



**THE KEMNAL ACADEMIES TRUST**

**SCHEME OF DELEGATION**

**EFFECTIVE DATE: September 2021**

*Revisions*

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|--------------------|---|
| <i>Main Scheme</i> | <i>April 2021 (for September 2021 implementation)</i> |
| <i>Appendix 1</i>  | <i>April 2021 (for September 2021 implementation)</i> |
| <i>Appendix 2</i>  | <i>August 2023</i>                                    |
| <i>Appendix 3</i>  | <i>April 2021 (for September 2021 implementation)</i> |
| <i>Appendix 4</i>  | <i>April 2021 (for September 2021 implementation)</i> |

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## 1. Introduction and Executive Summary

- 1.1 The Kemnal Academies Trust (referred to herein as the “**Trust**”) was established on 1<sup>st</sup> September 2010. In consequence of it entering into both a Master Funding Agreement and a number of Supplemental Funding Agreements (the “**Funding Agreements**”), the Trust is a multi-academy trust capable of operating and maintaining a number of academies (the “**Academies**”).
- 1.2 The Trust is both a company limited by guarantee, registered at Companies House (Company Number 07348231) and, by virtue of its charitable object to advance education, is also a charity. The Trust is not a registered charity but an “exempt” charity, regulated by the Secretary of State for Education, who acts as the principal regulator.
- 1.3 The Trust’s constitution is set out in its “**Articles of Association**” and this Scheme of Delegation has been put in place in accordance with the provisions of the Articles and should be read in the light of them.
- 1.4 The purpose of this Scheme of Delegation is to provide clarity as to the role and responsibilities of those who contribute to the governance and oversight of the Academies and the Trust itself. All those with governance and management responsibilities must be familiar with this Scheme of Delegation so that appropriate steps can be taken to ensure there is sufficient and proper challenge of those with leadership responsibilities, to ensure that senior leaders are held to account for the performance of the Academies and that there is financial stability within the Trust.
- 1.5 The Effective Date of this Scheme of Delegation is 1st September 2021. It replaces the Scheme dated 17th January 2017.
- 1.6 The Board may decide that some functions for which they are accountable are to be exercised by the Executive on their behalf, in line with Board approved policies and overseen by the Board.
- 1.7 The Trustees reserve the right (in their absolute discretion) to review and alter this Scheme of Delegation and the level of delegated responsibility at any time. Whilst the Scheme cannot take the form of a legally binding contract between the Trust and the Academies and is subject to the overriding duty on the Trustees of the Trust to act freely and in the best interest of the Trust and the Academies, in so far as the Trustees are able they agree to abide by the provisions of it and will consult on any significant changes.

## 2. Vision and Values

- 2.1 Within our TKAT family of schools the shared and common purpose is to ensure that all pupils, regardless of the traditional barriers to success, have the opportunities and resources to achieve their academic and career aspirations within a safe, inclusive and ambitious organisation. We are a community of learners who share the mindset of success and are driven by the prospect of opportunity for all, providing an environment of aspiration, respect and openness, enabling staff and students to thrive.
- 2.2 The TKAT family :
- Works together inclusively
  - Respects and cares for each other
  - Has ambition and is aspirational for all
- 2.3 TKAT comprises a number of component Academies, each with their own identity and mission including in some cases religious designation. While each Academy has its own “Local Governing Body”, TKAT’s ethos is that all the TKAT Academies will work collaboratively, to enable students and staff to flourish and grow through an educational model where each of the component parts works together, with the strong supporting the weak and the weak challenging the strong.
- 2.4 In fulfilling the TKAT Vision, the Trustees acknowledge the importance of respecting and nurturing each Academy’s distinctiveness. Where an Academy has a religious character, TKAT is committed to fulfilling the requirements of the diocesan or other relevant authority and to working in partnership with them to ensure the needs of the Academy are met.
- 2.5 All those with governance and management responsibilities must recognise their responsibility towards the common good, not just of the Academies for whom TKAT is responsible, but of all of the families and the communities in the areas served by the Academies.
- 2.6 The Academies will work collaboratively with each other, sharing resources, knowledge and best practice, as may be appropriate, with the following objectives in mind, supporting each other to:
- 2.6.1 achieve consistently high standards of teaching and learning;

- 2.6.2 develop cost effective curriculum design and systems for teaching collaboration, which optimise opportunities for students and provide added value progress for them;
- 2.6.3 provide support building upon individual specialisms and/or areas of identified strength between the schools to improve key aspects of performance;
- 2.6.4 achieve best value in service delivery and resource management, especially where partnership working is more cost effective and can add value.

### 3. **Accountability: Governance and Management Structures**

#### 3.1 **Overall Structure**

- 3.1.1 The nature of the Trust as a company running multiple academies means there are many governance and management layers.
- 3.1.2 The “**Members**” of the Trust are equivalent to shareholders of a trading company but as the Trust is charitable with no power to trade or distribute profit to shareholders, the Members are best viewed as guardians of the constitution, ensuring the charitable object is fulfilled. Each Member’s liability is limited to £10 and, in view of the limited liability and therefore scope for accountability, they have limited governance and no day to day management responsibilities.
- 3.1.3 The corporate management and both “trustee” and “director” responsibility for the Trust is vested in the “**Trustees**”, who will also be trustees for charity law purposes and company directors registered with Companies House. The Trustees are personally responsible for the actions of the Trust and the Academies and are accountable to the Members, the Secretary of State for Education and the wider community for the quality of the education received by all pupils of the Academies and the expenditure of public money. The Trustees are required as trustees and pursuant to the Funding Agreements to have systems in place through which they can assure themselves of the quality, safety and good practice of the affairs of the Trust. The Trustees meet as a board of Trustees, generally known as the “**TKAT Board**”. All Trustees have the same responsibility to act in the best interests of the Trust and the Academies, irrespective of their role on the Board i.e. whether

appointed in an executive capacity, such as the “**Chief Executive Officer**”, or nominated as a non-executive.

- 3.1.4 The Trustees oversee the management and administration of the Trust and the Academies within the Trust and delegate authority and responsibility to others, including executive officers, local governing bodies and school leadership teams. The TKAT Board will continue to have the necessary strategic and legal oversight of the Trust and will monitor all activities; determining the strategic direction of the Trust, assessing the performance of the Academies and establishing and reviewing the policies and practices governing the life of the Academies. (See Appendix 4)
  - 3.1.4.1 The Board hold the executive officers to account directly and via the Chief Executive Officer. The Board hold Local Governing Bodies to account via Directors of Education, the annual review of the impact statement and the executive officers monitoring reports from Schools update meetings.
  - 3.1.4.2 The executive officers hold the academies to account acting as the ultimate decision-maker. The local governing bodies enhance this process by providing support and challenge in areas as set out in the terms of reference (Appendix 1)
  - 3.1.4.3 In specific areas such as exclusion panels and pay appeals as set out in this Scheme, Governors act as the ultimate decision-maker
- 3.1.5 Articles 100–104 in the Articles of Association, provide for the appointment by the Trustees of committees or working groups to whom the TKAT Board may delegate certain functions and responsibilities.
- 3.1.6 The TKAT Board has established “**Local Governing Bodies**” for the Academies, for the most part made up of individuals drawn from the Academy’s community, to support the TKAT Board and the leadership teams within the Academies. The Local Governing Bodies are accountable to the TKAT Board in relation to any matter delegated to it.
- 3.1.7 Article 107 in the Articles of Association states that the responsibility for appointing the Chief Executive Officer and any Principal, Executive

Headteacher, Headteacher or Head of School of an Academy (“**Headteacher**”) is vested in the TKAT Board and under Article 105 the TKAT Board may delegate such power and responsibility to such persons as are required for the proper management and organisation of the Trust and the relevant Academy as the case may be. The Terms of Reference (appendix 1) specify the delegation of powers and responsibilities.

- 3.1.8 All Headteachers will report to the appropriate TKAT Directors of Education who in turn report to the Chief Executive Officer, who in turn reports to the TKAT Board. The Local Governing Bodies will play an active part in providing support, challenge and advice to the Headteacher and the Directors of Education.

## **3.2 Role of the Members**

- 3.2.1 The Members are the guardians of the constitution, determining the governance structure of the Trust and providing oversight and challenge of the Trustees to ensure the charitable object of the Trust is being fulfilled.
- 3.2.2 The Department for Education recommends that the Trust has five members, but the Articles only require three.
- 3.2.3 The Members’ key responsibilities are:
- 3.2.3.1 to ensure the Objects of the Trust are met, the Annual Report which will be presented to the Members either at a General Meeting of the Trust held in accordance with the Articles of Association or by other means should address this;
  - 3.2.3.2 to determine the Trust’s constitution and governance structure, i.e. the Articles; and
  - 3.2.3.3 to exercise either a direct power under the Articles or a statutory power under the Companies Act 2006 to appoint and remove Trustees (noting the power also of the TKAT Board to make such appointments under 3.2.4), the latter being exercised sparingly given the management responsibility is vested in the TKAT Board.



- 3.2.4 Article 58 in the Articles of Association delegates to Trustees a power and responsibility to appoint and remove Co-opted Trustees. Appointments made by Trustees under article 58 will be acknowledged at the next General Meeting of the Members. The TKAT Board can only remove a Trustee appointed by the Members with the consent of the Members.

