

# **CARMEL EDUCATION TRUST**

## **St Michael's Catholic Academy**

### **SCHEME OF DELEGATION**

**Effective date: 23 November 2016**

#### **1. INTRODUCTION**

As a charity and company limited by guarantee, The Carmel Education Trust (the "Company") is governed by a Board of Directors (the "Directors") who are responsible for, and oversee, the management and administration of the Company and the academies run by the Company. St Michael's Catholic Academy (the "Academy") is one of the academies.

The Directors are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education they provide and they are required to have systems in place through which they can assure themselves of quality, safety and good practice. As the Academy is a Catholic school, designated as such, the Directors are also accountable to the Diocesan Board of Education (the "DBE") and the Bishop of Hexham & Newcastle to ensure that the Academy is conducted as a Catholic school in accordance with the canon law and teachings of the Roman Catholic Church so that at all times the School may serve as a witness to the Catholic faith in Our Lord Jesus Christ.

In order to discharge these responsibilities, the Directors appoint people who are more locally based to serve on a board (the "Local Management Board") which has been established to ensure the good governance of the Academy in accordance with Article 101.

This Scheme of Delegation explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Directors and the members of the Local Management Board and the commitments to each other to ensure the success of the Academy.

This Scheme of Delegation has been put in place by the Directors from the Effective Date in accordance with the provisions of the Company's Articles of Association (the "Articles") and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles.

## 2. **VISION AND VALUES STATEMENT**

The Trust's vision is as follows:

Our schools will be places of excellence – providing service and witness to children, their families and the wider Catholic community, adding value as a family of schools and enriching the learning and experience of all our young people so they may achieve their full potential.

The following values underpin everything the Trust and our Schools will do:

### **BEING** Just and Responsible

We seek to act justly, fairly and responsibly in all our relationships to ensure 'The Common Good' is upheld.

### **PROMOTING** Spiritual and Human Development

We believe a knowledge of and a personal relationship with Christ gives meaning and purpose to our lives.

### **ACHIEVING** Quality in Teaching and Learning

We believe everyone should gain dignity and self-worth through quality teaching and learning which allow all in our school community to excel.

### **SHOWING** Respect for Every Person

We believe that all are created in the image of God and therefore we will respect the unique and intrinsic value of every person, promoting equality and celebrating diversity.

### **CREATING** Community

We believe our schools to be faith communities where Gospel values of truth, honesty, forgiveness and reconciliation are lived and where there is special care for those most in need.

### **COMMUNICATING**

We value the views and opinions of the communities whom we serve and will actively engage and respond.

### **3. DIRECTORS' POWERS AND RESPONSIBILITIES**

The Directors have overall responsibility and ultimate decision making authority for all the work of the Company, including the establishing and running of schools and in particular the Academy as a Catholic school. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Directors have the power to direct change where required.

The Directors have a duty to act in the fulfilment of the Company's objects. The Directors also have a duty to the Bishop to uphold and adhere to the Memorandum of Understanding agreed with the Diocese of Hexham & Newcastle.

Directors will have regard to the interests of the other academies for which the Company is responsible in deciding and implementing any policy or exercising any authority in respect of the Academy.

Article 101 provides for the appointment by the Directors of committees to whom the Directors may delegate certain of the functions of the Directors. In further recognition of the Directors' power to delegate under Articles 102 and 105, responsibility for the running of the Academy from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Management Board of the Academy.

The constitution, membership and proceedings of the Local Management Board is determined by the Directors and this Scheme of Delegation expresses such matters and describes the authority delegated to the Local Management Board to run the Academy and fulfil the Academy's mission.

