



The Scheme of Delegation

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Other documents that support the Scheme of Delegation:

1. The Blue Kite Academy Trust Policy Planner
2. The Blue Kite Academy Trust Delegation of Duties
3. The One Vision (COGs) document
4. The Articles of Association
5. Financial Procedures and Administration Management Policy
6. Member, Trustee and Governor Handbook
7. Recruitment Guidance
8. Agenda Planners

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Introduction

The Aim

The Blue Kite Trust aims to be a leading trust in the region. We will need to be big enough to be secure, financially stable and offer a range of services but not so big that we are unable to know our schools well. We will be of a size that we can develop a strong, cohesive culture and a sense of teamwork and family. We believe that to achieve this we will need to foster a culture of quality and excellence amongst our schools, underpinned by robust evidence-based systems of quality assurance and a progressive programme of professional development.

Values

It is acknowledged that all schools will have their own set of values but below are the non-negotiable values that all our members, trustees, governors, schools, staff, pupils will follow:

1. Everything we do has the overall well-being of our pupils at its core. Socially, emotionally, academically.
2. We believe in working together we can become stronger than the sum of our parts. Stronger together.
3. We believe in having the highest expectations of our pupils and for our staff. We give our best for them to achieve their potential and we do not limit anyone's aspirations.
4. We believe in being creative and taking risks with education. To push boundaries and find the most effective ways for pupils to learn. If it excites us as teachers to teach, then it will excite the pupils to learn.
5. We believe that we should take care of our pupils, so that they not only feel safe but are inspired to learn.
6. We believe that our schools and our trust should be the best employers we can be.
7. We develop our staff and will be considerate of their well-being.

Core Functions of Effective Governance

1. Ensuring clarity of vision, ethos and strategic direction.
2. Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff.
3. Overseeing and ensuring effective financial performance.

Governance Structure

Members

Academy trusts are founded by members who have a general duty to exercise their powers, to further the trust's charitable purpose. The members have a number of statutory duties including a right to remove a trustee, to receive the accounts, to appoint a proportion of the trustees, to appoint the external auditors and to amend the Articles of Association. The members attend the Annual General Meeting held annually.

The Trust Board

The trustees are responsible for the general control and management of the administration of the trust in accordance with the provisions set out in the memorandum and articles of association. The trust board is accountable for the performance of all the schools within the trust. The trust board will delegate to the CEO responsibility for the day to day operations of the trust and will determine whether to delegate any governance functions to individuals, committees or local governing bodies.

Local Governing Body (LGB)

The trust board can decide to delegate governance function to LGBs to oversee a school or group of schools in the academy trust. Delegation can be removed at any time by the trust board.

The Chief Executive Officer (CEO)

The CEO has the delegated responsibility for the operation of the trust including the performance of the trust's schools, overall responsibility for the operation of the academy trust's financial responsibilities and ensuring that the organisation is run with financial effectiveness and stability; avoiding waste and securing value for money.

The CEO leads the senior leadership team of the academy trust. The CEO will delegate senior management functions to the senior leadership team and is accountable to the trust board for the performance of the senior leadership team.

As the CEO is also a trustee, the trust board ensures that it manages this conflict of interest effectively.

The Headteachers

The chief executive delegates the day to day management of the trust's schools to headteachers, line managing them in accordance with the trust's appraisal and performance management policies.

Headteachers share information about how the trust is managing the school with the LGB so that governors build an understanding about how the school operates and are enabled to monitor and scrutinise how key policies and improvement plans are working in practice.