### **3.3 Role of the Trustees and the TKAT Board**

- 3.3.1 The Trustees have overall responsibility and ultimate decision making authority for all the work of the Trust, including the establishing and maintaining of the Academies (which includes taking existing schools into the Trust and opening new schools). The Trustees have the power to direct change where required.
- 3.3.2 As trustees of a charity, the Trustees have a fiduciary duty to act in good faith in the best interests of the charity. This duty includes the responsibilities as set out in *“The Seven Principles of Public Life”*
- 3.3.3 The Trustees must ensure compliance with any legal obligations;
- 3.3.3.1 to report on the charity’s activities (the Trust must prepare accounts in accordance with the Statement of Recommended Practice for Charities, the so called **“Charity SORP”** and any reporting requirements of the Education and Skills Funding Agency (ESFA);
- 3.3.3.2 to fulfil the charitable object of the charity as set out in its constitution (i.e. the **Articles of Association**) and to act in a way which is compliant with the rules of the charity contained in the Articles;
- 3.3.3.3 to act with integrity and to avoid any personal conflicts of interest and not to misuse any charity funds or assets;
- 3.3.3.4 to act prudently in the financial management of the Trust, avoiding putting any assets, funds or reputation of the Trust at undue risk;

- 3.3.3.5 to exercise reasonable care and skill, using personal knowledge and experience to ensure the Trust is well run and efficient; and
  - 3.3.3.6 to act responsibly, getting advice from others, including professional advisors, where appropriate.
- 3.3.4 The Trustees must act independently and in the best interest of the Trust, even if those interests conflict with those of the body or organisation that might have appointed or nominated such Trustee to serve on the TKAT Board. This will include a conflict of loyalty where there is no obvious benefit involved, as well as a conflict of interest.
- 3.3.4.1 The TKAT Board has adopted a formal **Conflict of Interest and Transactions with Related Parties Policy** in order to assist all those involved in the running of the Trust at every level to avoid and manage conflicts, which is available on request.
  - 3.3.4.2 Specific attention must be given to any arrangement whereby a Member or Trustee will personally benefit from it and the Conflict of Interest and Transactions with Related Parties Policy makes reference to the ESFA's guidance on "related party transactions" which all those involved in the running of the Trust must have regard to.
  - 3.3.4.3 This does recognise however the fundamental and necessary relationships between the Members, the Trustees and the Academies in both governance and management terms and that individuals may serve in a number of capacities and at numerous levels within the Trust.
- 3.3.5 The specific tasks and responsibilities of the TKAT Board are set out in the Terms of Reference Appendix 1, and can be summarised as follows:
- 3.3.5.1 to determine and fulfil the shared vision and ethos of the Trust and the Academies;
  - 3.3.5.2 to develop a strategic plan for the Trust and to effectively communicate that plan so that it can be implemented across

the Trust and all the Academies, including deciding on any future expansion of the Trust;

- 3.3.5.3 to develop and support strategic partnerships with other bodies and organisations;
- 3.3.5.4 to provide challenge and support to the Chief Executive Officer and the Directors of Education;
- 3.3.5.5 to determine and ensure the implementation of policies and procedures which are intended to achieve a consistently high standard of education and financial prudence across the Trust;
- 3.3.5.6 to make or facilitate the making of suitable appointments of individuals who will serve on the Local Governing Bodies;
- 3.3.5.7 to approve the overall Trust budget and the budget priorities within the Academies;
- 3.3.5.8 to supervise the effectiveness of the Academies and the Headteachers, ensuring there is regular reporting through the Chief Executive Officer and proper management of outcomes and objectives, intervening if necessary in accordance with the procedures set out in this Scheme of Delegation and any agreed policies;
- 3.3.5.9 to formally appoint and undertake the performance management of the Chief Executive Officer, and ensure there are programmes in place for the professional development and review of performance of all staff;
- 3.3.5.10 to ensure there is a comprehensive system of support and collaboration in place within the Academies,
- 3.3.5.11 to ensure there is a proper system of risk management and internal control over the affairs of the Trust. It is supported in this role through the operation of the Audit and Risk Committee;
- 3.3.5.12 to form part of a panel, and/or act as the decision maker in relation to appeals, for issues that have been dealt with by or

involve the Chief Executive Officer or Deputy Chief Executive Officer following disciplinary or grievance procedures;

3.3.5.13 to ensure proper advice is available to the Trust and the Academies in relation to legal and compliance matters;

3.3.5.14 to have oversight of insurance or risk protection cover

### **3.4 Role of the Chief Executive Officer and the Executive Team**

3.4.1 The “**Executive Team**” is the executive arm of the TKAT Board, focusing on operations and resources (including HR, finance and policies) and supporting the educational performance of the Academies. The Executive Team, made up of operational and educational executives, operates under the leadership and direction of the “**Chief Executive Officer**”. The Executive Team works directly with the staff in each Academy to ensure that the Trust’s strategic plan (incorporating the Academies development plans) is being implemented and the required outcomes are achieved in accordance with the direction and vision of the TKAT Board.

3.4.2 The Chief Executive Officer will be the “**Accounting Officer**” for the Trust and is personally responsible to Parliament and to the Accounting Officer of the ESFA for the resources under the control of the Trust. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which they are answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; for ensuring value for money; and for the efficient and effective use of all the resources in their charge. Essentially the Accounting Officer must be able to assure Parliament and the public of high standards of probity in the management of public funds.

3.4.3 The specific tasks and responsibilities of the Chief Executive Officer and the Executive Team are set out in the Terms of Reference Appendix 1, and can be summarised as follows:

3.4.3.1 to manage the processes for schools joining the Trust (including carrying out appropriate due diligence and identifying any actions required to address areas of weakness or opportunities for improvement);

- 3.4.3.2 to specify management controls and reporting requirements;
    - 3.4.3.2.1 audit the associated processes, procedures and outcomes in each Academy,
    - 3.4.3.2.2 identify and deliver appropriate training and support
    - 3.4.3.2.3 report to the TKAT Board on progress and concerns;
  - 3.4.3.3 to provide operational and management support to the Headteachers and senior leadership teams within the Academies;
    - 3.4.3.3.1 assist the Local Governing Bodies in achieving the collective strategic aims and objectives;
    - 3.4.3.3.2 identifying areas where collaboration will lead to improvements and/or efficiencies;
  - 3.4.3.4 to implement and review systems for the benchmarking of the Academies across the group;
  - 3.4.3.5 to ensure that insurance or risk protection cover is put in place and maintained for all risk areas including damage to property, employer liability, public and third party liability and director/trustee liability;
  - 3.4.3.6 to undertake the strategic management of the whole school estate, advising the TKAT Board on areas of risk and assessing the Trust's overall safeguarding responsibilities, including drawing up a long-term estate plan and capital bids which identify areas in need of expansion and/or development and areas likely to be surplus to requirements;
  - 3.4.3.7 putting forward budgets for the Trust (and each of the Academies) for the TKAT Board to approve.
- 3.4.4 In addition to the Chief Executive Officer, the Trust has a **Finance Director**, who is also a member of the Executive Team and reports to the Chief Executive Officer. The Finance Director will fulfil the role of the “**Chief Financial Officer**” (whose responsibilities are set out in the

Academies Financial Handbook) and will supervise and facilitate the production of the Trust's accounts (both at Academy and Trust level) and the auditing of those accounts for disclosure purposes and will report on the financial activities of all the Academies to the relevant statutory bodies.

- 3.4.5 The cost of the functions undertaken by the Executive Team and the TKAT Board (including the Chief Executive Officer) are generally funded on a fair and equal basis by the Academies by the contribution of a percentage of the government funding provided for each Academy (the “**Central Cost Contribution**”). This contribution will be set each year against a budget for the shared costs approved by the TKAT Board. An Academy may be asked to reimburse any third-party costs payable to consultants where additional support has been agreed or has been necessary.

### 3.5 **The role of the Local Governing Body**

- 3.5.1 The TKAT Board believes that Local Governing Bodies have a vital and unique role, by being the representatives of the Academy's community and stakeholders. Local Governing Bodies know their schools well and provide Trustees with an independent local voice. They combine a passion to make a difference, with common sense and a unique perspective which means their challenge and support complements how Trustees hold schools to account.
- 3.5.2 The specific tasks and responsibilities of Local Governing Bodies are set out in the Terms of Reference Appendix 1 and can be summarised as follows:
- 3.5.2.1 Represent the Academy's local community and stakeholders by ensuring that the Academy's policies and practice meet the community's needs.
    - 3.5.2.1.1 contribute to the development, review and monitoring of Academy policies
    - 3.5.2.1.2 ensure appropriate parent engagement, providing a point of contact for parents, carers and other members of the local community and ensuring their contribution is valued

- 3.5.2.1.3 promote collaboration with other Academies in the Trust
    - 3.5.2.2 Ensure that the Academy's long term vision reflects the needs of its community beyond current postholders and is in line with TKAT's vision and values.
    - 3.5.2.3 Support Directors of Education to improve Academy outcomes by:
      - 3.5.2.3.1 supporting and challenging the implementation of the Trust's development plan at academy level
      - 3.5.2.3.2 supporting and challenging the implementation of the Academy plan
      - 3.5.2.3.3 supporting and challenging progress towards the Academy performance targets
      - 3.5.2.3.4 having oversight of the financial performance of the academy against budget, ensuring the priorities meet the needs of the school community and that expenditure is within its budget
    - 3.5.2.4 Support the Headteacher to ensure staffing is efficient and effective
      - 3.5.2.4.1 agree any review of the staffing structure
      - 3.5.2.4.2 be involved in key academy staffing appointments
      - 3.5.2.4.3 have oversight of the Academy's performance management process
      - 3.5.2.4.4 The Chair of Governors will provide input for the Headteacher's Performance Management
- 3.5.3 Those serving on such Local Governing Bodies are accountable to the TKAT Board and must ensure that at all times they act in good faith and in the best interests of the Academies and the Trust, exercising reasonable care and skill having particular regard to personal knowledge and experience. As with the Trustees, the members of the Local Governing Body must comply with the Trust's Conflict of Interest and

Transactions with Related Parties Policy.

