SCHEME OF DELEGATION

made between

DERBY DIOCESAN ACADEMY TRUST

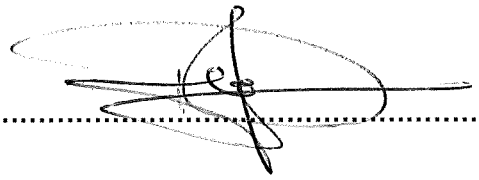
and

THE LOCAL GOVERNING BODY OF

ST GILES (CHURCH OF ENGLAND) PRIMARY SCHOOL

EFFECTIVE DATE: 1ST SEPTEMBER 2017

Signed on behalf of the Local Governing Body of St Giles (Church of England) Primary School



..... **Date** 7/11/17

PRINT NAME..VON JONES.....

Signed on behalf of Derby Diocesan Academy Trust

..... **Date**.....

PRINT NAME.....

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THIS SCHEME OF DELEGATION (the "**Scheme**") is made on 1ST SEPTEMBER 2017 between:

(1) DERBY DIOCESAN ACADEMY TRUST, a company limited by guarantee and registered in England and Wales under company number 08980079 ("DDAT"); and

(2) THE LOCAL GOVERNING BODY OF St Giles (Church of England) Primary School (the "Local Governing Body" or the "LGB") constituted by this Scheme.

1. **DEFINITIONS**

In this Scheme:

"**Academy**" means St Giles (Church of England) Primary School of Sheepcote Road, Killamarsh, Sheffield, S21 1DU;

"**Articles**" means the Articles of Association of DDAT;

"**Budget**" means the annual budget set for the Academy in accordance with the Master Funding Agreement and/or the Supplemental Funding Agreement;

"**DBE**" means the Diocesan Board of Education for the Diocese of Derby;

"**Directors**" means the directors of DDAT;

"**Head Teacher**" means the head teacher of the Academy;

"**Incumbent**" means the Incumbent or Officiating Minister of St Giles Parish Church, in the Diocese of Derby or, in the case of vacancy or unwillingness of the Incumbent to act, such person(s) as may be authorised by the [Archdeacon of Derby] to act in their stead;

"**Master Funding Agreement**" means the Master Funding Agreement entered into by DDAT and the Secretary of State for Education on 1st March 2016;

"**Operating Levels**" mean the three levels of delegated authority based on Ofsted's grading as determined by DDAT from time to time as set out in Schedule 2 of this Scheme;

"**Supplemental Funding Agreement**" means the Supplemental Funding Agreement entered into by DDAT and the Secretary of State for Education in respect of the Academy on [add date];

"**Trustees**" means those trustees holding the Academy's site and providing them to DDAT for use and occupation by the Academy

2. INTRODUCTION

2.1 As a charity and company limited by guarantee, DDAT is governed by a board of Directors who are responsible for, and oversee, the management and administration of DDAT and the academies run by DDAT. The Academy is one of the academies overseen and managed by DDAT.

2.2 The Directors are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education provided by DDAT and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.

2.3 As the Academy is a Church of England academy, designated as such, the Directors are also accountable to the DBE under the provisions of the Diocesan Boards of Education Measure 1991, and to the Trustees, to ensure that the Academy is conducted as a Church of England school.

2.4 The management of the business of the Academy shall be delegated by the Directors to the LGB, a committee of the Directors established by this Scheme, according to its Operating Level.

2.5 In addition to clause 2.4, the role of the LGB is to:

2.5.1 maintain an overview and keep the Directors properly informed of the conduct and progress of the Academy;

2.5.2 act as a critical friend to the Head Teacher and staff of the Academy;

2.5.3 be accountable to the Directors, parents and the wider community for the LGB's actions and the Academy's overall performance.

2.6 This Scheme has been put in place by the Directors from the Effective Date in accordance with the provisions of the Articles and it should be read in conjunction with those Articles as well as with:

2.6.1 the Directors' strategic plans and policies for the Academy; and

2.6.2 the Budget.

3. ETHOS AND MISSION STATEMENT

3.1 The ethos of DDAT is as follows:

Recognising its historic foundation, the Academy will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at Parish and Diocesan level.