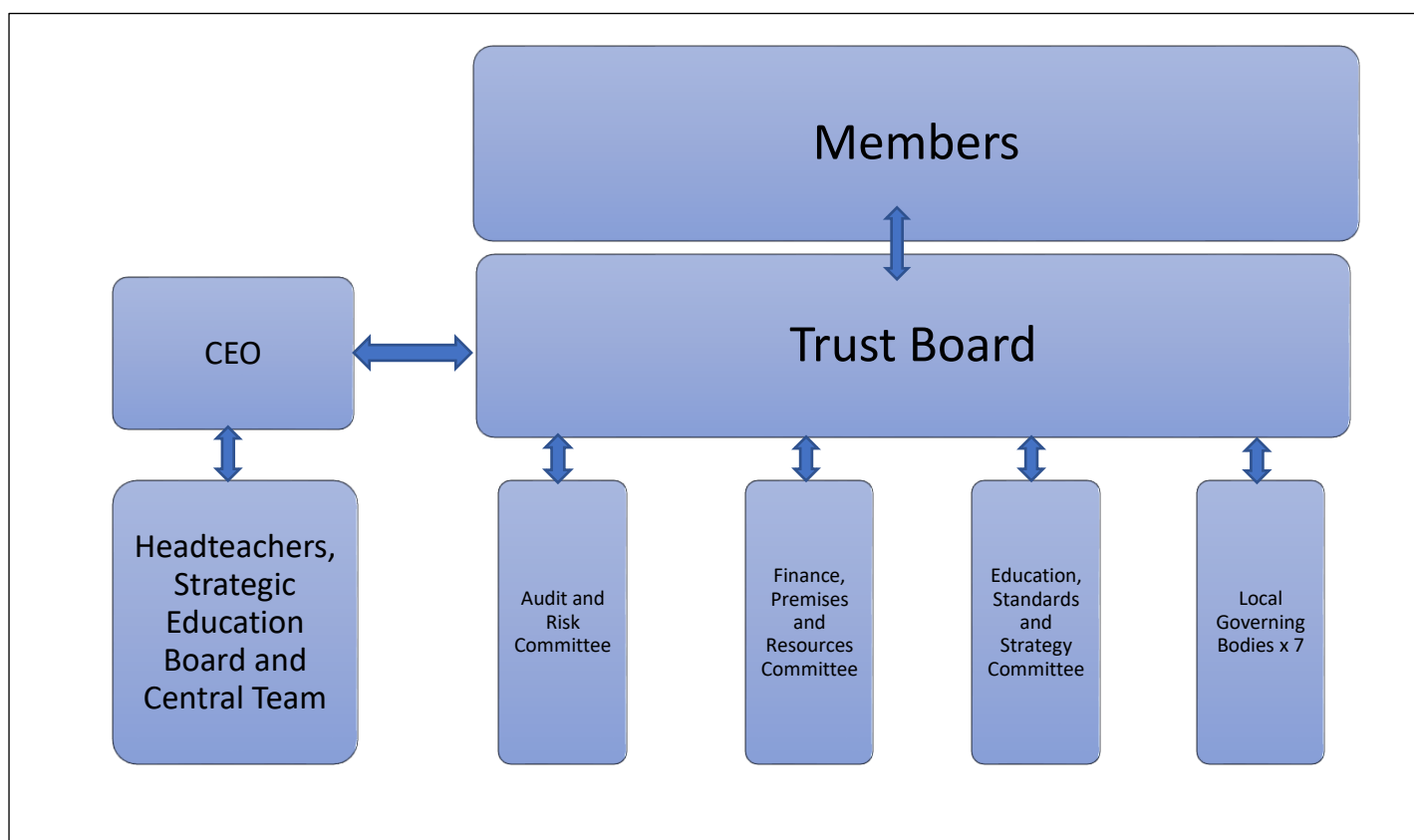
Central Team

The Central Team comprises those employees of the trust whose role it is to serve all the schools. This comprises the Chief Operations Officer (COO), The Chief Finance Officer (CFO), Head of Human Resources, Head of Governance and their teams.

Everyone involved in governance at the Blue Kite Academy trust is aware of and accept;

- 'The 7 principles of public life', as set out by Lord Nolan (Appendix A).
- That they must declare conflicts of interest which will be published on the school website.
- That they agree to abide by a code of conduct.
- That they agree their name, category, which body appoints them, term of office, any committees they serve on; and details of any positions of responsibility such as chair or vice-chair are published on the school website.

Pictorial representation of the Governance structure of the Blue Kite Academy Trust



Members

The appointment and regulation of members is set out in the Articles of Association of the trust and in the Academies Financial Handbook published by the Education and Skills Funding Agency.

BKAT shall have at least three and up to five members. There is no fixed term of office for a member however a member cannot resign if it would leave less than 3 members in post.

Members shall include the chair of the trust board and others appointed in accordance with the recruitment procedure. No trustee (other than the chair), governors or BKAT staff can be a member whilst they hold that position.

The members:

- Are the subscribers to the memorandum of association (where they are founding members).
- May amend the articles of association subject to any restrictions created by the funding agreement or charity law.
- May, by special resolution, appoint new members or remove existing members.
- Have powers to appoint trustees as set out in the trust's articles of association and powers under the Companies Act 2006 to remove trustees.
- May, by special resolution, issue direction to the trustees to take a specific action.
- Appoint the trust's external auditors and receive (but do not sign) the audited annual report and accounts (subject to the Companies Act).
- Have power to change the company's name and, ultimately, wind it up.

The members will meet up to three times a year which will include the Annual General Meeting which takes place in the autumn term. The agenda for the meetings will be set by the CEO and Head of Governance, for the AGM this will be in line with company law. Minutes will be taken by the Head of Governance.

If the governance of the trust by the board of trustees becomes dysfunctional the members will ensure the board has plans to address the issues, otherwise they may deem it necessary to remove the board or individual trustees and re-appoint trustees with the skills necessary for effective governance.

It is important for members to be kept informed about trust business so they can be assured that the board is exercising effective governance. Therefore, they will receive minutes of trust board meetings and other information considered relevant to their role as determined by the Head of Governance and CEO.

The Trust Board

The trust board is the decision-making body of the Blue Kite Academy Trust and is accountable and responsible for all the schools equally in the trust. The trust is also the employer of any central staff and those within its schools.

Academy trustees are both the charity trustees and company directors of the trust and are registered at Companies House.

The constitution of the BKAT trust board is:

- The Chief Executive Officer appointed by members by ordinary resolution.
- Up to 10 trustees appointed by members by ordinary resolution.
- Any number of co-opted trustees if the trust board choose to appoint under article 58.

There is not a specific category of staff trustee although a member of staff could be co-opted by the trustees, providing that staff do not exceed more than one third of the total number of trustees. However, following good practice guidance, the trust board have made the decision not to have staff representation (other than the CEO) on the trust board but to have staff governors on local governing body level. Parent trustees are not required on the trust board as they have representation at local governing body level.

Trustees

Statutory Duties

Trustees must comply with the trust's charitable objects, with company and charity law, and with their contractual obligations under the funding agreement. Company directors' duties are described in sections 170 to 181 of the Companies Act 2006, but in summary are to:

- Act within their powers.
- Promote the success of the company.
- Exercise independent judgement.
- Exercise reasonable care, skill and diligence.
- Avoid conflicts of interest.
- Not accept benefits from third parties.
- Declare interest in proposed transactions or arrangements.

The trust board may delegate function to:

- Committees of the trust board.
- The local governing bodies.
- Any individual trustee.
- The Chief Executive Officer (who in turn may delegate to further individuals).
- The Central Team.

The Chair/Vice Chair

Trustees will elect a chair and vice chair from their number following the BKAT procedure for a term of one or two years maximum. The election will take place at the final meeting of the academic year. If a chair or vice chair resigns mid term then the new appointee will serve until the last meeting of that academic year in order to re-set the cycle.

Any employees of the trust may not act as chair or vice chair

If the chair and vice chair is absent from a meeting the trustees shall choose another (non-staff) trustee to act as chair for that meeting.