- 3.5.4 Governors must provide a written undertaking on appointment acknowledging their responsibilities outlined in this Scheme of Delegation (see appendix 3).
- 3.5.5 Specific skills may be needed if an individual is to take responsibility for and lead on a specific area, or to undertake the role of the Chair of the Local Governing Body. A regular skills audit will be undertaken.
- 3.5.6 Local Governing Bodies are free to support Academies in their decision to fundraise monies for appointed charities, as they see fit. Local Governing Bodies should work collaboratively with the Trust to ensure that Academies maintain an ethical approach to fundraising and in line with the Trust's internal policies.
- 3.5.7 In such cases where the Local Governing Body suggest that Academies make a charitable donation from their own reserves, Academies are required to seek prior approval from the Chief Executive Officer. All proposed academy funded donations will be reviewed to ensure that:
  - 3.5.7.1 they do not give cause to consider such transactions as an improper use of public funds; and,
  - 3.5.7.2 they are not given to any individual and/or organisation identified as a Related Party or Connected Party to the Trust.

### **3.6 Committees and Further Delegation**

- 3.6.1 Subject to the provisions of the Articles of Association, in addition to the Local Governing Bodies, the TKAT Board may establish any other committee or working group to advise and inform the Trustees to support them in their decision making.
- 3.6.2 Provided such power or function has been delegated to the Chief Executive Officer, as outlined in appendix 1, the Chief Executive Officer may further delegate to the Headteacher or any other holder of an executive or leadership post, such of their powers or functions as they consider desirable to be exercised by them. Where this happens, it should be made clear in any job description of an individual, and/or terms of reference of any committee or working party. Any such



delegation may be made subject to any conditions or requirements the TKAT Board may impose and shall be consistent with any policy or statement of recommended practice issued from time to time by the TKAT Board, and may be revoked or altered by the TKAT Board at any time.

3.6.3 Where any power or function of the TKAT Board is exercised by a Committee, the Chief Executive Officer or any other holder of an executive or leadership post (as the case may), they shall report to the TKAT Board any action taken or decision made within the exercise of that power or function at the next meeting of the TKAT Board.

3.6.4 The Local Governing Bodies will establish sub-committees (panels) for any hearing required by policies and regulatory requirements, including but not limited to admissions, complaints, exclusions and disciplinaries.

3.6.4.1 Notwithstanding any requirements of policy, the membership of any panel may include governors who do not also serve on the Local Governing Body of the academy in question. As long as the Chair of the Local Governing Body is assured that the panel is impartially constituted all Governors on the panel are entitled to vote.

3.6.4.2 The Chair of the Local Governing Body can dictate the level of representation for Governors on the Local Governing Body as long as there is no bias or perceived bias against the subject of the panel.

3.6.5 The Local Governing Bodies are not expected to but may establish any other sub-committees and/or working groups to focus on areas of delegated responsibility or to deliver specific projects, in conjunction with the TKAT Board or alone. Where this happens, it should be made clear in the terms of reference of any committee or working party

3.6.5.1 The constitution, membership and proceedings of any sub-committee shall be determined by the Local Governing Body but having regard to any views of the TKAT Board.

3.6.5.2 The establishment, terms of reference, constitution and membership of any sub-committee shall be reviewed at least once in every twelve months.

3.6.5.3 The membership of any sub-committee may include persons who do not also serve on the Local Governing Body, provided that a majority of the members of any such sub-committee shall be members of the Local Governing Body. No members of a subcommittee who do not serve on the Local Governing Body shall be entitled to vote in any proceedings of the sub-committee, except as outlined in 3.6.4.1.

3.6.6 Where any power or function of the Local Governing Body is exercised by a Sub-Committee, the Headteacher or any other holder of an executive or leadership post (as the case may), they shall report to the Local Governing Body any action taken or decision made within the exercise of that power or function at the next meeting of the LGB.

### **3.7 Role of the Headteacher**

3.7.1 The Headteacher works with the Trust and the Local Governing Body to:

3.7.1.1 Raise educational standards

3.7.1.2 Improve the quality of teaching and learning

3.7.1.3 Set high expectations for self and others

3.7.1.4 Want the very best for all pupils and increase their opportunities for broader learning

3.7.1.5 Be highly self-motivated and make a real difference to children's lives

3.7.1.6 Work collaboratively to get the very best out of all members of the school community

3.7.2 The Headteacher Job Description contains further details.

## **4. Delegated Authority and Responsibilities**

4.1 Those to whom delegated responsibility is given must acknowledge the limitations on their authority and must not act outside of their authority. Any wilful disregard of the matters expressed in this Scheme and in particular the Terms of Reference

(Appendix 1) is likely to lead to a removal of delegated authority. No alteration of the Articles or change to the Scheme or removal of delegated authority shall invalidate any prior act which would have been valid if that alteration or withdrawal had not been made.

4.2 As a matter of general principle, the Local Governing Body and the Academy more generally will adopt and comply with all policies adopted by the TKAT Board, will comply with any direction issued by the TKAT Board and have regard to any advice given.

4.3 Below is a summary of the key areas relating to academies, specific responsibilities are set out in the Terms of Reference (Appendix 1).

#### **4.4 Finance**

4.4.1 The Academy will have broad control of its budget unless subject to an Internal Financial notice of concern.

4.4.2 All those with delegated responsibilities must comply with the policies and procedures set out in the “**Scheme of Financial Authorisations**” annexed to this Scheme of Delegation as Appendix 2.

4.4.3 Each Academy will have its own bank account, into which the Academy’s **General Annual Grant (GAG)** will be paid. All cheques, bank transfers and orders for the payment of money from this account shall be signed by or authorised in accordance with the Scheme of Financial Authorisations.

4.4.4 No Trust monies (whether or not authority to expend has been devolved to the Academy) shall be paid into any bank account other than a bank account authorised by the TKAT Board.

4.4.5 The Trust’s accounts shall be the responsibility of the TKAT Board but the relevant Headteacher shall provide such information about the Academy, as often and in such detail and format as the Chief Financial Officer (and/or the Audit and Risk Committee) shall reasonably require, in order to carry out an internal audit or review of the Academies’ finances (paying particular regard to the requirements of the Academies Financial Handbook). Without prejudice to the above, the Headteacher shall provide management accounts in an approved format to the Chief Financial Officer (and/or the Audit and Risk Committee) at least once per

term (three times per year) or as requested by the Audit and Risk Committee.

- 4.4.6 The Local Governing Body is expected to contribute to the budget setting process, before submission - focusing on the budget priorities and ensuring that the budget is balanced in line with TKAT expectations.
- 4.4.7 The Local Governing Body shall monitor how the Academy follows the Trust's controls, policies and procedures to ensure the safeguarding of funds and assets, satisfying the requirements of the Academies Financial Handbook and the obligations on the Trust in the Funding Agreements as well as any requirements and recommendations of the Chief Financial Officer and/or the Audit and Risk Committee and the Education and Skills Funding Agency.
- 4.4.8 The TKAT Board acknowledges the Local Governing Body's right and intention to use any voluntary (i.e. non-grant) funds (including any restricted funds) raised by the Academies for the purposes for which they have been raised and otherwise solely at the discretion of the Local Governing Body, provided this is within the charitable object of the Trust. Proper accounts will be kept by the Headteacher showing the receipt and use of such funds and the extent to which such funds are restricted, in the light of the obligation on the Trust to note these funds separately in the Trust accounts.
- 4.4.9 The Trust will put in place insurance or risk protection cover, cross charged to the Academy, as is necessary to protect the Academy and the Trust from loss and other risks that shall include (but shall not be limited to) the following, such insurance or risk protection cover to be placed either with a reputable insurance company or through the Education and Skills Funding Agency as directed by the TKAT Board:
  - 4.4.9.1 land, buildings and contents;
  - 4.4.9.2 public, employer's and hirer's liability;
  - 4.4.9.3 trustees'/directors' and governors' liability and professional indemnity;
  - 4.4.9.4 personal accident and school journeys;

4.4.9.5 terrorism and business interruption;

4.4.9.6 money and fidelity;

4.4.9.7 legal expenses, libel and slander;

4.4.9.8 engineering.

4.4.10 The Headteacher must fulfil any requirements of the TKAT Board and notify the Chief Financial Officer (or as directed) as soon as reasonably practicable following the occurrence of an event where loss has been suffered or is threatened.

4.4.10.1 The responsibility for notifying the Executive and insurers (as the case may be) is with the Headteacher. The Chief Financial Officer and the Headteacher will provide each other with all necessary information and assistance as may be helpful in the management of any claims. Trustees will be responsible for informing the ESFA where necessary.

## **4.5 Curriculum and Standards**

4.5.1 The curriculum priorities for the Academies must recognise the TKAT Board's obligation to the Secretary of State to provide a broad and balanced curriculum.

4.5.2 The Board may, through the Directors of Education, mandate a standardisation of the curriculum to enable the efficient sharing of best practice and resourcing.

4.5.3 Responsibilities for curriculum and standards are set out in the terms of reference Appendix 1.

## **4.6 Personnel**

4.6.1 As set out in the Terms of Reference (Appendix 1), the formal power to appoint all staff, including the Headteacher of each Academy, is vested in the TKAT Board, who have delegated appointment decisions to the Chief Executive Officer. The Chief Executive Officer will appoint all Headteachers, involving Trustees and the Local Governing Body. All other academy staff appointments are delegated to the Headteacher,

although the CEO reserves the right to make appointments where appropriate.