3.2 The mission statement of DDAT is as follows:

The Trustees and the Academy aim to serve their communities by providing an education of the highest quality within the context of Christian belief and practice. They encourage an understanding of the meaning and significance of faith and promote Christian values through the experience the Academy offers to all its pupils.

3.3 The objects of DDAT are to advance for the public benefit education in the United Kingdom by establishing, maintaining, carrying on, managing and developing academies which shall offer a broad and balanced curriculum and which shall include Church of England Schools designated as such which shall be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and having regard to any advice issued by the DBE.

4. DELEGATED POWERS AND RESPONSIBILITIES

4.1 The constitution, membership and proceedings of the LGB shall be as set out in Schedule 1 of this Scheme.

4.2 The LGB agrees to conduct the Academy's business in accordance with the system of decision-making set out in Schedule 2 of this Scheme.

4.3 DDAT and the LGB will review the LGB annually to ensure that its governors have sufficient skills and knowledge to be an effective governing body of the Academy.

4.4 The LGB will review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time.

4.5 The LGB shall provide such data and information regarding the business of the Academy as the Directors may reasonably require from time to time.

4.6 The LGB shall submit to and co-operate with any inspections by Ofsted, other statutory inspectors including pursuant to section 48 of the Education Act 2005 (Statutory Inspections of Anglican Schools) and the DBE and the Directors, acting reasonably.

4.7 The LGB shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State and the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the LGB under this Scheme in such circumstances.

5. ANNUAL REVIEW

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

5.2 This Scheme shall be reviewed annually by DDAT and the LGB and may be amended by agreement of both parties in writing.

SCHEDULE 1

CONSTITUTION OF THE LOCAL GOVERNING BODY

1. The first LGB shall be the governing body of the predecessor school unless it is a school at Operating Level 3, in which case, transfer of the governing body will be at the discretion of DDAT.

2. In the event that the predecessor school has an interim executive board, DDAT will appoint a committee consistent with the Articles to act as local governing body of the Academy.

3. The Directors (all or any of them) shall also be entitled to attend any meetings of the LGB. Any Director attending a meeting of the LGB shall not count towards the quorum for the purposes of the meeting and shall not be entitled to vote on any resolution being considered by the LGB unless the Academy is at Operating Level 3.

4. All persons appointed or elected to the LGB shall give a written undertaking to the Directors to uphold the objects, ethos and mission of DDAT as set out above.

5. Any governor vacancies must be notified to DDAT as soon as they arise and noted in LGB minutes.

6. Subject to the provisions of the Companies Act 2006 and in accordance with Article 136 every member of the LGB or other officer or auditor of DDAT acting in relation to the Academy shall be indemnified out of the assets of DDAT against any liability incurred by him/her in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him/her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of DDAT.

SCHEDULE 2

FUNCTIONS OF AND DECISION-MAKING BY THE LOCAL GOVERNING BODY

PART A

Scheme Overview

1. The Operating Levels are:

   Level 1 where the Academy's overall effectiveness meets Ofsted grade 1: Outstanding;

   Level 2 where the Academy's overall effectiveness meets Ofsted grade 2: Good;

   Level 3 where the Academy's overall effectiveness meets Ofsted grade 3: Requires Improvement or Ofsted grade 4: Inadequate.

2. The LGB will conduct the Academy's business at the Operating Level determined each by DDAT, acting reasonably.

3. If DDAT determines that the Academy should move to a different Operating Level:

   (a) DDAT may exercise its intervention powers to make the relevant number of appointments of governors to the LGB according to the new Operating Level;

   (b) the new Scheme Decision Levels will be in force;

   (c) any necessary adjustments will be made to its budget at the year end.

4. The functions of the LGB will be exercised in accordance with the Scheme Decision Level table at Part B below.

5. The Operating Levels within the Scheme have the following key features:

Level 1

- Governors are appointed in line with the constitution of the predecessor school unless otherwise agreed by the appointing authorities.
- The Academy will be largely autonomous with full powers delegated to the LGB, subject to the Academy remaining in the required performance category based on Ofsted grading as determined by DDAT, acting reasonably.

Level 2

- Governors are appointed in line with the constitution of the predecessor school unless otherwise agreed by the appointing authorities.
- The Academy will be largely autonomous but DDAT will retain appropriate powers in the Scheme to ensure delivery of any required school improvement measures.