If a chair were to be elected for a 6th year, during that year the trust board would review the chair's position and consider if steps are required for succession planning as suggested good practice is that a chair does not serve for more than 6 years.

The chair is responsible for ensuring the effective functioning of the board and for setting professional standards of governance and accountability for the board. A role descriptor is available.

Chair's Action

This is where the chair (or vice chair when the chair is unable to do so by reasons of vacancy in the office or otherwise) of the trust board is able to make a decision where a delay in exercising a function of the trust board would be likely to be seriously detrimental to the Blue Kite Academy Trust, a pupil or their parent/carer or member of staff. However, it is only to be used if an immediate response is required – if there is a possibility that an extra-ordinary trust board meeting could be arranged in time to make the decision then this should always be the first option.

The Clerk

The trust must appoint a clerk to support the board of trustees who is someone other than a trustee, headteacher or chief executive of the trust. The clerk will have a job description but in summary will provide

- guidance to ensure the board works in compliance with the appropriate legal and regulatory framework, and understands the potential consequences of non-compliance
- advice on procedural matters relating to operation of the board
- administrative and organisational support

Meetings

There will be a minimum of six meetings of the trustees each academic year. Meetings of the trustees shall be convened and conducted as provided by the Articles 108 to 126.

Trust board meetings can only take place if they are quorate. The quorum for a meeting will be three trustees or one third of the trust board whichever is larger. Unless there is going to be a vote to remove a trustee or the chair of trustees and then the quorum is two thirds.

Withdrawal from meetings

Trustees will withdraw from meetings when appropriate and dependent on their declaration of business interests.

A trustee may be asked to leave a meeting if there is a conflict of interest or pecuniary interest declared at the start of the meeting. These may include the following situations (but not exclusive):

- Teachers need not withdraw because of a pecuniary interest which is no greater than that of the other teachers at the school.
- Other members of staff need not withdraw unless they have a personal interest which is greater than that of other members of staff who are not teachers.
- Any employee of the school other than the CEO must withdraw from a meeting which considers the pay or appraisal of other employees of the school.
- The CEO must withdraw from any meeting which considers his or her own pay or performance appraisal.
- The person acting as clerk may continue to act as such unless his or her own pay or disciplinary action against him/her is under consideration.
- A member of the school staff cannot be present at a meeting when the appointment of their successor is considered, nor vote on their appointment.
- If there is a disagreement about whether a person is required to withdraw, it is for the other members of the trust board or committee to make the decision.

Voting

Every trustee has one vote and every question to be decided at a meeting of the trustees shall be determined by a majority vote. When there is an equal division the chair of the meeting will have the casting vote.

The trustees focus on three core functions:

1. Ensuring clarity of vision, ethos and strategic direction.
2. Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff.
3. Overseeing and ensuring effective financial performance.

The trust board has a number of areas of responsibility that are detailed below. However, many of these functions can be delegated to committees including the local governing bodies therefore reference to the **Delegation of Duties** document needs to be made.

Areas of Responsibility for the Trust Board (as detailed in the DfE Governance Handbook)

A responsibility delegated to a committee has a *

Vision ethos and strategic direction

The Trust Board is responsible for setting the trust's overall vision, strategy culture and values.

The trust board should ensure parental engagement takes place.*

The trust board is responsible for ensuring compliance with equalities legislation.

The trust board is responsible for nominating a safeguarding lead trustee.

The trust board is responsible for nominating a SEND lead trustee.

The trust board is responsible for nominating a Health and Safety lead trustee.

The trust board is responsible for ensuring there is at least one trustee with specific, relevant skills and experience of financial matters.

The trust board is responsible for establishing and appointing board committees including an audit committee which is statutory if the trust has an income of over £50million.

The trust board is responsible for establishing local governing bodies.

The trust board is responsible for ensuring the central team carry out DBS checks and 128 checks.

The trust board is responsible for setting safeguarding policies and ensuring they include reference to peer to peer abuse, gender issues and allegations against teachers and other staff. Must have due regard for statutory guidance; Keeping Children Safe in Education.

The trust board must ensure compliance with health and safety legislation, including food safety, supporting pupils with additional health needs, first aid and fire safety.*

The trust board approves all relevant admission arrangements in line with the school admissions code.*

The trust board will decide which trustee will be available for an Ofsted inspection at any of the schools within the trust.

Educational Performance

The trust board is accountable for ensuring that statutory requirements regarding the curriculum and early years foundation stage are met.*

The trust board are accountable for ensuring curriculum policies are in place such as Religious education, Relationships, Sex and Health Education and Collective Worship.*

The trust board are responsible for ensuring there is a written behaviour policy which promotes good behaviour amongst pupils.*

The trust board will ensure that careers guidance is being delivered in any secondary schools within the trust.*

The trust board will ensure compliance with the SEND Code of Practice.*

The trust board is responsible for ensuring exclusion decisions are compliant.

The trust board is responsible for keeping admission and attendance registers – delivery carried out by schools.

The trust board is responsible for setting the approach to staff appointment and dismissal with regard to statutory requirements.*

The trust board determines the appraisal and performance management process for staff in the BKAT.*

The trust board agrees the pay and conditions policy for teachers and support staff.*

The trust board are responsible for deciding the CEO pay and benefits – this is delegated to the performance management governors and reported back to the board.

The trust board are responsible for ensuring compliance by the leadership team in relation to appraisal, pay, disciplinary, grievance capability and safer recruitment.

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Financial Performance

The trust board are responsible for the appointing the accounting officer and the chief financial officer (CFO).

The trust board sets the delegated authority limits for financial transactions.

The trust board are responsible for establishing controls framework including internal audit.*

The trust board approve the budget.

The trust board review management accounts 6 times a year and the chair receive monthly accounts.

