

Peterborough Diocese Education Trust

SCHEME OF DELEGATION FOR LOCAL GOVERNING BOARDS (Scheme B)

PDET's Articles of Incorporation provide that delegation of the Directors powers to the Local Governing Board ("LGB") is at the discretion of the Directors.

The Directors, where possible, wish all LGBs to continue to have full responsibility for all aspects of the operation of their schools. However, ultimately, responsibility for the performance of all schools within PDET rests with the Directors and it has been recognised that some schools will require more support than others. It has therefore been agreed that delegation will operate as follows:

All schools coming into PDET will have the benefit of an initial "health check". Where this confirms that a school is Outstanding in Ofsted terms or a secure Good, the LGB will automatically be delegated powers in accordance with Scheme A;

All other schools, (apart from those falling within Ofsted category – Inadequate, for which a bespoke scheme will be devised), delegation will be in accordance with Scheme B;

If at any time Directors consider that a school's performance indicates that the Scheme they are currently operating is no longer appropriate, the Directors reserve the right to change the Scheme to a more appropriate one.

	Item	Page
1.	The Role of the Local Governing Board	4
2.	PDET and the Local Governing Board	4
3.	Local Governing Board – Governors	4
4.	Appointment of Chair of the Local Governing Board	5
5.	Responsibilities of Directors and Governors	5
6.	The Role of the Chair	10
7.	Conflicts of Interest	10
8.	Meetings of the Local Governing Board	11
9.	Accounts and Audit	12
10.	Rules and Operating Procedures	12
11.	Amendment of Instrument and Rules of Government	12
12.	Effective Date	12
13.	Interpretation	13
Annexure 1	Copy of Articles of Association of PDET	See Website
Annexure 2	Delegation Table	See Website

1 THE ROLE OF THE LOCAL GOVERNING BOARD

- 1.1 The Local Governing Board (“**LGB**”) is a committee of the Directors of Peterborough Diocese Education Trust (“**PDET**”). Each LGB is established by the Directors in accordance with the Articles of Association of PDET a copy of which is attached as Annexure 1 and will be subject to the Delegation set out in Annexure 2. This details the responsibilities of the LGB and the Headteacher and their relationship with the Directors.

2 PDET AND THE LOCAL GOVERNING BOARD

- 2.1 PDET is a charitable company limited by guarantee. It has entered into a Master Funding Agreement with the Department for Education and a Supplemental Funding Agreement in respect of each Academy (together the “**Funding Agreements**”) and so it is PDET that is ultimately responsible to the Department for Education under the Funding Agreements.
- 2.2 The Directors are the charity trustees (within the terms of section 177 of the Charities Act 2011) and are responsible for the general control and management of the administration of PDET in accordance with the provisions set out in the Articles. The LGB is a committee of the Directors established by PDET using their powers in the Articles of Association of PDET. It is expected that the LGB will act in accordance with this Scheme of Delegation unless otherwise directed by the Directors. The LGB will be accountable to the Directors for its decisions.

3 LOCAL GOVERNING BOARD – GOVERNORS

- 3.1 Membership of the LGB will comprise the following Governors:
- (a) The Headteacher
 - (b) 2 elected parents
 - (c) Up to 2 elected Staff Members
 - (d) Foundation Governors in numbers appropriate to the previous status of the Academy as a Voluntary Aided or Voluntary Controlled school
 - (e) Those as may from time to time be co-opted with the express approval of PDET
- 3.2 A Governor must be aged 18 or over and must not be a current pupil of the Academy.
- 3.3 A Governor’s term of office will be for a period of 4 years.
- 3.4 A Governor’s term of office will be terminated if:
- 3.4.1 he/she resigns by serving written notice to the Chair of the LGB and to PDET;
 - 3.4.2 in the case of a Staff Member, his/her employment is terminated;
 - 3.4.3 he/she becomes incapable by reason of mental disorder, illness or injury of managing or administering his/her own affairs;

- 3.4.4 he/she is absent, unless agreed otherwise, for two consecutive meetings of the Governors, in which case the Governors and/or Directors may remove a Governor at their discretion;
- 3.4.5 he/she would be disqualified from acting as a charity trustee by virtue of section 72 of the Charities Act 1993;
- 3.4.6 his/her estate has been sequestrated and the sequestration has not been discharged, annulled or reduced or if he/she is the subject of a bankruptcy restrictions order or an interim order;
- 3.4.7 he/she is:
- (i) included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999; or
 - (ii) disqualified from working with children under section 28, 29, 29A and 29B of the Criminal Justice and Court Services Act 2000;
- 3.4.8 he/she is a person in respect of whom a direction has been made under section 142 of the Education Act 2002;
- 3.4.9 he/she has not complied with PDET's safeguarding/DBS policies or a material part of this Scheme of Delegation;
- 3.4.10 at any time the Directors reasonably consider, after discussions with the LGB, his/her removal to be in the interests of PDET.
- 3.5 Where a person becomes disqualified from holding, or continuing to hold office as a Governor and he/she is, or is proposed, to become such a Governor, he/she shall upon becoming so disqualified give written notice of that fact to PDET and to the Chair of the LGB.
- 3.6 The LGB may continue to act notwithstanding a temporary vacancy in its composition.
- 3.7 Each Governor, on appointment, will sign PDET's Code of Conduct for Governors – see *PDET Governors' Handbook for Code*.