Level 3

- The Directors may select all members of the LGB, other than parental and staff representatives.
- The LGB will have limited powers delegated to it in the Scheme.

PART B

Scheme Decision Levels

The LGB will conduct the Academy's business in accordance with the Decision Levels set out below.

For ease of reference, these are shown using the colour code for the Operating Level shown in Part A above.

Decisions are allocated between the decision makers. The allocation varies according to the Decision Level. The decision makers are:

DDAT

A named individual identified by the Directors ("the Directors' nominee")

The Local Governing Body

The Head Teacher

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
Central Services	1.	To determine the scope of central services to be delivered by DDAT to and on behalf of the Academy		3	1 2		DDAT to determine legal, HR and finance services
	2.	To identify additional services to be procured on behalf of the Academy		3	1 2		
	3.	To ensure centrally procured services provide value for money		3	1 2		
Budgets	4.	To determine the proportion of the overall DDAT budget to be delegated to the Academy	1 2 3				Provided that the proportion of the Budget withheld by the DDAT in respect of the Academy shall not be more

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
							than 4, 5 and 6% for Operational Levels 1, 2 and 3 respectively
	5.	To develop and propose the individual Academy budget		3	1 2		
	6.	To approve the first formal budget plan each financial year	1 2 3				
	7.	To plan and manage monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		3		1 2	
	8.	To monitor monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		3	1 2		
	9.	To approve any amount to be transferred between budget headings and/or likely budget overspends		3	1 2		
	10.	To establish financial decision levels and limits	3		1 2		
	11.	To establish a charging and remissions policy for the Academy		3	1 2		
	12.	To appoint the Responsible Officer for the Academy	1 2 3				
	13.	To enter into additional contracts which exceed the agreed annual budget allocation	1 2 3				
	14.	To make payments within agreed financial limits				1 2 3	

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
	15.	To collect income due to the Academy To maintain proper financial records for the Academy To prepare accounts for the Academy To develop risk management strategies To authorise acquisition of assets To authorise disposal of assets To appoint auditors To decide how to apply Pupil Premium		3		1 2	
	16.	To monitor compliance with approved Financial Procedures To monitor use of pupil premium monies		3	1 2		
Staffing	17.	Pre-recruitment checks		3	1 2		
	18.	To appoint a Head Teacher (through a selection panel)		3	1 2		1. Directors' nominee present to advise 2. Directors' nominee votes 3. Taking account of views of LGB
	19.	To appoint a Deputy Head Teacher (through a selection panel)		3	1 2		

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
	20.	To appoint other teachers		3	1 2		
	21.	To appoint non-teaching staff			1 2 3		
	22.	To agree a pay policy	1 2 3				Consistency of employer is important and keep in line nationally
	23.	To exercise Pay discretions		3	1 2		
	24.	Establishing disciplinary/capability procedures		3	1 2		In accordance with current policies
	25.	Dismissal of Head Teacher/Deputy Head Teacher	2 3		1 2		1. LGB in accordance with current policies and in consultation with DDAT 2. LGB and/or DDAT in consultation with each other 3. DDAT in dialogue with LGB
	26.	Dismissal of other staff	3		1 2		In accordance with current policies
	27.	Suspension of Head Teacher	2 3		1 2		1. LGB in accordance with current policies and in consultation with DDAT 2. LGB and/or DDAT in consultation with each other 3. DDAT in dialogue with LGB
	28.	Suspension of other staff		3	1 2		In accordance with current policies

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
	29.	Ending of suspension of Head Teacher	2 3		1 2		1 LGB in accordance with current policies and in consultation with DDAT 2. LGB and/or DDAT in consultation with each other 3. DDAT in dialogue with LGB
	30.	Ending of Suspension of other Staff		3	1 2		3. DDAT in dialogue with LGB
	31.	Determining Staff complement within agreed budget		3	1 2		
	32.	Determining dismissal payments/early retirement		3	1 2		
	33.	Conduct of Staff Appraisals Formulation of Employment Policies and Staff Handbook Management of staff disputes		3	1 2		
Curriculum	34.	Freedom to opt out of national curriculum		2	1		
	35.	To develop a curriculum policy		3	1 2		
	36.	To implement curriculum policy		3	1 2		
	37.	Responsible for standards of teaching		3		1 2	
	38.	Accountability for standards of teaching		3	1 2		