- 4.6.2 There will be clear job descriptions for central and senior roles, including Headteachers, agreed by the Trust which lay out responsibilities. Headteachers will ensure job descriptions are in place for staff at their academy.
- 4.6.3 The Local Governing Body will monitor the Headteacher ensuring that he or she will:
  - 4.6.3.1 implement and comply with all policies dealing with staff issued by the TKAT Board;
  - 4.6.3.2 take account of any pay terms set by the TKAT Board;
  - 4.6.3.3 adopt any standard contracts or terms and conditions for the employment of staff issued by the TKAT Board;
  - 4.6.3.4 adopt appropriate and transparent procedures for the recruitment of staff in line with policies adopted by the TKAT Board;
  - 4.6.3.5 manage any claims and disputes with staff members having regard to any advice and recommendations given by the Executive Team and/or the Trust's insurers or the ESFA;
  - 4.6.3.6 bring to the attention of the Chief Executive Officer and, if required, the Trust's insurers and/or the ESFA without delay any claims or disputes with staff that may require a hearing by a panel of members of the Local Governing Body;
  - 4.6.3.7 seek the advice of the Chief Executive Officer where any significant cost is contemplated either in relation to the appointment or resignation of a member of staff, including in relation to ill health retirement or the settlement of any claims or grievances.
- 4.6.4 The Headteacher shall put in place procedures for the proper professional and personal development of staff taking into account any training and support available from or procured by the Executive Team.

## **4.7 Admissions and Exclusions**

- 4.7.1 The TKAT Board is the Admissions Authority for all academies. The Local Governing Body shall be responsible for the setting and review of the Academy's admissions policy provided that no material change will be made to the admissions criteria or published admission number (PAN) without the approval of the TKAT Board.
- 4.7.2 Any appeal against admissions shall be heard by an independent appeal panel established by the Local Governing Body and authorised by the Executive Team on behalf of the TKAT Board.
- 4.7.3 The Local Governing Body shall form an admission committee to consider in-year admission decisions and consider any requests for admissions outside of the child's normal year group. Local Governing Bodies are able to enter into an Service Level Agreement with their Local Authority to decide and manage in-year admissions should they wish, except for decisions relating to out of normal year group admissions, which must be agreed by the Admission Committee..
- 4.7.4 The Local Governing Body shall consider any decision by the Headteacher to exclude any pupil and will be the appropriate body for reconsidering any decision to readmit required by any independent panel hearing.

## **4.8 Premises**

- 4.8.1 The day to day maintenance and care of the buildings and facilities used in respect of the Academy is the responsibility of the Headteacher monitored by the Local Governing body, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Trust (and/or any others) as owner of such buildings and facilities.
- 4.8.2 The Headteacher shall support the Executive Team in developing a long-term estate management strategy.
- 4.8.3 For those Academies operating under Private Finance Initiative (PFI) contracts, the Headteacher shall be responsible for monitoring the performance of the contractor under these arrangements with the

support of the Local Governing Body and Executive Team where needed.

#### **4.9 Health, Safety and Welfare**

4.9.1 The Local Governing Body will adhere to the TKAT Health and Safety policy including ensuring the appointment of a Health and Safety Governor.

4.9.2 The Local Governing Body is responsible for monitoring the well-being of staff, including the Headteacher, within the Academy

#### **4.10 Community Activities and Community Engagement**

4.10.1 The Local Governing Body is responsible for community engagement and will acknowledge and reinforce the vision of the Trust in all communications. The importance of building and maintaining good relations with other local schools, businesses and organisations is acknowledged by the TKAT Board.

### **5. Supervision and Intervention - Risk Management**

#### **5.1 Supervision and Reporting**

5.1.1 Notwithstanding the level of delegated responsibility, the Trustees remain legally responsible for all matters in connection with the Academies and they are required to have systems in place through which they can assure themselves of quality, safety and good practice in the Academies. The Trust has adopted a Risk Management Policy, which is available on request.

5.1.2 The Local Governing Bodies have been established to advise the Trustees and provide support to the Chief Executive Officer and Headteacher. The Local Governing Body will advise on any risks in the operation of the Academy at such times, adopting such format specified by the TKAT Board.

5.1.3 Particular emphasis is given to circumstances which might lead to prosecution, other litigation, public criticism, adverse publicity or damage to the reputation of the Trust. In such circumstances and in order to minimise risk, the Headteacher or Chair of the Local Governing Body will immediately advise the Chief Executive Officer or other deputy acting on



behalf of the TKAT Board of the details of the situation. These circumstances include the following (but shall not exclude any other event that falls within the generality of the circumstances described above):

- 5.1.3.1 any event leading to loss of life or critical injury on the premises of the academy or during an event off the premises organised or supervised by Academy staff;
  - 5.1.3.2 any sexual or violent or illegal act against a child committed by any adult while on the premises of the Academy or by a member of staff or governor under any circumstances;
  - 5.1.3.3 the suspension or summary dismissal of any member of staff;
  - 5.1.3.4 any safeguarding issue;
  - 5.1.3.5 any matter or circumstance which involves or might reasonably involve the authorities, including the police, the Counter Terrorism Unit (or any similar body) the local authority and/or the Secretary of State for Education;
  - 5.1.3.6 any event that requires a report to the Health and Safety Executive (RIDDOR) or that results in the service of a legal notice on the Academy alleging a breach of fire or health or safety law or regulations;
  - 5.1.3.7 any event that requires a formal hearing by a panel of representatives of the Academy or that results in the service of a legal notice on the Academy alleging a breach of employment law or regulations.
  - 5.1.3.8 Any data breaches covered by General Data Protection Regulations (GDPR)
- 5.1.4 The Trust recognises its obligations to report serious safeguarding incidents to the ESFA, chiefly those incidents where the Trust itself, or one of its subcontractors, is subject to investigation by either the police and/or local authority. The Local Governing Body should fully support and cooperate with the Trust in any such case.

## **5.2 Intervention**

- 5.2.1 The TKAT Board is accountable for the performance of the Academies, but the responsibility for oversight of the Academies' senior leadership team is shared with the Local Governing Body who play an important part in monitoring performance and supporting the senior leadership team.
- 5.2.2 The TKAT Board and Executive expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation where intervention is deemed necessary. This may include the appointment of an Intervention Board, the temporary appointment of paid consultant Chair of Governors, or appointment of additional Governors.
- 5.2.3 The TKAT Board and the Local Governing Body acknowledge the value of maintaining a good working relationship and agree to discuss openly any weaknesses or any situation which may in the opinion of either potentially lead to a threat of intervention. They will support each other in the implementation of improvement measures, including involving the Executive Team.

## **6. Functioning of the Local Governing Body**

### **6.1 Support and Flexibility for Local Governing Bodies**

- 6.1.1 The TKAT Board believes that Local Governing Bodies benefit from having the flexibility to structure and organise themselves in ways that best benefit their community and stakeholders. This includes joint and regional organisation (subject Executive Team approval) and committee structure and membership. However, there are aspects where the TKAT Board requires consistency including agendas, minutes and the annual Impact Statement. This will be communicated via the governance and executive team. As outlined in 5.2.2 and 6.4.1 Trustees may direct the appointment of governors including Chairs and reserve the right to remove governors.

### **6.2 Constitution of the Local Governing Body**

- 6.2.1 A Local Governing Body shall be established for each of the Academies, appointed by the TKAT Board in accordance with any policy adopted. A

Local Governing Body may have responsibility for more than one Academy.

- 6.2.2 The Local Governing Body must agree and document the make up of the Local Governing Body in the form of a constitution document, this can be reviewed and updated as required, in line with the requirements of this scheme and the terms of reference (appendix 1).
- 6.2.3 Any vacancy on a Local Governing Body will trigger an appropriate appointment or election in accordance with any procedure adopted by the TKAT Board.
- 6.2.4 To ensure appropriate parent representation the TKAT Board has decreed that each Local Governing Body must have at least two parent Governors, nominated from and elected by the parent body of the academy. Any person who qualifies to be a governor under 6.2.5 is not eligible to be a parent governor.
- 6.2.5 To ensure balanced representation The TKAT Board has decreed that Local Governing Bodies must have one or two staff Governor representatives, plus the Headteacher (if they wish to be a voting Governor), nominated from and elected by the staff body of the academy. However, staff (including the Headteacher) cannot make up more than one-third of the LGB .
- 6.2.6 Where a school has an Executive Headteacher and Head of School, it should be specified within the constitution whether either or both are voting governors, subject to 6.2.5.
- 6.2.7 Remaining governors are Appointed Governors, either agreed by the Local Governing Body by majority vote, or as directed by TKAT.
- 6.2.8 All persons appointed or elected to or by the Local Governing Body shall sign the **Governors Written Undertaking and Code of Conduct** (Appendix 3).
- 6.2.9 Advisers (including other members of staff in the Academy) may attend meetings provided they do not take part in any decision making.

### **6.3 Term of office**

6.3.1 The term of office for any person serving on the Local Governing Body shall be 4 years, save that this time limit shall not apply to the Headteacher. Any person serving on the Local Governing Body may be re-elected or reappointed when their term of office expires, where they remain eligible, and there are no limits as to the number of times a person may be re-elected or reappointed.

### **6.4 Resignation and Removal of members of the Local Governing Body**

6.4.1 A person serving on the Local Governing Body shall cease to hold office if he or she resigns his or her office or is removed by the TKAT Board or Executive. Written notice will be given to the Chair of Governors.

6.4.2 Any person who would not be eligible to be a Trustee in accordance with the Trust's Articles of Association, or other legal restrictions, will not be eligible for appointment or election to the Local Governing Body.

6.4.3 If any person who serves on the Local Governing Body in his or her capacity as an employee ceases to be employed at the Academy, then he or she shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of his or her work at the Academy.

6.4.4 A governor shall cease to hold office if he or she is absent without the permission of the Local Governing Body from all their meetings held within a period of six months and the Local Governing Body resolves that his or her office be vacated.