The trust board are responsible for holding oversight of cash management across the trust.*

The trust board reviews the pupil premium and sport premium spend – monitoring is delegated to LGBs.*

The trust board approves the annual report and accounts.

The trust board approve finance policies (charging and remission, procurement).*

The trust board ensures compliance with ESFA requirements.

The trust board should hold oversight of strategic risks and maintain a risk register – this is delegated to Risk, Audit and Strategy Committee.

The trust board is responsible for setting governance polices and has delegated this to the central team for BKAT wide polices and individual schools for those that can be specific to a setting, **see policy review schedule**. The trust board will ratify all statutory required trust polices.

The trust board are responsible for ensuring safeguarding practices are in place and a designated safeguarding lead is appointed. The appointment of DSLs for the trust has been delegated to the CEO and to the headteachers and LGBs for individual schools.

The trust board is responsible for appointing a designated teacher to promote the educational achievement of looked after children and previously looked after children on the school roll – this has been delegated to headteachers and LGBs.

The trust board have delegated further oversight to three committees, Education Standards and Strategy (ESS), Finance, Personnel and Resources (FPR) and Risk, Audit and Strategy (RAS) for which there are terms of reference. Through this oversight the trust board may deem intervention necessary.

Intervention

If intervention is required, the trust will adapt strategies to a school's context as outlined in the School Improvement Strategy. The trust will understand where each school is on its improvement journey and will pinpoint precisely the issues that need to be addressed if it is to make progress – whether these relate to a school's culture and expectations of pupils, leadership, governance, attendance, behaviour, teaching and learning, assessment or variability in performance. MAT executive leaders will then be deployed to ensure that resources are mobilised to tackle these weaknesses. This is about more than being adept at managing a deficit model of school improvement. It is also able to adapt interventions to maintain momentum as a school improves and can refresh or renew strategies as the chain develops.

Committee Terms of Reference

Education Standards and Strategy Committee

The trust board has resolved to establish an Education Standards and Strategy (ESS) Committee to advise the trust board on matters relating to the trust's curriculum, quality and standards.

The committee is responsible to the trust board.

The committee's terms of reference are adopted by the trust board and may only be amended with the approval of the trust board.

Authority

The committee is authorised to investigate any activity within its terms of reference or specifically delegated to it by the trust board. It is authorised to request any information it requires from any employee of the trust and all employees are directed to co-operate with any request made by the committee. The committee is authorised to obtain any outside legal or independent professional advice it considers necessary.

Administration

The Education Standards and Strategy (ESS) Committee will aim to meet 6 times per academic year. The committee's chair or any two committee members may call a meeting.

The ESS Committee will consist of a minimum of three trustees of the trust board. Members of the committee are appointed annually by the trust board. The chair of the trust board may be an ex officio member of the committee. Additionally, up to two external co-opted members with particular expertise may be appointed to the committee by the trust board. Other trust board members shall also have right of attendance and may fully participate in meetings, but cannot vote.

The CEO will be an ex officio member of the ESS Committee (and can count towards the minimum of 3 trustees). Other employees of the trust may be invited to attend meetings but will have no voting rights.

The chair and vice chair of the ESS Committee will be appointed by and from the ESS committee annually. The CEO or headteacher of a school may not act as chair of the committee. Any other employees of the trust may also not act as chair, other than in exceptional circumstances agreed by the board.

If the chair and vice chair is absent from a meeting the committee shall choose another committee member to act as chair for that meeting.

The ESS Committee will be quorate if at least three members (or at least one third if greater) of those members eligible to vote are present.

In addition, at least 50% of those members present are required to be trustees [in the event of there being co-optees on the committee] and no more than 50% may be employees of the trust. Decisions to be made at meetings of the committee shall be determined by a majority of the votes of members present and voting. Where there is an equal division of votes, the chair shall have a second or casting vote.

Agendas will be agreed in advance by the chair of the ESS committee (based on, but not limited to, a pre-agreed annual schedule of activity) and papers will be circulated to committee members and attendees at least 5 working days in advance of the meeting.

Minutes of meetings will be taken and submitted to the next scheduled meeting of the trust board once approved in draft by the chair of the committee. The ESS committee will self-assess its performance against these terms of reference on an annual basis and will also review the terms of reference, submitting any proposed changes to the trust board for approval.

The members of the committee shall hold office from the date of their appointment until their resignation or their omission from membership of the committee on subsequent consideration by the trust board (whichever shall happen first).

Main Duties

To monitor and advise the trust board (via committee minutes) on the following:

- Data on attainment and achievement for all of the trust's academies.
- Special Educational Needs and Disability (SEND) and inclusion.
- Partnership working.
- Admissions.
- Safeguarding arrangements.
- Community engagement.
- Governance effectiveness.

To review:

- Statutory policies that relate to the ESS committee as per the **policy review schedule**.
- Information on curriculum and quality issues for all the trust's academies including Early Years Foundation Stage (EYFS).
- Outcomes, identifying significant changes in performance, emerging trends and risks in relation to the future performance of each school.
- Deployment of resources and effectiveness of the Strategic Education Board.
- Analyse and challenge trusts reports on school outcomes.
- Findings from Ofsted and ensure Quality Assurance visits are supportive but appropriately challenging.
- Pupil, parents and staff voices.
- Feedback to schools and LGBs.

Finance, Personnel and Resources Committee

The trust board has resolved to establish a Finance, Personnel and Resources Committee to advise the trust board on matters relating to budget, staffing, premises and health and safety.

The committee is responsible to the trust board.

The committee's terms of reference are adopted by the trust board and may only be amended with the approval of the trust board.

Authority

The Finance, Personnel and Resources Committee is an advisory body with no executive powers. However, it is authorised by the trust board to investigate any activity within its terms of reference,

and to seek any information it requires from staff, who are requested to co-operate with the committee in the conduct of its inquiries.