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
	39.	Responsibility for individual child's education		3		1 2	
	40.	Accountability for individual child's education.		3	1 2		
	41.	Provision of sex education – to establish and keep up to date a written policy		3	1 2		
	42.	To prohibit political indoctrination and ensuring the balanced treatment of political issues			1 2 3		
	43.	Assemble data for pupil assessment and other returns ICT Post-Inspection action plan		3	1 2		
Performance Management	44.	To ensure that an approved appraisal policy is in place		3	1 2		
	45.	To secure the statutory appraisal of : • Head Teacher/Headteacher • Other staff	3	3	1 2		For other staff 3 is directors nominee
	46.	To review annually the performance management policy	3		1 2		
Target Setting	47.	To propose targets for pupil achievement				1 2 3	
	48.	To agree targets for pupil achievement		3	1 2		

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
	49.	To establish a discipline policy	3		1 2		
	50.	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair in cases of urgency)	3		1 2		
	51.	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)	3		1 2		
	52.	Develop the Academy development/improvement plan		3	1 2		
	53.	Approve Academy development/improvement plan	1 2 3				
Admissions	54.	Setting/amending an admissions policy	3		1 2		1 & 2 LGB in consultation with DDAT provided that it does not conflict with DDAT mission statement
	55.	Admissions: application decisions	3		1 2		
	56.	If appropriate to appeal against LA directions to admit pupil(s)	2 3		1		1 LGB in dialogue with the Headteacher
Religious Education	57.	Responsibility for ensuring provision of RE	1 2 3				

			Decision Level				Notes
Function	**No**	**Tasks**	**DDAT**	**Directors Nominee**	**LGB**	**HT**	
Collective Worship	58.	To ensure that all pupils take part in a daily act of collective worship		3	1 2		
Premises & Insurance	59.	Buildings insurance and public liability	3		1 2		1 and 2 LGB to ensure DDAT's minimum criteria are met
	60.	Developing Academy buildings and facilities estate long term strategy or master plan	1 2 3				
	61.	Maintaining buildings, including developing properly funded maintenance plan	3		1 2		
	62.	To institute a health and safety policy	3		1 2		
	63.	To ensure that health and safety regulations are followed	1 2 3				
	64.	Premises security Premises management		3	1 2		
	65.	To set the times of school sessions and the dates of school terms and holidays	3		1 2		.
	66.	To ensure that the school meets the statutory requirement for [380] sessions in a school year	3		1 2		
	67.	To prepare and publish the school prospectus			1 2 3		
	68.	To ensure provision of free school meals to those pupils meeting the criteria			1 2 3		

			Decision Level				Notes
Function	No	Tasks	DDAT	Directors Nominee	LGB	HT	
	69.	Adoption and review of home-school agreements			1 2 3		
	70.	To appoint the chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT
	71.	To remove the chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT; LGB to accept DDAT's decision where there is a safeguarding or other legal reason.
	72.	To appoint the vice-chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT
	73.	To dismiss the vice-chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT; LGB to accept DDAT's decision where there is a safeguarding or other legal reason.
	74.	To appoint the secretary to the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT
	75.	To dismiss the secretary to the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT; LGB to accept DDAT's decision where there is a safeguarding or other legal reason.
	76.	To determine the development needs of governors and put in place an appropriate programme		3	1 2		
	77.	To ensure delivery of services offered			1 2 3		

			Decision Level				Notes
Function	No	Tasks	DDAT	Directors Nominee	LGB	HT	
	78.	To develop a safeguarding policy in line with statutory requirements and best practice.	3		1 2		
	79.	To implement the governors' safeguarding policy			1 2 3		
	80.	Maintain accurate and effective and secure pupil records.			1 2 3		
	81.	Maintain accurate and effective and secure employee records.			1 2 3		
	82.	Comply with all Data Protection legislation and good practice.			1 2 3		
	83.	To determine, on an annual basis, those policies which will be developed by DDAT and mandatory for all DDAT Academies	1 2 3				
	84.	To review policies annually and ensure they meet statutory requirements for the Academy			1 2 3		
	85.	Complaints Procedure			1 2 3		Third stage complaint with DDAT