### **6.5 Appointment of the Chair and Vice-Chair**

6.5.1 The members of the Local Governing Body shall each school year, at their first meeting in that year, subject to the approval of the TKAT Board, elect a Chair and a Vice-Chair from among their number. This should not be any person who is employed by the Trust to work at any of the Academies, except in exceptional circumstances and with the prior agreement of the TKAT Board or Executive. Where the Local Governing Body is unable to elect a suitable Chair, or where intervention is deemed necessary (5.2.2), the TKAT Board or Executive will appoint one.

- 6.5.2 The Chair or Vice-Chair may at any time resign his office by giving notice in writing to the Local Governing Body. The Chair or Vice-Chair shall cease to hold office if:
- 6.5.2.1 he or she ceases to serve on the Local Governing Body;
  - 6.5.2.2 he or she is employed by the Trust whether or not at the Academy, except in exceptional circumstances;
  - 6.5.2.3 he or she is removed from office by the TKAT Board or Executive; or
  - 6.5.2.4 in the case of the Vice-Chair, he or she is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of the Chair.
- 6.5.3 Where by reason of any of the matters referred to in paragraph 6.5.2, a vacancy arises in the office of Chair or Vice-Chair, the members of the Local Governing Body shall at its next meeting elect one of their number to fill that vacancy, subject to the approval of the TKAT Board, as per 6.5.1.
- 6.5.4 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.
- 6.5.5 Where in the circumstances referred to in paragraph 6.5.2 the Vice-Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the members of the Local Governing Body shall elect one of their number to act as a chair for the purposes of that meeting.
- 6.5.6 The clerk to the Local Governing Body shall act as chair during that part of any meeting at which the Chair is elected.
- 6.5.7 Any election of the Chair or Vice-Chair which is contested shall be held by secret ballot.

## **6.6 Chairs Specific Duties**

6.6.1 The role of the Chair of the Local Governing Body is an important one, demanding yet worthwhile. Whilst the Chair is elected by the members of the Local Governing Body, because of the vital link and the importance of maintaining a strong and effective relationship between the Local Governing Body and the TKAT Board, the appointment following election is subject to the approval of the TKAT Board or Executive. The Chair must be approachable, readily accessible and ready to take issues and ideas raised by the Local Governing Body seriously. The Chair's specific duties are to:

6.6.1.1 provide a clear lead and direction for the Local Governing Body, understanding the aims of the Academy, the roles played by all those involved and the vision of the Trust in relation to its Academies;

6.6.1.2 build an effective team, attracting individuals to the Local Governing Body with necessary skills and experience, promoting equality and diversity, ensuring priority is given to those who can make a positive contribution to driving school improvement and supporting their development to maximise the benefit of their contribution;

6.6.1.3 work closely with Trustees, the Headteacher, the Chief Executive Officer and Executive Team to ensure there is proper challenge and encouragement;

6.6.1.4 ensure that school improvement is the focus of all Local Governing Body responsibilities, reminding the members of the Local Governing Body of this as often as necessary;

6.6.1.5 hold the members of the Local Governing Body to account for their behaviour and ensuring the business of the Local Governing Body is conducted efficiently and effectively;

6.6.1.6 chair meetings ensuring all members have the opportunity to contribute and are listened to, with clear decisions being made when necessary;

6.6.1.7 be available when there is a need to act quickly, taking or supporting the Head of Academy in taking urgent action and making decisions, subject to subsequent ratification by the Local Governing Body (or the TKAT Board as the case may be).

## 6.7 Meetings

6.7.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and entered into a book (electronic or otherwise) kept for the purpose by the person authorised to keep the minutes of the Local Governing Body and shall be signed (subject to the approval of the members of the Local Governing Body) at the same or next meeting by the person acting as chair thereof. The minutes shall include a record of:

6.7.1.1 all appointments of officers made;

6.7.1.2 all proceedings at meetings of the Local Governing Body and of its sub-committees including the names of all persons present at each such meeting, key areas of discussion and actions agreed.

6.7.2 Subject to this Scheme of Delegation and provided the Local Governing Body complies with any requirements of the TKAT Board regarding specific business to be conducted, the Local Governing Body may regulate its proceedings as it sees fit, provided at all times that there is openness and transparency in matters relating to the Local Governing Body. The Local Governing Body must meet at least six times a year, at least three of which must be meetings of the full Local Governing Body.

6.7.3 Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body.

6.7.4 The Local Governing Body can choose to meet face-to-face or remotely via agreed methods, unless specifically directed by the TKAT Board.

6.7.4.1 All requirements relating to meetings outlined in the Scheme of Delegation apply to meetings held via remote methods.

6.7.4.2 Any requirements to hold meetings outlined in all internal and external regulation and guidance documents, apply to meetings held via telephone or web conference.

6.7.5 To facilitate making urgent decisions that arise between LGB meetings the Chair (or Vice Chair) may use the following decision-making procedure (to be known as Chair's Action):

6.7.5.1 Notwithstanding any provisions of the Scheme of Delegation, if the Chair is of the opinion that a matter of urgency exists [and it is not practicable to arrange a Local Governing Body meeting on short notice in the circumstances] either:

6.7.5.1.1 after receiving a written report from the Headteacher which clearly states, amongst other things, why the item concerned could not be brought to a regular meeting and why it would qualify for urgent decision under this procedure; or

6.7.5.1.2 as a result of other information that is brought to their attention and a delay in exercising the function would likely be seriously detrimental to the interests of the Academy, pupil or their parent, or a person who works at the Trust,

6.7.5.2 Then, in consultation with the Headteacher, they may exercise any function of the Local Governing Body which has been delegated via the Scheme of Delegation.

6.7.5.3 Where it appears to the Vice Chair that:

6.7.5.3.1 the circumstances mentioned in paragraph 6.7.5.1 apply; and

6.7.5.3.2 the Chair (whether by reason of vacancy in the office, incapacity or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered,



6.7.5.3.3 the reference in paragraph 6.7.5.1 and 6.7.5.4 to the Chair is to be read as if it were a reference to the Vice Chair.

6.7.5.4 The Chair may decide, on receipt of a request for a decision under Chair's Action, that the matter should be dealt with instead by a special Local Governing Body meeting called on short notice, in which case a meeting shall be called promptly, which could be via telephone or web conference see paragraph 6.7.4

6.7.5.5 Any action under Chair's Action should be reported in writing as soon as possible to the Local Governing Body (together with a copy of any written report from the Headteacher). A record of the decisions taken shall also be included within the minutes at the next meeting.

## **6.8 Resolutions**

6.8.1 Subject to paragraphs 3.6.4, 3.6.5 and the Terms of Reference (Appendix 1), every question to be decided at a meeting of the Local Governing Body or its sub-committees, shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote, with the Chair having a casting vote in the event of a tie.

6.8.2 A resolution in writing (an agreement outside meetings), signed by a majority of the persons entitled to receive notice of a meeting of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an electronic communication by or on behalf of the member indicating his or her agreement to the form of resolution using their School or TKAT Email address.

## **6.9 Records of Meetings**

6.9.1 Subject to paragraph 6.9.3 the Chair shall ensure that copies of minutes of all meetings of the Local Governing Body shall be provided to the

Trust as soon as reasonably practicable after those minutes are approved.

6.9.2 Subject to paragraph 6.9.3, the Local Governing Body shall ensure that a copy of the following documents are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them:

6.9.2.1 the agenda for every meeting of the Local Governing Body;

6.9.2.2 the draft minutes of every such meeting, if they have been approved by the person acting as chair of that meeting;

6.9.2.3 the signed minutes of every such meeting; and

6.9.2.4 any report, document or other paper considered at any such meeting,

6.9.3 There may be excluded from any item required to be made available in pursuance of paragraph 6.9.2, as agreed at the meeting, any material relating to:

6.9.3.1 a named teacher or other person employed, or proposed to be employed, at the Academy or the Trust;

6.9.3.2 a named pupil at, or candidate for admission to, the Academy; and

6.9.3.3 any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential or that the TKAT Board has requested should remain confidential.

## **6.10 Quorum for meetings**

6.10.1 The quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be three, excluding Staff Governors and the Headteacher

6.10.2 The Local Governing Body may act notwithstanding any vacancies on its board, but, if the number of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or reporting to the TKAT Board.



## TKAT Terms of Reference for Scheme of Delegation

These terms of reference are intended to set out key accountabilities and responsibilities. As a matter of principle any function not included has not been delegated by the Trustees. From time to time, these terms may be updated to modify delegation or to include additional functions.

