trust for approval
	Appointing Senior Leadership Staff		Recommend - sit on appointment panel	Recommend - representatives to sit on the appointment panel with the Trust and Headteacher	Receive Trust approval for the post
	Establishing Trust wide HR Policies (including recruitment, discipline, capability, grievance and absence policies) in accordance with all appropriate regulations	Determine Review	Comply	Comply	Comply

		Directors	Trust	LAB	Headteacher / Principal
HR AND OPERATIONS	Setting Appraisal Performance Management Policy together with pay reviews (in line with the Trust's pay policy and all statutory regulations)	<p>Review - in respect of CEO</p> <p>Receive reports - in respect of appraisal arrangements and outcomes</p> <p>Review - any appeals in respect of the Headteacher / Principal and cross academy staff</p>	<p>Review - in respect of Headteacher / Principals and cross Trust staff (and any appeals from Academy staff)</p> <p>Review - and Report - (annually) to the Board on appraisal arrangements and outcomes</p>	<p>Assure - in respect of performance management of Headteacher / Principal</p> <p>Review - any appeals respect of all other staff</p> <p>Comply with Trust policies in relation to appraisal</p>	<p>Review - in respect of all other staff</p> <p>Report - annually to the CEO on appraisal arrangements and outcomes</p>
	Setting Terms and Conditions of Employment and Staff Handbook	Determine - and consider any proposals by LABs to make amendments	Recommend	Comply	Comply
	Dismissing CEO, Headteacher / Principal, senior/ cross Trust staff (in accordance with the Trust disciplinary and capability policies)	Review - in respect of CEO	<p>Review - in respect of Headteacher / Principals, cross academy staff and senior leadership teams of the Academies</p> <p>Report - any dismissals to the Board</p>		

		Directors	Trust	LAB	Headteacher / Principal
HR AND OPERATIONS	Dismissing all other staff (in accordance with the Trust disciplinary and capability policies)		Review Report - to the Board		Comply
	Reviewing discipline and grievance policy	Review delivery	Recommend	Comply	
	Setting trust wide procurement policies (for suppliers including auditors, HR and payroll providers and solicitors) in accordance with the Funding Agreement, Academies Financial Handbook and the Trust's procurement policy	Determine	Deliver	Comply	Comply
	Setting academy specific procurement policies - in accordance with the Funding Agreement, Academies Financial Handbook and the Trust's procurement policy	Determine	Review	Comply - in accordance with Trust policy	Recommend
	Determining and allocating central services provided to the Academies by the Trust	Determine (in consultation with the LABs)	Deliver- on recommending the allocation of services to the Board	Comply	Comply
	Overseeing the effectiveness of services provided centrally by the Trust	Review	Deliver and report to Board		
	Asset and Premises Maintenance Strategy - determining use of Academies' premises and ensuring premises are adequately maintained	Determine - Trust wide policy	Recommend	Review delivery of academy plan	Deliver - in accordance with Academy policy
	Acquiring and disposing of Trust land	Deliver	Recommend		

		Directors	Trust	LAB	Headteacher / Principal
HR AND OPERATIONS	Changing use of Assets	Deliver	Recommend to the Board of any changes to fixed assets used by the Academy		
	Arranging insurance for the Trust	Review	Deliver		
	Media and PR - overseeing public relations activities to project the activities of the Trust and the Academies to the wider community	Review	Deliver - Trust wide activities	Comply	Comply
	Academy Prospectus		Review	Deliver	Recommend
	Trust Prospectus and website	Review	Deliver		