### **4. CONSTITUTION OF THE LOCAL MANAGEMENT BOARD**

#### **Composition of Local Management Boards**

Each Academy shall have its own Local Management Board. The Academy is part of the Catholic Church and is to be conducted as a Catholic Academy in accordance with the canon law and teachings of the Roman Catholic Church and in accordance with the Trust Deed of the Diocese of Hexham and Newcastle and in particular:

- a. Religious education is to be in accordance with the teachings, doctrines, disciplines and general and particular norms of the Catholic Church;
- b. Religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church; and at all times the Academy is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

The Academy LMB shall consist of 14 board members of which there shall be:

- a. 8 x foundation board members;
- b. 2 x parent board members;
- c. 2 x staff board members;
- d. 1 x Principal/Headteacher
- e. 1 x Chief Executive Officer of the Trust

The total number of board members shall be fourteen. The LMB can elect up to two additional Community Board members. Where this is the case, and for each community board member appointed then the number of foundation board members will increase by one. The maximum total number of Board members will therefore be eighteen. The Bishop of Hexham and Newcastle shall have the right to appoint foundation board members, on recommendation by the Board of Directors, who will always be in a majority of at least two. Only practising Catholics will be appointed as foundation board members.

The term of office of foundation board members is four years. The Chair of Board members will always be a Foundation Board member unless otherwise agreed in writing by the Bishop. No changes to the composition of the LMB shall be made without the consent of the Directors of the MAT and the Bishop.

For every vacancy to the Local Management Board a skills audit will be conducted/reviewed to identify any gaps that need to be filled in the skills, knowledge and experience of existing board members. The specific balance of skills that governing bodies require will vary over time to meet their particular needs and challenges. It is therefore for each Local Management Board, with advice from the Chief Executive Officer / Principal / Headteacher, to determine in their own opinion what these skills are and to be satisfied that any board members they may appoint have them.

For parent board member elections the Local Management Board will take steps to inform the electorate so that they understand the extent to which nominated candidates possess the skills the Local Management Board ideally requires. Candidate statements should therefore set out the evidence of the extent to which they possess the skills and experience the Local

Management Board desires and set out their commitment to undertake further training. In seeking re-election, details of their contribution to the work of the Local Management Board during the previous term should be included and how they plan to contribute to the future work of the Local Management Board.

On appointment to the Local Management Board members will be required to sign an undertaking to the Bishop and the Directors of the Carmel Education Trust and the Local Management Board Code of Conduct.

### **Full and Active Participation**

Every Member of the Local Management Board (with the exception of Principal / Headteacher and the Chief Executive Officer) will perform one or more of the following roles:

- Chair
- Vice-Chair
- Premises/Health & Safety Board member
- Safeguarding Board member
- LAC Board member
- SEN Board member
- Finance Board member
- School & Community Engagement board member
- Attendance & Behaviour Board member
- Catholic Ethos Board member (Priest)
- 2 X School Improvement & Curriculum Board member

Details of the key responsibilities associated with each of these roles together with requisite skills/interest and training requirements will be provided. Board members will also be required to confirm their adherence to the Trust's School Board member Eligibility Declaration Form.

In addition to these specified roles Local Management Boards may also link board members to defined subjects, departments, curriculum areas and Key Stages.

## **Proceedings**

The functions and proceedings of Local Management Boards are subject to regulations determined by the Board of Directors from time to time. The membership, constitution and terms of reference of Local Management Boards will be reviewed annually by the Board of Directors. The terms of reference and responsibilities of the Local Management Board are set out within the Scheme of the Delegation.

## **Meetings and Quorum**

The Local Management Board will meet on a termly basis. The quorum for a Local Management Board is six.

The Clerk to the Local Management Board will be the Governance Manager of the Carmel Education Trust. The Clerk will circulate agenda and papers at least seven days in advance of the meeting. The Chair and Vice-chair can call meetings at shorter notice to deal with urgent matters.

In the event of a need to make genuinely urgent decisions between meetings, the Chair in consultation with the Principal/Headteacher and/or where appropriate the Chief Executive Officer will take appropriate action on behalf of the Local Management Board.

Decisions are made by majority of votes and the Chair has a casting vote.

A board member will cease to hold office if they are absent for a period of six months without permission on resolution of the Board of Directors.