The Finance, Personnel and Resources Committee is authorised to obtain independent professional advice if it considers this necessary.

Administration

The committee shall meet no less than 4 times a year. The committee's chair or any two committee members may call a meeting.

The FPR Committee will consist of a minimum of three trustees of the trust board. Members of the committee are appointed annually by the trust board.

Additionally, up to two external co-opted members with particular expertise may be appointed to the committee by the trust board. Other trustees shall also have right of attendance and may participate in meetings but cannot vote.

The Chief Finance Officer will normally attend meetings of the Committee.

Other employees of the Trust's may be invited to attend meetings but will have no voting rights.

The external auditor may request a meeting if he or she considers one necessary.

The chair and vice chair of the FPR Committee will be appointed annually by the committee. The CEO or headteacher of an academy may not act as chair or vice chair of the committee. Any other employees of the trust may also not act as Chair, other than in exceptional circumstances agreed by the trust board.

If the chair and vice chair is absent from a meeting the committee shall choose another committee member (who is not a member of staff) to act as chair for that meeting.

The FPR committee will be quorate if at least three members (or at least one third if greater) of those members eligible to vote are present.

In addition, at least 50% of those members present are required to be board members [in the event of there being co-optees on the committee] and no more than 50% may be employees of the trust. Decisions to be made at meetings of the committee shall be determined by a majority of the votes of committee members present and voting. Where there is an equal division of votes, the chair shall have a second or casting vote.

Agendas will be agreed in advance by the chair of the FPR Committee (based on, but not limited to, a pre-agreed annual schedule of activity) and papers will be circulated to committee members and attendees at least 5 working days in advance of the meeting.

Minutes of meetings will be taken and submitted to the next scheduled meeting of the trust board once approved in draft by the chair of the committee. The FPR committee will self-assess its performance against these terms of reference on an annual basis and will also review the terms of reference, submitting any proposed changes to the board for approval.

The members of the committee shall hold office from the date of their appointment until their resignation or their omission from membership of the committee on subsequent consideration by the board (whichever shall happen first).

The specific duties of the Finance, Personnel and Resources Committee shall be to:

- Review the annual budget in detail and to make recommendations to the trust board.
- Monitor how school premiums are spent (Sport Premium, Service Premium and Pupil Premium).
- Take a longer-term view of the trust's financial plans consistent with the requirement to approve and submit three-year budget forecasts using an integrated approach to curriculum and financial planning.
- Approve a written scheme of delegation of financial powers.
- Ensure that financial plans are prepared and monitored, satisfying itself that the trust remains a going concern and financially sustainable.
- Review any report from the Chief Operating Officer in to the operation of the trust buildings and grounds.
- Review new and existing policies relating to financial management of the trust (as per the **Policy Review Schedule**).
- Review new and existing policies relating to the employment and conditions of staff of the trust (as per the **Policy Review Schedule**)
- Review the recommendations of the Chief Executive Officer as to salaries particularly any discretionary awards.
- Review and monitor the Health and Safety policy statement in order to safeguard the health and wellbeing of pupils, employees and visitors to the trust.
- Maintains oversight of asbestos management in schools.
- Review the operation of the trust's code of practice for members, trustees and governors, and code of conduct for staff;

The Finance, Personnel and Resources Committee must ensure personnel management procedures have been identified, formally approved and documented to cover as a minimum:

- recruitment (including references and police checks),
- performance appraisal and review,
- equal opportunities,
- disciplinary (including absence policies),
- grievance,
- staff expenses,
- consider any other matters where requested to do so by the trust board,
- report at least once a year to the trust board on the discharge of the above duties.

The trust board should also ensure that procedures are in place to ensure that employees of the trust are paid for work done in accordance with their contracts of employment with the trust.

In addition, the trust board must ensure the trust has adequate insurance cover to support its activities as an employer, such as employers' liability insurance, fidelity insurance, trustee indemnity and public liability insurance.

Financial delegation regards spending

Delegated Duty	Value	Delegated Authority	Comments
Ordering goods and services	Up to £5000	Headteacher Finance Manager	Evidence of best value required LGB to monitor
	Up to £25,000	Chief Financial Officer Chief Operating Officer	Over £5,000 three quotes required LGB to advise on preferred quote
	Up to £50,000	Chief Executive Officer	Over £30,000 tendering process LGB to advise on preferred quote
	Over £50,000	Trust Board	Delegated to Finance, Personnel and Resources Committee LGB to advise on preferred quote
Business Charge Cards limits	Up to £2000	Chief Executive Officer Chief Financial Officer Chief Operating Officer Finance Manager Estates Manager School Business Manager	
	Over £2000	Trust Board	Delegated to Finance, Personnel and Resources Committee
Virement Limits	Up to £5000	Chief Executive Officer	
	Over £5000	Trust Board	Delegated to Finance, Personnel and Resources Committee
Capital Asset Disposal	Up to £1000	CEO	
	Over £1000	Trust Board	
Bad Debt write off	Up to £1000	CEO	
	Over £1000	Trust Board	
	Over £45000	Education and Skills Funding Agency	

Risk, Audit and Strategy Committee

The trust board has resolved to establish a Risk, Audit and Strategy Committee in accordance with the provisions of The Academies Financial Handbook to advise the trust board on matters relating to the trust's audit arrangements and systems of internal control.

This committee will be subject to the provisions of the Standing Orders of the trust and its committees (to which specific reference should be made) and shall operate in accordance with any requirements of the Education Funding and Skills Agency and any other national funding bodies.

It is responsible to the trust board.

Authority

The committee is authorised by the trust board to investigate any activity within its terms of reference and to seek any information it requires from the internal audit service, the financial statements auditor, trustees, committees and trust employees, plus relevant information from subcontractors and other third parties and obtain external professional advice.