NB - there are various additional conditions that apply to Foundation Governors and these will be dealt with at the time of appointment.

4 APPOINTMENT OF A CHAIR OF THE LOCAL GOVERNING BOARD

- 4.1 The Chair of the LGB will be appointed each academic year by the Governors from amongst all of the Governors, subject to the prior approval of the Directors, and the Clerk to the LGB will notify PDET following such appointment. The Directors reserve the right to appoint a Chair in the event of failure to agree as to who the Chair should be.
- 4.2 If both the Chair and the Vice-Chair are absent from any meeting of the LGB, those Governors present will appoint one of their number to chair the meeting.

5 RESPONSIBILITIES OF DIRECTORS AND GOVERNORS

5.1 Responsibilities are as set out in the Delegation table at Annexure 2

5.2 *General responsibilities of Governors:*

5.2.1 Each Governor will act in the best interests of the Academy and of PDET at all times.

5.2.2 No Governor is to act or omit to act in a way which would be prejudicial to the interests of the Academy or PDET at any time, including any actions or omissions which might create bad publicity for the Academy or PDET.

5.2.3 The Governors must keep confidential all information of a confidential nature obtained by them relating to the Academy and/or PDET.

5.2.4 When a Governor becomes a Governor of an Academy within PDET (following his/her appointment or his/her transfer from a maintained school), he/she will be required to complete and sign a registration form (with details required for PDET) in which the Governor agrees to comply with:

- the Articles of Association;
- the Funding Agreements;
- this Scheme of Delegation;
- any terms of reference of sub-committees which may apply to that Governor;
- PDET Code of Conduct.

5.2.5 In addition, each Governor will be required to be aware of the terms of PDET's Governors' Handbook and PDET's Financial Regulations Manual and know how to access them.

5.2.6 Each Governor will be required to carry out appropriate training as provided by PDET and such other training, including Safeguarding Training, as is required to enable them to effectively undertake their role as Governor.

5.2.7 Each Governor will also be required to take part in regular self-reviews and Skills Audits and is accountable for meeting his/her own training and development needs. It is a Governor's responsibility to consider if, and raise any concerns where, he/she feels that appropriate training and development is not being provided.

5.2.8 Each Governor will be required on an Annual basis to complete and then periodically update their entry in the Register of Interests.

6 ROLE OF THE CHAIR

6.1 The Chair will:

6.1.1 meet regularly with the Headteacher;

- 6.1.2 communicate regularly with the Clerk to the LGB;
- 6.1.3 preside over efficient LGB meetings; and
- 6.1.4 be accountable to the Directors for the operation of the Academy and shall meet with the Directors at such times as may be reasonably required.

7 CONFLICTS OF INTEREST

- 7.1 The income and property of PDET must be applied solely towards the provision of the Objects as detailed in the Articles. The restrictions and procedures which apply to the Directors in the Articles of Association with regard to having a Personal Financial Interest **also** apply to the Governors.
- 7.2 Any Governor who has any duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his/her duties as a Governor must disclose that fact to the Governors as soon as he/she becomes aware of it. A Governor must absent himself/herself from any discussions of the Governors in which it is possible that a conflict will arise between his/her duty to act solely in the interests of the Academy and/or PDET and any duty or personal interest (including but not limited to any Personal Financial Interest).

8 MEETINGS OF LOCAL GOVERNING BOARD

- 8.1 The LGB must meet at least 6 times per academic year, and will hold such other meetings as may be necessary. A quorum must be present, being three or one third of the Governors (if greater).
- 8.2 A Clerk must be appointed by the Governors and all meetings will be convened by the Clerk, who will send to the Governors and to PDET written notice of the meeting and a copy of the agenda at least 14 clear days in advance of the meeting.
- 8.3 A special meeting of the LGB will be called by the Clerk whenever requested by the Chair or at the request in writing of any three Governors. Where there are matters demanding urgent consideration, the Chair or, in his/her absence, the Vice-Chair may waive the need for 14 days' notice of the meeting and substitute such notice as he/she thinks fit.
- 8.4 The convening of a meeting and the proceedings conducted will not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda.
- 8.5 If the number of Governors assembled for a meeting of the LGB does not constitute a quorum, the meeting must not be held. If in the course of a meeting of the LGB the number of Governors present ceases to constitute a quorum, the meeting must be terminated forthwith.
- 8.6 If for lack of a quorum a meeting cannot be held or, as the case may be, cannot continue, the Chair will, if he/she thinks fit, determine the time and date at which a further meeting will be held and will direct the Clerk to convene the meeting accordingly.