## **Election of Chair**

The Chair and vice-chair will be elected by the whole Local Management Board on an annual basis at the first meeting in the autumn term. The Chair must be a Foundation Board member. No board member employed at the School/Academy will act as Chair.

## **Working Groups**

The Local Management Board shall be entitled to establish working groups to inform the decision making process of the Local Management Board provided that such working groups shall not have decision making powers nor have any duties, powers or responsibilities of the Local Management Board delegated to them.

## 5. DELEGATED POWERS

### GENERAL PROVISIONS

Subject to provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Company following a special resolution [or any directives issued by the Bishop] the management of the business of the Academy shall be delegated by the Directors to the Local Management Board who may exercise all the powers of the Company in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Management Board which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme of Delegation, the powers given by this Scheme of Delegation shall not be limited by any special power given to the Directors by the Articles or to the Local Management Board by this Scheme of Delegation and a meeting of the Local Management Board at which a quorum is present may exercise all the powers so delegated.

In general terms, the responsibility of the Directors in so far as the business of the Academy is concerned is to determine the policy and procedures of the Academy and to consider and respond to strategic issues.

In order to drive school improvement and maintain a focus on standards the Trust has set the following expectations for each of its Local Management Boards:

1. The Local Management Board, with the Trust, sets the strategic direction and vision for the Academy.
2. Board members hold a shared vision for the Academy which is clear, understood and well communicated to staff, parents/carers and students and reflects the fundamental values, Objects and strategic focus of the Trust.
3. Board members have a clear understanding of the strengths and weaknesses for their Academy and ensure an appropriate School Development Plan with explicit priorities and targets is in place and is effectively implemented and monitored.
4. Board members develop detailed knowledge of their School and effectively engage with parents/carers, students and staff and the wider community and are well informed about their views and use this to inform strategic priorities for school development planning.

5. Board members will ensure that all statutory requirements including those set out within the Scheme of Delegation and Funding Agreement are met and that all Trust policies are implemented through well-developed procedures.
6. The Local Management Board is responsible for monitoring its budgets ensuring that proper records are maintained and that all Trust finance and procurement policies and procedures are followed. The Local Management Board must seek agreement with Directors prior to undertaking any commercial or trading activities.
7. The Local Management Board will implement all HR policies and procedures as determined by Directors.
8. Board members will ensure the health, safety and well-being of staff, students and visitors and ensure that adequate resources are allocated to provide a safe environment.
9. Board members will maintain the estate in accordance with Trust policies and comply with the conditions of insurance policies.
10. Board members are confident in providing high levels of professional challenge to hold the Principal/Headteacher to account.
11. The Local Management Board is successfully focused on raising standards and promoting the personal development and well-being of all learners.
12. Board members regularly review Academy targets ensuring they are both achievable and sufficiently challenging to lead to sustainable improvement.
13. The Local Management Board understands the Academy's performance data and has an accurate overview of how well all students are achieving in relation to their potential and in relation to other schools, as well as how different groups of pupils within the Academy are performing.
14. The Local Management Board has an effective understanding of the quality of provision within the Academy and how its performance compares locally and nationally.
15. The Local Management Board will regularly review and approve the curriculum for the Academy, including the allocation of resources.



16. Board members have a good understanding of the barriers to learning, including attendance and behaviour issues, and what the Academy is doing to overcome these.
17. Board members are fully engaged in the school self-evaluation process, keeping the work of the Academy under review and acting upon their findings.
18. Board members give an undertaking to attend meetings, to develop specialisms and to ensure that they know the school through regular visits.
19. The Local Management Board adopts a rigorous approach to the self-review of its own skills and performance. This includes a plan for improvement and the commitment as individuals and as a group to improvement.
20. The Local Management Board is responsible for the conduct of the school/academy and for promoting high standards.

For the purposes of clarity the responsibilities of Directors are detailed below.