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

Administration

The committee shall consist of a minimum of 3 and a maximum of 6 members (of whom the majority shall be trustees and at least one of whom shall have the relevant skills and expertise). The trust board may co-opt persons to the committee who are not trustees but have relevant skills and experience.

Employees of the trust should not be members of the committee but the accounting officer and chief financial officer should attend to provide information and participate in discussions.

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

The Chair and vice chair of the RAS Committee will be appointed by and from the trust Board annually. The chair of trustees should not be chair of the RAS committee. If the chair and vice chair is absent from a meeting, the committee members shall choose one of their number to act as chair for that meeting.

The committee shall meet as necessary but at least three times a year. The chair or any two committee members may call a meeting.

The meetings shall be timely with the work of the trust's internal audit service and the financial statements auditor.

Non committee members may be invited to attend meetings but other trustees shall not have the right to attend meetings.

The clerk to the committee will keep appropriate records of the proceedings.

The minutes of committee meetings shall be circulated to all trust board members.

The duties of the Risk Audit and Strategy Committee are detailed in the Academies Financial Handbook 2020.

The committee **must**:

- Agree a programme of work annually to deliver internal scrutiny that provides coverage across the year.
- Review the ratings and responses to the risk register to inform the programme of work , ensuring checks are modified as appropriate each year.
- Agree who will perform the work.
- Consider reports at each meeting from those carrying out the programme of work.
- Consider progress in addressing recommendations.
- Consider outputs from other assurance activities by third parties including ESFA financial management and governance reviews, funding audits and investigations.
- Have access to the external auditor as well as those carrying out internal scrutiny, and consider their quality.

The committee's oversight must extend to the financial and non -financial controls and risks at all schools in BKAT.

Oversight must ensure information submitted to the DfE and ESFA that affects funding including pupil number returns and funding claims (for both revenue and capital grants) completed by the trust and by all schools in BKAT, is accurate and in compliance with funding criteria.

Remit of the committee in relation to internal scrutiny.

The committee **must**:

- Direct the trust's programme of internal scrutiny.
- Ensure that the risks are being addressed appropriately through internal scrutiny.
- Report to the board on the adequacy of the trust's control framework, including financial and non-financial controls and management of risks.

Remit of the committee in relation to external audit.

The committee **must**:

- Review the external auditors plan each year.
- Review the annual report and accounts.
- Review the auditor's findings and actions taken by the trust's managers in response to those findings.
- Assess the effectiveness and resources of the external auditor to provide a basis for decisions by the trust's members about the auditor's re-appointment or dismissal or retendering.
- Produce an annual report of the committee's conclusions to advise the trust board and members, including recommendation on the re-appointment or dismissal or retendering of the external auditor and their remuneration.

Local Governing Body

The trust board has resolved to establish local governing bodies (LGB) in accordance with the provisions in the Articles of Association. Local governing bodies are responsible to the trust board.

Authority

The LGB is a committee of the trust board. It is authorised by the trust board to investigate any activity within its terms of reference, and to seek any information it requires from staff, who are requested to co-operate with the LGB in the conduct of its inquiries.

The constitution of a Local Governing Body of the Blue Kite Academy Trust shall be:

- At least 2 elected parent governors
- Up to 2 elected staff governors
- A minimum of 4 and a maximum of 10 co-opted governors
- The headteacher

The minimum size for an LGB will be 6 governors (2 parent governors and 4 co-opted governors, the LGB can choose not to have staff governors).

The maximum number of governors on an LGB will be 15 governors.

The term of office for all governors (including the headteacher) will be four years.

Staff and parents can be co-opted on to an LGB (as well as being elected) but staff must not make up more than 1/3 of the membership.

Committee Members

The LGB may invite any person who is not a governor to an LGB meeting or committee of the LGB for the skills that they can offer. They should not be given voting rights at LGB but can be given voting rights at committee level providing governors are in the majority when any vote takes place.

Link Governors

The LGB will appoint a link governor for Health and Safety, Safeguarding and Special Educational Needs and Disability (SEND). Other link governors may be appointed as agreed by the LGB.

LGB Committees

It is not expected that LGBs of the Blue Kite Academy Trust will have committees but it is for the LGB to decide if they wish to form them. If they do then there needs to be standing orders based on the delegated duties to LGBs that can be found on pages 23 to 25. A chair and vice chair must be elected and the committees must be clerked.

Chair and Vice Chair

The LGB will elect a chair and vice chair from their number following the BKAT procedure for a term of one or two years maximum. The election will take place at the final meeting of the academic year. If a chair or vice chair resigns mid-term then the new appointee will serve until the last meeting of that academic year in order to re-set the cycle.

If a chair were to be elected for a 6th year, during that year the LGB would review the chair's position and consider if steps are required for succession planning as suggested good practice is that a chair does not serve for more than 6 years.

Any employees of the trust may not act as chair or vice chair

If the chair and vice chair is absent from a meeting the LGB shall choose another (non-staff) governor to act as chair for that meeting.

Chair's Action – must only be undertaken by the **Trust Board** chair

This is where chair (or vice chair when the chair is unable to do so by reasons of vacancy in the office or otherwise) of the trust board is able to make a decision where a delay would be likely to be seriously detrimental to the Blue Kite Academy Trust, a pupil or their parent/carer or member of staff. However, it is only to be used if an immediate response is required – if there is a possibility that an extra-ordinary trust board meeting could be arranged in time to make the decision then this should always be the first option. If such an issue comes to the attention of the LGB chair then they need to make contact with the CEO or Head of Governance immediately. This is very rarely used and only in extreme circumstances.