- 8.7 All issues to be decided at a meeting of the LGB will be determined by a majority of the votes of the Governors present and voting on the question. Every Governor will have one vote. Where there is an equal division of votes the Chair of the meeting will have a second or casting vote.
- 8.8 A Governor may not vote by proxy.
- 8.9 No resolution of the Governors may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.
- 8.10 Any Governor who is also an employee of PDET must withdraw from that part of any meeting of the LGB at which his/her remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered.
- 8.11 A resolution in writing, signed by all the Governors will be valid and effective as if it had been passed at a meeting of the Governors duly convened and held. Similarly, a resolution in writing signed by all the members of a committee of the Governors will be valid and effective as if it had been passed at a meeting of that committee. Such a resolution may consist of several documents in the same form, each signed by one or more of the Governors (or the members of a committee as the case may be).
- 8.12 Any Governor will be able to participate in meetings of the Governors by telephone or video conference provided that he/she has given reasonable notice to the Clerk and that the Governors have access to the appropriate equipment.
- 8.13 Minutes must be prepared of all LGB meetings and meetings of all sub-committees. Drafts of those minutes must be sent to all who attended and PDET no later than 14 days after the date of the meeting. Final minutes, as approved by the Governors, must be sent to PDET within 7 days of approval.

9 ACCOUNTS AND AUDIT

- 9.1 Producing and filing accounts and audit requirements is the responsibility of the Academy and the Academy must keep proper accounts and records to enable it to meet its responsibilities and the LGB is responsible for ensuring this happens (see paragraph 5.1). The LGB must ensure compliance with PDET's Financial Regulations Manual.

10 RULES AND OPERATING PROCEDURES

- 10.1 The LGB has power to make rules and develop operating procedures in respect of the governance and conduct of the Academy as appropriate. Such rules and operating procedures and any amendments to them will be subject to the provisions of this document and also, where such rules or operating procedures relate to governance and/or the roles and responsibilities of the Governors, to approval by the Directors.

11 AMENDMENT OF INSTRUMENT AND RULES OF GOVERNMENT

- 11.1 This Scheme of Delegation is drafted and maintained by PDET. The Directors may make amendments to this Scheme of Delegation from time to time. In the event that amendments are made, PDET will notify the Chair of each LGB, who will be expected to make the other Governors aware of such changes.
- 11.2 This document will be subject to review by the Directors.

12 EFFECTIVE DATE

- 12.1 This Instrument and Rules of Government will come into effect, in relation to a LGB, on the earlier of the establishment of the LGB or the signature by the Chair on behalf of the LGB to agree to this Scheme of Delegation.

13 INTERPRETATION

13.1 In this document:-

“Academy”	means the Academy which is one of PDET’s;
“Articles”	means the Articles of Association of PDET;
“Clerk”	means the person appointed to act as clerk to the LGB;
“Funding Agreements”	has the meaning given to it in paragraph 2.1;
“Governor”	means a member of the LGB;
“Governors’ Handbook”	means the handbook, prepared by PDET explaining the role of governors, in force from time to time;
“Local Governing Board”	means the local governing board for the Academy, being a committee of the Directors, constituted as provided by paragraph 3 of this document;
“Personal Financial Interest”	means any interest in the employment or remuneration of, or the provision of any other benefit to, a Governor as further detailed within Article [6] of the Articles;
“Headteacher”	means the member of staff at the Academy who is appointed by the LGB (in accordance with the terms of this document and his/her contract of employment, as may be amended from time to time) to have overall day to day control of and responsibility for the Academy;
“Staff Member”	means a member elected to the LGB by members of staff of the Academy;
“this document”	means this Scheme of Delegation;
“the Directors”	Means those persons appointed as directors (under company law) and trustees (under charity law) of PDET .

13.2 Unless the context requires otherwise, a reference to-

- 13.2.1 A numbered paragraph is a reference to the paragraph so numbered in this document (or the sub-paragraph, as the case may be), and
- 13.2.2 Words importing one gender will include any other gender, the singular number will include the plural and vice versa and the headings are included for convenience only and will not affect the construction of this document.

Annex 1 – The Articles of Association of PDET

Annex 2 – Delegation Table