1. Compliance with the Funding Agreement, Articles of Association, and all statutory, legal and contractual requirements.
2. Compliance with all statutory guidance and regulations and Acts of Parliament governing the operation of the Trust, including, without limitation all charity and company laws and all health and safety regulations.
3. Ensuring compliance with any leases and supplemental land agreements.
4. Ensuring processes are in place for the appointment of Trustees and Local Board members of the LMB (if appropriate) that have due regard to the appropriate skill set.
5. Preparation and approval of the Terms of Reference under which the Academy is governed.
6. Agreement of the Academy's annual funding in consultation with the Local Management Board.
7. Compliance with the Academies Financial Handbook including determining the procurement and finance policies for the Trust

8. Oversight of the finances of the Trust and Academies
9. Appointment of the Audit Committee.
10. Setting out the vision for the Trust and determining the Trust Development Plan.
11. Determine the Trust wide performance measures that will be used to evaluate the effectiveness of the Trust as part of the Trust's strategic planning process.
12. Consider and evaluate Trust and individual Academy performance against Trust performance and national performance indicators.
13. Identify and commission appropriate support and intervention strategies for individual Academies as required.
14. Monitor and review the Academy SEF on a termly basis
15. Establishing a funding model for use across the Trust and the Academies including developing an individual funding model for the each academy (in consultation with the LMB).
16. Agreement of the Trust's annual budgets and determining the proportion of the overall budget to be delegated to individual Academies.
17. Determining the services provided to the Academy by the Trust and how costs are allocated.
18. Oversight of the effectiveness of the delivery of centrally provided services.
19. Determining the cash flow management and deposits policy for the Trust and the Academy and monitoring income and expenditure for the Trust and the Academy;
20. Determining any additional financial and reporting targets for the Academy;
21. As the legal employer of all staff, responsibility for human resource policies and procedures and terms and conditions of service;
22. Putting in place processes for undertaking the performance management of staff
23. Oversight of public relations activities to promote the activities of the Trust and the Academies to the wider community

24. Appointment of the Internal and External Auditors for the Trust;
25. Appointing bankers and agreeing banking arrangements and signatories;
26. Develop an Estate Management Strategy for the Trust to identify the suitability of building and facilities in light of long term curriculum needs and the need for capital investment. Dispose or acquire land or interests in land to be used by the Academies.
27. Arranging appropriate insurance policies for Academy land and buildings and it's activities.
28. Maintaining a fixed asset register, determining capitalisation policies and approval of the disposal and write-off of assets.
29. Determining the admissions policy and arrangements for the Academy.
30. Determining of the complaints policy and procedures for the Academy.
31. Determining the educational vision of the Academy in consultation with the Local Management Board, including the Academy's School Development Plan;
32. The appointment of the CEO of the Trust, and Principal, Headteacher and Deputy Headteacher of the Academy.
33. Appointment of the Accounting Officer and Chief Financial Officer.
34. Appoint the clerk to Board of Trustees and any Committees of the Board of Trustees, including to the LMB (in consultation with the LMB).
35. Appoint/commission the appointment of the Company Secretary.
36. Exercise overall responsibility for the health, safety and welfare of all staff, pupils and visitors to Trust premises and Trust activities.
37. Require LMBs provide the Board of Trustees with termly performance reports to support the Trust's monitoring and evaluation of each academy.
38. Monitor the performance of the Local Management Board and to categorise the performance of each academy to determine the extent of delegation and the level of support required for school improvement.

39. Monitor the work of the LMB and if necessary review/withdraw/reduce/increase the scope of delegated powers including the appointment of an Interim Advisory Board.
40. Ensure there is the Board of Directors and Local Management Boards regularly review their effectiveness.
41. Ensure skills audit are periodically undertaken by Directors and all local board members.
42. Managing a corporate risk register for the Trust.
43. Undertake any hearings in relation to Exclusions.
44. Undertake hearings of complaints.