The Clerk

A clerk for the LGB will be appointed by BKAT to support the governors. The clerk will have a job description but in summary will provide

- guidance to ensure the board works in compliance with the appropriate legal and regulatory framework, and understands the potential consequences of non-compliance
- advice on procedural matters relating to operation of the board
- administrative and organisational support

Meetings

There will be a minimum of six meetings of the LGB each academic year. Meetings of the LGB shall be convened and conducted as described in the LGB Handbook.

Quorum

LGB meetings can only take place if they are quorate. The quorum for a meeting will be three governors or one third of the LGB whichever is larger. Unless there is going to be a vote to remove a governor or the chair of the LGB and then the quorum is two thirds. Non staff governors must outnumber governors who are members of staff by at least one.

Withdrawal from meetings

Governors will withdraw from meetings when appropriate and dependent on their declaration of business interests.

A governor may be asked to leave a meeting if there is a conflict of interest or pecuniary interest declared at the start of the meeting. These may include the following situations (but not exclusive):

- Teachers need not withdraw because of a pecuniary interest which is no greater than that of the other teachers at the school.
- Other members of staff need not withdraw unless they have a personal interest which is greater than that of other members of staff who are not teachers.
- Any employee of the school other than the Headteacher must withdraw from a meeting which considers the pay or appraisal of other employees of the school.
- The Headteacher must withdraw from any meeting which considers his or her own pay or performance appraisal.
- The person acting as clerk may continue to act as such unless his or her own pay or disciplinary action against him/her is under consideration.
- A member of the school staff cannot be present at a meeting when the appointment of their successor is considered, nor vote on their appointment.
- If there is a disagreement about whether a person is required to withdraw, it is for the other members of the LGB or committee to make the decision.

Voting

Every governor has one vote and every question to be decided at a meeting of the governors shall be determined by a majority vote when there is an equal division the chair of the meeting will have the casting vote.

Delegated duties

The governors focus on three core functions:

4. ensuring clarity of vision, ethos and strategic direction
5. holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff
6. overseeing and ensuring effective financial performance

The trust board has delegated the following functions to LGBs. However, where intervention in a school and/or the LGB is required certain functions may be removed.

The main functions of the local governing body include, finance, staffing, health and safety and premises, pupils, safeguarding and school effectiveness. As well as this, each school will receive a delegated budget which is devolved from the trust bank account. Governors will be expected to monitor the effectiveness of the spending in each school to ensure maximum impact and value for money.

Staffing

- To be involved alongside the CEO in the appointment of the headteacher and ensure recruitment, selection and appointment meet statutory and safeguarding requirements.
- To review and monitor the staffing and leadership of the school to ensure a fit for purpose and affordable staffing structure.
- To ensure staff have opportunities for continuing professional development via the trust and other providers, receive confirmation of training completed and monitor impact.
- To receive confirmation that performance management/appraisals of all staff have taken place.
- Agree pay recommendations in accordance with trust pay policy.

- To arrange a governor pay panel to review teacher's pay increments to ensure a fair and robust procedure has been followed.
- To receive confirmation from the pay panel that all teachers' salaries have been reviewed and pay statements distributed.
- Schools and Local governors to be responsible for setting pay recommendations up to deputy head level.
- To adopt Trust HR policies and ensure the school is compliant.
- To instigate capability procedures against the headteacher alongside the CEO.
- To participate in staffing/appeals panels alongside the CEO.
- To monitor and review all aspects of staff wellbeing.
- To be part of the headteacher performance management alongside the CEO.
- To investigate allegations against the headteacher alongside the CEO.
- To ensure a Designated Safeguarding Lead (DSL) has been appointed.
- To ensure a designated teacher to promote the educational achievement of Looked after children (LAC) and previously LAC has been appointed.

Pupils

- To investigate allegations against pupils.
- To ensure the medical, emotional and social needs of all pupils are met .
- To monitor behaviour, bullying and racist incidents (usually reported through the headteachers's report).
- To monitor and review the school's involvement with the wider community
- To review pupil and parent voice
- To agree admissions criteria each year. Any changes to be referred to the trust board. Consultation is required at least every 7 years.

Safeguarding

- To nominate a link governor for safeguarding.
- To review and monitor the annual safeguarding audit.
- To ensure all staff and governors have appropriate safeguarding training.
- To ensure the school has effective safeguarding procedures and policies in place.

School Effectiveness

- To ensure that actions to raise standards are acted upon, using the objectives set out in the School Development Plan.
- To review and analyse the performance of the school, against national and local indicators, and to advise the trust board on any action required in order to sustain improvement.
- To ensure the school is offering a broad and balanced curriculum including community engagement.
- To ensure that School Development Plan reflects the requirement to raise standards, and to monitor and evaluate it accordingly.
- To monitor the implementation of any Action Plan resulting from OFSTED Inspections, in order to maintain progress.
- To approve the annual key stage targets to be set.
- To establish with the assistance of the headteacher, information about how the curriculum is taught, evaluated and resourced.
- To nominate a link governor for Special Educational Needs and Disability (SEND)

- To ensure that the requirements of all pupils with are met including (but not exclusive) SEND, Gifted, talented and more able, English as an additional language (EAL), those in receipt of pupil premium.
- To receive regular reports from the headteacher and/or SMT on the quality of teaching and learning, to identify areas for improvement, and ensure that any necessary action is taken to maximise outcomes for pupils.
- To ensure that other relevant policies (i.e. for Teaching & Learning, Behaviour, Attendance etc.) which support learning and improvements in attainment are in place and reviewed.
- Request support or offer support when required.
- Report to trustees on key issues

Governance

- To be involved in the recruitment of governors.
- To instigate, monitor, review and evaluate governor training .
- To evaluate the effectiveness of the local governing body.

Finance

- Review financial reports and budget monitoring with headteacher.
- Ensure that school expenditure is in line with development plan objectives.
- Review areas of over or underspend.
- Examine budget forecasts and liaise with the trust on any actions required.
- Contribute to discussion surrounding spending plans and capital projects.
- To be aware of and ensure that the school is following the Trust's financial policies and procedures.
- To monitor how school premiums are spent (Sport Premium, Service Premium, Pupil Premium).
- Raise any concerns about the school's financial management with the Central Team.

