



# Scheme of Delegation

## Part 1

### Introduction

**Embrace Multi Academy Trust formed on 1 April 2019.**

**This scheme of delegation is our starting point.**

**We will develop optimum working practices leading to potential consultation on changes to this document, as we explore effectiveness and efficiency across the trust.**

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## 1. Introduction

Embrace Multi Academy Trust (Embrace) is a local group of academies who have shared values and ethos, with a drive to maintain and improve our record of good provision and outcomes. The founder academies in our trust are Arnesby Church of England Primary School, Brockington College, Croft Church of England Primary School, Huncote Community Primary School Academy Trust, Manorfield Church of England Primary School, Sherrier Church of England Primary School and St Peter's Church of England Primary School.

As the majority of the academies within Embrace are Church of England academies, the relationship between these academies and the Diocese of Leicester continues. Church of England academies joining Embrace retain their Church of England designation in perpetuity. However, Embrace values highly any academy and views diversity for the categories of academies within the trust as highly desirable. We are outward-looking and build partnerships to develop and spread best practice in all areas.

Following formation, we are seeking to grow by including other locally based academies with similar values and ethos within Embrace.

The Scheme of Delegation (SoD) is comprised of four distinct sections:

- Introduction
- Embraceable Specific Scheme of Delegation (SSoD)
- Embracer Specific Scheme of Delegation (SSoD)
- Embraced Specific Scheme of Delegation (SSoD)

## 2. Our Objectives

Embrace has identified seven main objectives that drive our work together:

**Objective 1:** To safeguard the distinctive ethos and character of each academy and its unique context.

**Objective 2:** To work together and with those outside Embrace for the benefit of all.

**Objective 3:** To be committed to the continual improvement of pupil academic outcomes.

**Objective 4:** To develop thoughtful, caring and active citizens.

**Objective 5:** To prioritise support for the most vulnerable within our academies.

**Objective 6:** To grow and sustain a strong, skilled and effective workforce at all levels.

**Objective 7:** To ensure financial sustainability to allow excellence and growth for Embrace.

In order to join Embrace, each academy must demonstrate their commitment to abide by these values as drivers for academy improvement.

### 3. Academy Designation

#### 3.1 Classifications

There are three classifications of Academy in Embrace. These are:

- **Embraced (fully sponsored)**

*Lacks the capacity to improve without direct support. Likely to have an Ofsted judgement of inadequate or requires improvement with little capacity for improvement. Could be a coasting academy or below floor standards. Sponsorship may or may not have been brokered by the regional schools commissioner or the Diocese of Leicester. There may also be issues with finance and/or buildings that have not been satisfactorily addressed.*

- **Embraceable (requires some support)**

*Capacity to improve with academy improvement support offered by other Embrace academies in some areas. Likely to have or be at risk of a requires improvement Ofsted judgement. Could be a coasting academy or below floor standards. There may also be issues with finance and/or buildings that have not been satisfactorily addressed.*

- **Embracer (capacity to support)**

*Sufficient capacity to continue to improve and to support other academies. Likely to have a good or outstanding Ofsted judgement. Will not be a coasting academy or below floor standards.*

The designation is determined by the amount of support that each academy requires to become an Embracer academy. Because of the need for immediate change, Embraced academies adhere to the Embraced scheme of delegation across all areas.

Academies delegated as Embracer and Embraceable academies can be delegated different designations (Embracer or Embraceable) across the different areas identified below.

Each specific scheme of delegation outlines the level of autonomy available to academies in each of the following five areas:

- Finance
- Human Resources
- Education
- Procurement/Asset Management
- Strategy

Designation is reviewed at the first meeting of the academic year of the Embrace board of trustees. Depending on the outcome of the review, an academy may either stay in its allotted category or be moved to another category. The Embrace board, in consultation with local governing boards (LGB), reserves the right to change the category at any time if it believes this to be appropriate in the interests of both the academy concerned and the wider Embrace family.