### **DELEGATION OF RESPONSIBILITIES TO THE CHIEF EXECUTIVE OFFICER**

The Local Management Board acknowledge that the following responsibilities have been delegated to the Chief Executive Officer:

1. Implementing the agreed policies and procedures laid down by the Trust this includes the implementation of all statutory regulations, provisions within the Education Acts, Canon Law, Diocesan Policies and compliance with the Master Funding Agreements.
2. Advising the Trust on strategic direction, forward planning and quality assurance.
3. The leadership and management of the Academy Trust, and line management of all Principal/Headteachers including advising Board members on setting appraisal targets and performance against appraisal targets;
4. As Accounting Officer for the Trust, overall accountability and management of the Trust budget, and oversight of the individual Academy's budget.
5. In exceptional circumstances and only on consultation with the Chair of Directors, the Chief Executive Officer may waive the requirements of the Trust Finance policy. These decisions will be formally recorded and reported to Directors at the next meeting of the Resources Committee or the full Board.
6. Advising the Trust on the appointment of all Leadership posts across the Trust, including the Head of each Academy. Leadership posts are those designated on the

Leadership pay scale, or a post who will form part of the Academy's senior management team e.g. a school business manager.

7. Delegation of responsibility up to and including dismissal for all staff employed in Trust Academies, other than Principal/Headteachers, which will remain the responsibility of the Directors.
8. To enter into Compromise Agreements following Human Resource advice and authorisation by the Chair of the Board of Directors.
9. Act as statutory Headteacher with regard to those functions which cannot be delegated to Principal/Headteacher.
10. All such additional functions as may be assigned under the job description or contract of employment.

### **DELEGATION OF RESPONSIBILITIES TO THE HEAD TEACHER OR HEAD OF SCHOOL**

The Local Management Board acknowledge that the following responsibilities have been delegated to the Principal/Head:

1. Implementing the agreed policies and procedures laid down by the Trust and the Local Management Board this includes the implementation of all statutory regulations provisions within the Education Acts, Canon Law, Diocesan Policies and compliance with the Master and Supplemental Funding Agreement.
2. Advising the Local Management Board on strategic direction, forward planning and quality assurance.
3. The leadership and management of the Academy.
4. The in-year admission of pupils.
5. Managing the delegated budget and resources agreed by the Local Management Board.
6. Advising the Local Management Board on the appointment of all staff other than Leadership posts and (except to the extent directed otherwise by the Directors and/or

the Chief Executive), the salary grading, allocation of duties, appraisal and discipline of all staff up to final written warning for disciplinary purposes.

7. The maintenance of good order and discipline by the pupils including their suspension and/or exclusion within the framework laid down by the Local Management Board.
8. All such additional functions as may be assigned under the job description or contract of employment.

## 6. **OPERATIONAL MATTERS**

The Local Management Board shall comply with the obligations set out above and in the Appendix which deals with the day to day operation of the Local Management Board.

The Local Management Board will adopt and will comply with all policies of the Directors and the Bishop communicated to the Local Management Board from time to time.

Both the Directors and all members of the Local Management Board have a duty to comply with the Trust's Code of Conduct for Local Management Boards.

The Local Management Board will review its local policies and practices on a regular basis, having regard to recommendations made by the Directors and the Bishop from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

The Local Management Board shall 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.

The Local Management Board shall submit to any inspections by the Directors and any inspections pursuant to Section 48 of the Education Act 2005 and any additional canonical inspections and visitations of the Bishop and any person appointed by him for the purpose of ensuring that the Academy is being conducted in accordance with canon law and is following the practices and teachings of the Catholic Church.

If the Academy is deemed to require improvement in significant key areas (regardless of their most recent Ofsted judgement) or is not improving at a rate deemed to be acceptable, then as part of its responsibility to take action, the Board of Directors may exercise their right to reconstitute/suspend the Local Management Board, remove and/ or appoint new board

members and/or amend/suspend the Scheme of Delegation and to appoint an Interim Advisory Board.

**7. ANNUAL REVIEW**

This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy.

The Directors will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.