Health and Safety/Premises

- Ensure that the Health & Safety Policy and associated local policies, procedures and risk assessments are being adhered to and the wellbeing of all staff, pupils and visitors is promoted and valued.
- To ensure fire risk assessments are undertaken.
- Regularly review plans to accommodate any educational or additional needs to ensure the safety of pupils.
- Ensure the safe management of local asbestos arrangements are in place.
- Receive H&S audit reports and ensure any corrective actions are implemented.
- Nominate a governor to review the implementation of the H&S Policy is effective and to undertake an annual site inspection with the site manager/caretaker or equivalent.

Ofsted Inspections

The expectation is that governors from the LGB will make themselves available along with a trustee to meet with the Ofsted Inspectors during their visit.

Schools that have been judged RI or Inadequate

For those LGBs where the school has been judged as Requires Improvement or Inadequate the trust board will intervene and make a decision on how best to support the LGB and school. If it is considered that the LGB has the capacity to improve and hold the school to account then appropriate support will be given.

However, if a decision is made that the LGB is not capable of moving the school forward then the LGB will be removed and an interim LGB will be put in place by the trust board.

Terms of Reference for Panels

Admissions Panel

Admissions for the Blue Kite Academy Trust are dealt with by the Admissions Team at Swindon Borough Council and any appeal would be through an independent panel. Each school sets their own admissions criteria.

Complaint Panel

Membership: Two Trustees and an independent panel member

Quorum: Three

The meeting will be clerked by the Head of Governance.

Refer to BKAT Complaint Policy for full details on the remit of the complaint panel.

LGB Staff Grievance Appeal Panel

Membership: Two governors and the CEO (if the Headteacher made the decision)
Three trustees (if the CEO made the decision)

Quorum: One governor plus the CEO (three preferable)
Two Trustees

If necessary governors from any BKAT school can be invited to form the panel.

The meeting must be minuted. Where possible this will be by the LGB clerk or Head of Governance.

1. To consider matters relating to staff grievance in accordance with agreed procedures detailed in the BKAT Grievance policy, and to make such decisions as fall to it to make under those procedures.

Staff Disciplinary Panel

Membership: Three governors (or 3 trustees where the member of staff is the CEO)

Quorum: Three

The meeting must be minuted. Where possible this will be by the LGB clerk or Head of Governance.

To consider matters relating to staff conduct where there is a possibility that the member of staff will be dismissed in accordance with agreed procedures detailed in the BKAT Disciplinary policy, and to make such decisions as fall to it to make under those procedures.

Staff Appeals Panel

Membership: Three Trustees

Quorum: Three

The meeting must be minuted. Where possible this will be by the LGB clerk or Head of Governance.

1. To hear appeals against decisions made in relation to staff discipline and dismissal.

Pay Panel

Membership: 3 governors

Quorum: 3 governors

The Pay Panel will be appointed with fully delegated powers but will report in full to the local governing body on decisions made. Any governor/s employed in the school are not entitled to be members of the Pay Panel. The headteacher will attend Pay Panel meetings in an advisory capacity only. Notes only need to be made if there are any disagreements to awards being made clearly stating why the panel feels a teacher should not receive an increment/award.

The Pay Panel will meet during the autumn term with the Headteacher to review pay awards by:

- Meeting the aims of the BKAT school pay policy and applying its criteria;
- Ensuring that all staff receive their full contractual and statutory entitlements;
- Considering recommendations from the headteacher about what awards should be given on the basis of policy and budget;
- Ensuring that awards are made fairly, taking full account of equal opportunities;
- Receiving the recommendations of the headteacher in relation to teachers on the upper pay spine and take appropriate action in line with the agreed criteria;
- Ensuring that all members of the teaching staff receive annual statements of salary.

Performance Management governors/trustees

Membership: 2 governors and the CEO (for Headteachers)
3 trustees plus an external adviser (for CEO)

Quorum: 1 governor and the CEO (for Headteachers)
2 trustees plus an external adviser (for CEO)

Refer to the BKAT Performance Management policy for further details on conducting performance management.

Pupil Discipline Committee

Membership: Three governors from any school within BKAT, or trustees

Quorum: Two

A representative from the Local Authority can be invited.

The committee's role is to review, as the need arises, the headteacher's exclusion decisions.

Ensure reference to the BKAT Exclusion policy.

The governing body should establish a pupil discipline committee of three members. The headteacher may not be a member. The governing body may nominate a pool of named governors from which three will serve as the committee for a particular exclusion. No governor or trustee should serve on a committee if s/he has a connection with the pupil or the incident which could affect their ability to act impartially.

The committee should be clerked by the LGB clerk (or Head of Governance) and the governors should be trained in the exclusion process.

The Pupil Discipline Committee will:

- Consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if, the exclusion is permanent, it is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term or it would result in a pupil missing a public examination or national curriculum test.
- Consider representations from the LA or from parents whose child has been excluded for any period;
- Ensure the school adheres to the legal procedures and guidance on use of exclusions;
- Decide whether to direct re-instatement of any pupil excluded;
- Review the use of exclusions within the school.

In the case of fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Appeals by parents against the decision of the Pupil Discipline Committee are dealt with by an independent panel this will be arranged through the Local Authority.

Governors/trustees serving on discipline committees should take great care to ensure that they follow legal procedures since their decisions are open to scrutiny by an independent panel. Refer to the statutory guidance for further information: *Exclusions from maintained schools, academies and pupil referral units in England*.

Appendix A

The Seven Principles of Public Life

(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty – Holders of public office should be truthful

Leadership – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.