### Key:

This table is based on RAPID®: Bain's tool to clarify decision accountability

|   |   |
|---|---|
| R | Recommend - Recommend a decision or action that others in the organisation will agree |
| A | Agree - Formally agree to the decision - views must be fully reflected                |
| P | Perform - Be responsible for performing a decision once made                          |
| I | Input - provide input to a recommendation through formal consultation.                |
| D | Decide - Make the Decision that commits the organisation to action                    |
| M | Monitor - Monitoring performance - the implementation of decision or agreement        |

### Key:

M Members

T Trustee

C Chief Executive Officer (CEO) and Executive Team

(where the function is delegated to members of the Executive the following codes have been used

FI – Finance, HR – Human Resources, HS- Health and Safety, DE – Director of Education)

L Local Governing Body (LGB)

H Headteacher

*Where a joint decision cannot be agreed the next level of responsibility has a mediation role and if necessary ultimate decision making*

|                                | Function   | M | T | C | L | H | Notes                                    |
|--------------------------------|--|---|---|---|---|---|--|
| Governance framework: people   | Appoint/remove Members   | D |   |   |   |   |  |
|                                | Appoint/remove Trustees  | D | D |   |   |   | Both can appoint                         |
|                                | Appoint and remove Chair of the Trust and Trust committee chairs |   | D |   |   |   |  |
|                                | Appoint and remove named safeguarding Trustee                    |   | D |   |   |   |  |
|                                | Appoint and remove LGB chair of Governors                        |   | D | D | R |   | Appointment made by LGB, ratified by CEO |
|                                | Appoint LGB Governors  |   | D | D | D |   | All can appoint                          |
|                                | Remove LGB Governors   |   | D | D | R |   |  |
|                                | Arrange Election of LGB Parent and Staff Governors               |   |   |   | P | P |  |
|                                | Appoint Link LGB Governors                                       |   |   |   | D |   | see guidance                             |
|                                | Appoint Health and Safety officers (according to the Policy)     |   |   |   |   | D |  |
| Managing Conflicts of Interest |  | D |   |   | D |   | At Board or LGB Level                    |

|  | Function  | M | T | C | L   | H   | Notes |
|--|---|---|---|---|-----|-----|-------|
| Governance framework: systems and structures | Review and agree the Articles of association  | D | R |   |     |     |       |
|  | Review and agree the scheme of delegation and terms of reference  |   | D | R | I   | I   |       |
|  | Establish and review annually the Governance structure for the Trust, including committees and working groups |   | D |   |     |     |       |
|  | Decide terms of reference - Trust's committee(s) including LGBs   |   | D |   |     |     |       |
|  | External Self-review of Trust Board and committees  |   | D |   |     |     |       |
|  | Establish and review structure of LGB, including sub-committees and working parties                           |   |   |   |     | D   |       |
|  | Decide terms of reference - LGB sub-committee(s)  |   |   |   |     | D   |       |
|  | Decide the annual schedule of LGB governance business and meeting agendas                                     |   |   |   | I   | D   |       |
|  | Complete LGB Self Review (Impact statements)  |   | M |   |     | D P |       |
|  | External review of LGBs (as needed)   |   |   |   | D P | I   |       |
| Complete regular skills audits (LGB)         |   |   |   | I | P   |     |       |

APPENDIX 1

|                                 | Function   | M  | T   | C   | L   | H | Notes  |
|---------------------------------|--|----|-----|-----|-----|---|--|
| Governance framework: reporting | Ensure governance arrangements are Published on Trust and schools' website                           |    |     | P M | M   | P |  |
|                                 | Produce and submit annual report and accounts to members and Companies House                         | M* | A   | R   |     |   | *members receive the annual report and accounts at their AGM |
|                                 | Submit ESFA required reports and returns   |    | A   | R   |     |   |  |
|                                 | Records of meetings and details of the Board, for central records and in line with ESFA requirements |    | A M | P   |     |   | with support of Clerk  |
|                                 | Records of meetings and details of the LGB, for central records and in line with ESFA requirements   |    |     | M   | A P |   | with support of Clerk  |

|                 | Function  | M  | T   | C | L | H | Notes  |
|-----------------|---|----|-----|---|---|---|--|
| Being strategic | Determine Trust's vision, strategy and key priorities                   | D* | A   | R |   |   | * Members determine the ethos and purpose of the Trust and the way in which it is governed |
|                 | Determine Trust's development plan and key priorities                   |    | A   | R |   |   |  |
|                 | Agree budget plan to support the delivery of the Trust's key priorities |    | A M | R |   |   |  |
|                 | Determine Trust structure and growth                                    |    | A   | R |   |   | Including TUPE, contract Transfers and due diligence                                       |
|                 | Decide Trust's staffing structure                                       |    |     | D |   |   | Including Restructuring, Reorganisation and Redundancy                                     |
|                 | Approve Settlement Agreements   |    | D M | D | I | I | Trustees decide if over statutory entitlement  |

|                       | Function   | M | T   | C     | L        | H   | Notes  |
|-----------------------|--|---|-----|-------|----------|-----|--|
| Being strategic contd | Determine Trust-wide policies  |   | D   | D R M | I        | I   | As per the policy index  |
|                       | Management of Trust risk and ensure appropriate insurance is in place  |   | D M | M P   |          |     | Establish register, review and monitor, including reporting                |
|                       | Determine Academies' vision and strategy in line with Trusts           |   |     | M     | A        | R   |  |
|                       | Determine School's development plan and key priorities                 |   |     | A     | A        | R   |  |
|                       | Agree budget plan to support the delivery of Academies' key priorities |   | A   | A     | I        | R   |  |
|                       | Setting Academy Performance targets                                    |   |     | D M   | I M      | I   |  |
|                       | Develop, review and monitor Academy policies                           |   |     |       | A M      | R D | Headteacher to decide – if LGB delegates                                   |
|                       | Management of Academy risk   |   | M   | M     | M        | P   | Establish register, review and monitor. See 5.1 for reporting of incidents |
|                       | Ensure appropriate community engagement                                |   |     |       | P M      | P   | Including parents, Business and schools outside TKAT.                      |
|                       | Development and review of Academy staffing structure                   |   |     |       | A I (HR) | A R | Including Restructuring, Reorganisation and Redundancy                     |

|                               | Function  | M | T | C      | L  | H                  | Notes   |
|-------------------------------|---|---|---|--------|----|--------------------|---|
| Holding to account            | Ensuring compliance with statutory obligations                              |   | M | P      | M  | P                  | Including safeguarding, H&S, employment and auditing and reporting arrangements |
|                               | Monitoring progress towards key Trust priorities                            | M | M | I      | I* |                    | * at academy level  |
|                               | Monitoring progress towards the Trusts performance targets                  | M | M | I      | I* |                    | * at academy level  |
|                               | Monitoring progress towards key Academy priorities                          |   | M | M      | I  | I                  | see 5.2.1   |
|                               | Monitoring progress towards the Academy performance targets                 |   |   | M      | I  | I                  |   |
|                               | Undertake Performance management of the chief executive                     |   | P |        |    |                    |   |
|                               | Undertake Performance management of other central staff                     |   | M | P      |    |                    | Delegated as appropriate by CEO   |
|                               | Undertake Performance management of other Academy Staff and monitor process |   |   |        | M  | P                  |   |
|                               | Undertake Performance management of HTs                                     |   |   | P (DE) | I  |                    |   |
| Performance Manage LGB Clerks |   |   |   | P      |    | Chair of Governors |   |



**APPENDIX 1**

|                         | Function  | M | T | C | L | H | Notes |
|-------------------------|---|---|---|---|---|---|-------|
| Support and Development | Provide operational and management support to academies   |   | M | P | I | I |       |
|                         | Identify and deliver appropriate training and support at academy level                                  |   |   | M | M | P |       |
|                         | Support Local Governing Bodies to achieve collective strategic aims and objectives within their academy |   | M | P | I | I |       |
|                         | Collaboration with other academies  |   |   | P | I | P |       |

|                       | Function                               | M | T | C      | L   | H  | Notes                         |
|-----------------------|--|---|---|--------|-----|----|-------------------------------|
| Educational Provision | Academy Self-Evaluation                |   |   | A M    | A M | P  |                               |
|                       | Curriculum and Timetable               |   |   |        | I   | D  |                               |
|                       | Teaching Profile (Quality of teaching) |   |   | D (DE) | M   | R  |                               |
|                       | TKAT Assessment Processes              |   |   | D      | M   | P  | TKAT data collection calendar |
|                       | Development of teaching and learning   |   |   | M (DE) | M   | P  | Including Academy's pedagogy  |
|                       | Behaviour Management                   |   |   |        | M   | P  |                               |
|                       | Trust Strategies for Pupil Premium     |   |   | D      | M   | P  |                               |
|                       | Academy Strategies for Pupil Premium   |   |   | M      | A M | R  |                               |
|                       | Change of school day                   |   |   | A      | I   | R  |                               |
|                       | Closure days                           |   |   | D**    | A*  | R* | * Planned ** Additional       |

APPENDIX 1

|                             | Function  | M | T | C      | L    | H    | Notes   |
|-----------------------------|---|---|---|--------|------|------|---|
| Educational Provision contd | Term dates and INSET dates                            |   |   |        | A    | R    |   |
|                             | Census and attendance                                 |   |   |        | M    | P    |   |
|                             | Exclusions – Fixed term                               |   |   |        | M*   | P    | * including considering reinstatement if applicable   |
|                             | Exclusions - Permanent                                |   |   | M (DE) | A*   | D    | * panel to consider reinstatement, and reconsider should an IRP direct/recommend it   |
|                             | Complaints, Hearings and Appeals                      |   |   | P      | P M  | P    | According to relevant policies  |
|                             | Trips and Visits                                      |   |   | M (HS) | A* M | R    | *According to relevant policies   |
|                             | Change of PAN   |   | D | A      | I    | R    |   |
|                             | Age range of PAN                                      |   |   | A      | I    | R    |   |
|                             | Oversubscription Criteria                             |   | D | A      | I    | R    |   |
|                             | Admissions Policy                                     |   | D | A      | I P* | R    | * responsible for consultation once draft approved  |
|                             | Admission applications (outside of transition period) |   |   |        |      | D P* | * decisions taken by either an Admissions Committee, or by Local Authority (LA) under an SLA. Applications outside of year group must be considered by committee. |
|                             | Admission Appeals (process)                           |   |   | A      | R    |      | To be arranged via independent panel and clerk, or by LA under SLA  |

|                                 | Function  | M | T   | C      | L      | H  | Notes                           |   |
|---------------------------------|---|---|-----|--------|--------|----|---------------------------------|---|
| Financial oversight             | Appoint external auditors   | D | R   | I      |        |    |                                 |   |
|                                 | Appoint internal auditors   |   | D   | D      |        |    |                                 |   |
|                                 | Appoint Chief financial officer   |   | D   | R      |        |    |                                 |   |
|                                 | Establish, monitor and review the Trust's scheme of financial delegation  |   | D M | R (FI) |        |    |                                 |   |
|                                 | Specify management controls and audit associated processes, procedures and outcomes   |   | M   | D P    | M*     | P* | * at academy level              |   |
|                                 | Reserves Management   |   | D   | R (FI) |        |    |                                 |   |
|                                 | Receive and respond to external auditors' report  |   | M   | P      |        |    |                                 |   |
|                                 | CCC and Treasury Function   |   | A   | R      |        |    |                                 |   |
|                                 | Approval of grants and awards   |   | A   | R      |        |    |                                 |   |
|                                 | Decide CEO pay award  |   | D   |        |        |    |                                 |   |
|                                 | Decide other Central Staff pay awards   |   |     |        | D      |    | Delegated as appropriate by CEO |   |
|                                 | Decide Headteachers' pay award  |   |     |        | D      | I  |                                 |   |
|                                 | Decide Other Academy staff pay awards   |   |     |        |        | M  | D                               | see 4.6.3   |
|                                 | Monitor pupil numbers and future estimates to support budget planning   |   |     | M      | M      | M  | P                               |   |
|                                 | Oversight of Academy management accounts ensuring the priorities meet the need of the Academy community and that expenditure is within its budget |   |     | M      | M      | M* | P                               | *Including review Academy expenditure to check for improper use of public funds |
|                                 | Ensure robust benchmarking and Trust-wide value for money   |   |     | M      | P (FI) |    |                                 |   |
| Fundraising for other charities |   |   |     | A*     | D* M   | D  | * when covered by 3.5.7         |   |

|                    | Function  | M | T   | C        | L   | H   | Notes   |
|--------------------|---|---|-----|----------|-----|-----|---|
| Personnel          | Appoint and dismiss Chief Executive Officer (CEO)   |   | D   |          |     |     |   |
|                    | Appoint and dismiss Accounting Officer  |   | D   |          |     |     |   |
|                    | Appoint and dismiss central staff other than CEO  |   |     | D I (HR) |     |     | Delegated as appropriate by CEO                 |
|                    | Appoint and dismiss Headteachers  |   | I   | D I (HR) | I   |     | As per policy                                   |
|                    | Appoint and dismiss Academy senior staff  |   |     | D* I(HR) | I A | D R | * Can<br>As per policy                          |
|                    | Appoint and dismiss of all other Academy staff  |   |     | I (HR)   | A   | R D | As per policy                                   |
|                    | Ensure Job Descriptions are in place for all staff  |   |     | P*       |     | P** | P* Central and Headteacher<br>P** Academy staff |
|                    | Appoint and remove Clerk to the Board   |   | D   | R        |     |     |   |
|                    | Appoint and remove Clerk to LGB   |   |     |          | D   | I   |   |
|                    | Application of disciplinary and capability procedures (according to policy) and management of claims and disputes |   | D*  | I (HR)   | A** | R P | * as per policy<br>** see 4.6.3.6 and 5.1.3.7   |
| Wellbeing of staff |   | M | M P | M        | P   |     |   |

**APPENDIX 1**

|                             | Function  | M | T   | C     | L   | H    | Notes   |
|-----------------------------|---|---|-----|-------|-----|------|---|
| Premises, Health and Safety | Day to day maintenance and care of Academy buildings and facilities |   |     | M     | A M | P    |   |
|                             | Compliance with all statutory & regulatory requirements             |   | A M | R P M | P M | P M  | (including Health & Safety and safeguarding, SCR, data breaches)                                      |
|                             | Estate management strategy  |   | A   | R P   | I   | I    | including project management, and asset disposal, major capital works and long-term building projects |
|                             | PFI existing Contract implementation (where applicable)             |   | M   |       | I   | I M* | * monitor the performance of contractor   |
|                             | ICT Strategy  |   | A   | R     | I   | I    | ICT network and infrastructure  |
|                             | School condition allocations  |   | A   | R     | I   | I    |   |
|                             | Lettings Policy   |   |     |       | A   | R    |   |
|                             | Disposals or acquisitions of land                                   |   | A   | R     | I   | I    |   |
|                             | Health and Safety Inspections                                       |   | M   | P     | M   |      |   |

|                     | Function                               | M | T | C | L | H | Notes |
|---------------------|--|---|---|---|---|---|-------|
| Marketing and Media | Marketing                              |   | I | P | I | P |       |
|                     | Press Responses Trust                  |   |   | P |   |   |       |
|                     | Press Responses Academy                |   |   | A |   | I |       |
|                     | Academy Websites (ensuring compliance) |   |   | M | M | P |       |
|                     | Freedom of Information Requests        |   |   | P |   | I |       |
|                     | Social Media Function                  |   |   | M | M | P |       |

**SCHEME OF FINANCIAL AUTHORISATIONS**

This Scheme of Financial Authorisations defines the **minimum** operational requirements of an Academy. These provisions are repeated in the procurement procedures.

| <i>Extract from Procurement and Contract Procedures (effective 1 July 2023)</i><br><b>Appendix 1</b><br><b>Procurement Procedures Delegations and Authorisations</b> |  |   |   |
|--|--|---|---|
| <b>Estimated Value (excl. VAT)</b>   | <b>Authorisation of Requirements to commence procurement must be in accordance with the Scheme of Delegation</b>   | <b>Form of Contract</b>   | <b>Authorisation to commence procurement and award the contract</b>   |
| Budget or contract value is:<br>Up to £7,500 works, supplies, services   | Reasonable means of selection with supporting evidence for example one written quote as a minimum which meets your specified requirements. Other quotes should be sought if possible.  | TKAT Purchase Order with TKAT standard terms and conditions   | <b>Academy and Corporate</b><br>Budget Holder   |
| Budget or contract value is:<br>£7,501 - £25,000 works, supplies, services   | Completion of the 'TKAT Procurement Process Form' to evidence value for money. Minimum of 3 written competitive quotes sought with supporting evidence which meets your specified requirements.  | TKAT Purchase Order with TKAT standard terms and conditions   | <b>Academy</b><br>Budget Holder and Headteacher<br><b>Corporate</b><br>Budget Holder<br>Head of Service and/or Head of Procurement & Contracts or Head of Finance   |
| Budget or contract value is:<br>£25,001 - £75,000 works, supplies, services  | Completion of the 'TKAT Procurement Process Form' to evidence value for money.<br>a) <b>Closed Quote</b> - (i.e. not advertised in the public domain) Minimum of 3 written competitive quotes sought from selected suppliers, with full supporting evidence which meets your specified requirements.<br>b) <b>Open Quote</b> - If in the interests of the Academy/Trust and as appropriate to the requirement advertise in the public domain in Contracts Finder, TKAT website and eProcurement portal to generate interest with suppliers Seek advice from the Head Procurement & Contracts with regard to how to manage the open quote process | TKAT Standard Contract terms and conditions for supplies and services.<br><br>Works – refer to Head of Estates and / or Head of Procurement & Contracts | <b>Academy</b><br>Budget Holder, Headteacher<br>Head of Procurement & Contracts or Head of Finance<br><u>Works only</u> – Head of Estates, Head of Procurement & Contracts or Head of Finance<br><b>Corporate</b><br>Budget Holder,<br>Head of Service, and Head of Procurement & Contracts or Head of Finance.<br><br>Head of Procurement & Contracts or Head of Finance to notify Director of Finance and Operations<br><u>Works only</u> – Head of Estates, Head of Procurement & Contracts or Head of Finance |

|  |   |  |  |
|--|---|--|--|
| <p>Budget or contract value is:<br/>£75,001 – up to PCR 2015 (as amended, replaced, consolidated, or re-enacted), threshold for goods (supplies), services and works.</p>            | <p>Completion of the 'TKAT Procurement Process Form' to evidence value for money. An Invitation to Tender process must be completed where the opportunity is advertised in the public domain (i.e. Contracts Finder, TKAT website and eProcurement portal) and seek advice from the Head of Procurement &amp; Contracts</p>   | <p>TKAT Standard Terms and Conditions for suppliers and services.</p> <p>Works – refer to Head of Estates and / or Head of Procurement &amp; Contracts</p> | <p><b>Academy</b><br/>Budget Holder, Headteacher and Deputy Director of Finance and Operations*</p> <p><b>Corporate</b><br/>Budget Holder<br/>Head of Service and Deputy Director of Finance and Operations.</p>   |
| <p>Budget or contract value:<br/>Exceeds PCR 2015 threshold(as amended, replaced, consolidated or re-enacted), threshold for goods (supplies), services and works up to £250,000</p> | <p>Completion of the 'TKAT Procurement Process Form' to evidence value for money. PCR 2015 compliant Invitation to Tender process must be completed and managed by the Head of Procurement &amp; Contracts</p>  | <p>Speak to Head of Procurement &amp; Contracts<br/>Potentially bespoke TKAT Terms and Conditions may be required and to be signed as a Deed.</p>          | <p><b>Academy and Corporate</b></p> <p>Deputy Director of Finance &amp; Operations and Director of Finance and Operations</p>  |
| <p>Budget or contract value is £250,001 - £750,000</p>   | <p>Completion of the 'TKAT Procurement Process Form' to evidence value for money. PCR 2015 compliant Invitation to Tender process must be completed and managed by the Head of Procurement &amp; Contracts</p>  | <p>Speak to Head of Procurement &amp; Contracts<br/>Potentially bespoke TKAT Terms and Conditions may be required and to be signed as a Deed.</p>          | <p><b>Academy and Corporate</b></p> <p>Director of Finance and Operations<br/>Chief Executive Officer</p>  |
| <p>Budget or contract value exceeds £750,001</p>   | <p>Completion of the Business Case/Procurement Strategy to be approved by the TKAT Board prior to the competitive procurement process being undertaken. If the Business Case and Procurement Strategy are approved and deemed uncontentious and authorised to proceed to market, then following the completion of the Procurement Process Form / Contract Award Report to evidence value for money issued to the Chief Executive Officer and Director Finance and Operations for approval of contract award, who will then inform the Board of the outcome of the award.<br/>PCR 2015 compliant Invitation to Tender process must be completed and managed by the</p> | <p>Speak to Head of Procurement &amp; Contracts<br/>Potentially bespoke TKAT Terms and Conditions may be required and to be signed as a Deed.</p>          | <p><b>Academy and Corporate</b></p> <p>Director of Finance and Operations and Chief Executive Officer</p> <p>If the Board deem the procurement to be strategic, complex and/or significant in value, formal Board approval will be required prior to contract award.</p> |

|                                       |  |                           |  |
|---------------------------------------|--|---------------------------|--|
|                                       | Head of Procurement & Contracts  |                           |  |
| <b>All Operating Lease Agreements</b> | The Trust can only enter into Operating Leases that have been approved and vetted by Link Asset Services as being Operating Leases. Finance Leases are not permitted | Operating Lease Agreement | <b>Academy &amp; Corporate</b><br><u>Up to £75,000</u> - Head of Finance (Deputy Director of Finance & Operations if Head of Finance not available)<br><u>£75,001 to PCR 2015 Threshold</u> – Deputy Director of Finance and Operations.<br><u>Above PCR Threshold to £750,000</u> – Director Finance & Operations and CEO<br><u>Above £750,001</u> TKAT Board approval is required. |

Notes:

\* PCR2015 Works thresholds do not apply due to the threshold value being in excess of c£4.7 million (excl VAT) (as amended) per contract

\*\*Award of contracts and projects that have been approved by the TKAT Board as part of the Capital programmes for the current Academic / Financial year that exceed £750,001 in value can be approved by the Director Finance & Operations and the Chief Executive Officer.



## GOVERNOR CODE OF CONDUCT AND UNDERTAKING

The TKAT Board believes that Local Governing Bodies have a vital and unique role, by being the representatives of the Academy's community and stakeholders. Local Governing Bodies know their schools well and provide Trustees with an independent local voice. They combine a passion to make a difference, with common sense and a unique perspective which means their challenge and support complements how Trustees hold schools to account.

Those serving on the Local Governing Body are accountable to the TKAT Board and must ensure that at all times they act in good faith and in the best interests of the Academy and the Trust, whilst adhering to [The Seven Principles of Public Life](#) (also known as the Nolan Principles): selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The specific tasks and responsibilities of Governors are outlined in the TKAT Scheme of Delegation which all Governors must be familiar with.

### **Code of Conduct**

Governors are expected to:

- have a desire to create positive change for young people by providing support and challenge to their Academy;
- act in accordance with any authority delegated to him or her, via the Scheme of Delegation, including complying with any regulation or requirement of those from whom delegated authority is received;
- act in accordance with the Seven Principles of Public Life, and in the best interests of the Academy and the Trust.
- develop a deep understanding of the vision and ethos of the Trust and its Academies and the roles played by all individuals in fulfilment of the Trust's mission;
- understand the policies and procedures of the Trust and how these flow down to the Academies;
- support the Trust in public and act as an ambassador of the Trust and the Academies;
- be committed to equal opportunities and anti-discriminatory practice
- be committed to Safeguarding young people
- work as a team;
- attend meetings and be prepared to ask questions and contribute to discussions, and commit to agreed actions;
- be respectful of the views of others and to be open to new ideas and thoughts, building productive and supportive professional relationships
- treat all confidential information confidentially;
- act with integrity, avoiding any personal conflicts of interest and complying with the Trust's Conflict of Interest and Related Parties policy
- be focussed on problem solving and be ready to learn from past experiences;
- take on the role of a link governor for the academy

**Undertaking**

**Commitment:**

As a Governor, I acknowledge I am expected to be able to commit to and satisfy the core competencies and skills of a Governor, and to be able to articulate my contribution to the success of the Academy. I agree to undertake training where necessary to support my development as a Governor and to ensure my effectiveness. As a Governor, I agree to submit to a regular skills assessment.

**Confidentiality:**

I understand that all information in whatever form (written, verbal, electronic or other) which is received by me in my capacity as a TKAT Governor is confidential.

I confirm that I will keep this information safe and secure and will not disclose it outside the Trust and the Academy except as agreed in advance by a minuted vote of the Local Governing Body or written agreement of the Chair of the Local Governing Body.

**Legal Declarations**

All Governors must be able to provide the following legal declarations to qualify and serve as a Governor:

- I am not disqualified from acting as a charity trustee;
- I have not been convicted of an offence involving deception or dishonesty (or any such conviction is legally regarded as “spent”);
- I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft;
- I have not used a tax avoidance scheme featuring charitable reliefs or using a charity to facilitate the avoidance;
- I am not an undischarged bankrupt;
- I have declared any compositions or arrangements with my creditors from which I have not been discharged;
- I have not been removed from serving as a charity trustee, or been stopped from acting in a management position within a charity;
- I have not been disqualified from serving as a company director;
- I am not included in the list kept by the Secretary of State for Education under s1 of the Protection of Children Act 1999 (or equivalent) or have ever been disqualified from working with children or serving on a governing body of a school;
- I am able to provide a valid Disclosure and Barring Service Certificate under the Protection of Freedoms Act 2012 which does not disclose any reason why I should be unsuitable for working with children.

By agreeing to be a Governor, I acknowledge what is expected of me and commit to meeting these expectations and abiding by the terms of this code of conduct and undertaking. I understand that if I contravene this code of conduct, I will no longer be able to serve as a governor at any TKAT academy, as set out in the Scheme of Delegation.

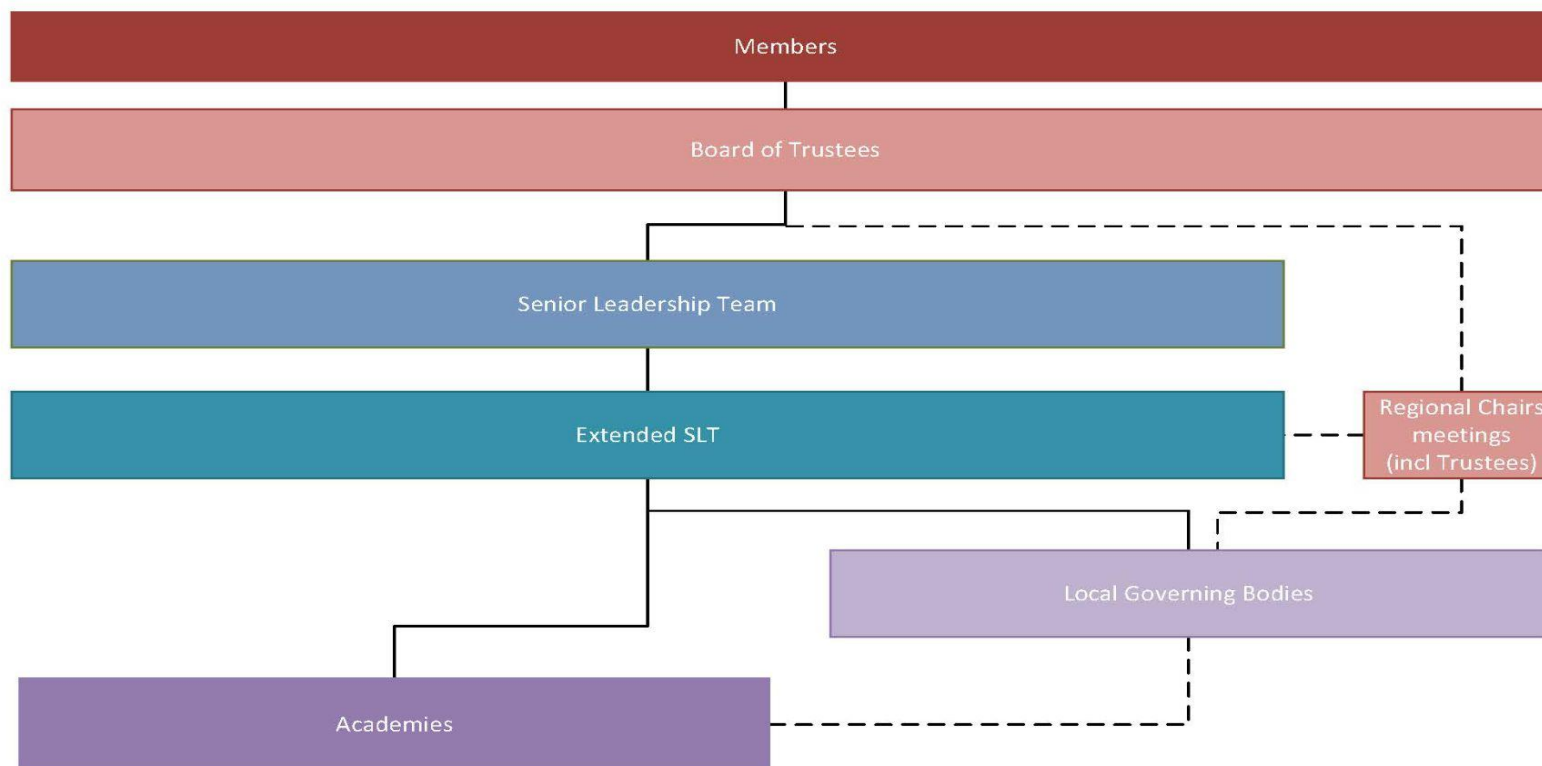
Sign: .....

Print:.....

Academy name(s):.....

Date:.....

TKAT ACCOUNTABILITY FRAMEWORK



— Accountability  
- - - Support and challenge