Where the board of trustees has any concerns about the performance of an academy, these are first discussed with the trust leader (TL). If necessary, support is commissioned with a view to maintaining the current level of designation.

Where, following an initial period of support, performance does not improve, the board of trustees may change the level of designation. A specific schedule is set for the circumstances of the academies concerned in the form of an action plan.

Should the board of trustees seek advice from an external consultant concerning an individual academy's performance, this is discussed with the TL, relevant headteacher (HT) and relevant LGB in the spirit of transparency.

Trustees meet regularly and have access to a range of information on academy performance. The trustees are advised by the TL and CFO, but also hold them directly to account.

Embrace is legally directly accountable to the Department for Education for the performance of all academies. It is therefore expected to exercise tight supervision of all academies in order to secure the required academy improvement. The different degrees of delegation are reflected in the specific schemes of delegation.

In the relevant areas, more responsibility is passed to Embraceable academies to reflect their higher performance. In the relevant areas, Embracer academies have the greatest degree of delegated autonomy.

The Embrace board of trustees has overall legal responsibility for the operation of Embrace and the academies within it. However, the Embrace board works in partnership with the TL and the family of academies.

The unique Embrace schemes of delegation therefore provide for certain functions to be carried out by one or more of the following:

- The Embrace board of trustees
- The trust leader (TL) or chief financial officer (CFO)
- The headteacher/principal of the academy
- The local governing board (LGB) of the academy

### **3.2 Academy Categories**

When an academy joins Embrace, it is designated to the appropriate academy category based on the board of trustee's assessment of historical performance and future prospects following a collaborative process of due diligence.

The category of allocation is very important because it dictates the level of autonomy according to our specific schemes of delegation.

### **3.3 Reviewing the Allocation**

The category allocation is linked to the performance of the academy in relation to:

- Academy performance (including in-year data, end of year data, performance tables, outcomes of monitoring activity and data dashboards)
- A recent Ofsted (including SIAMs for any Church academy) report
- Financial and administrative performance
- Leadership and governance capacity and capability
- Safeguarding and wellbeing concerns
- Health and safety issues

The allocation is reviewed at the first meeting of the academic year of the Embrace board. Depending on the outcome of the review, an academy may either stay in its allotted category or be moved to another category.

The Embrace board, in consultation with LGBs, reserves the right to change the category at any time if it believes this to be appropriate in the interests of both the academy concerned and the wider Embrace family.

#### **4. Local Governor Appointments**

The appointment of the LGB follows the category designated to the academy:

- Embraced academies - the Embrace board appoints all new local governors, other than parent and staff representatives. The Embrace board reviews the performance, skills and experience of all current governors, with a view to appointing new governors where required.
- Embraceable academies and Embracer academies - the LGB is appointed on an 'as is' basis initially to reflect the arrangements in place immediately prior to joining Embrace, except where the Embrace board has concerns surrounding leadership and management or governance of the academy. Replacement governors are identified by the LGB and ratified by trustees.

If an academy improves and is moved to a higher category then it has more say in the selection of its LGB. Conversely, if an academy's performance deteriorates then it may be moved to a lower category with a consequent adjustment to its LGB.

All appointments are subject to an evaluation of skills and competences. Foundation governors are appointed in partnership with the Diocese and ratified by trustees.

#### **5. Funding**

A recharge is levied on each of the academies in Embrace to cover the cost of centrally provided services. The amount charged is decided upon on an annual basis by trustees, in consultation with the chair of governors' board. These services include the provision of a coherent package for academy improvement which is tailored to the needs of each individual academy. However, extra charges for internal or external services may be required according to the specific package.

Embracer academies the opportunity to bid for academy improvement projects to help Embraced or Embraceable academies in specific areas. Additionally, support is brokered from Embracer academies. Embrace may also broker for the use of services from other agencies where this is felt to be most appropriate.

#### **6. Working Together as a Family**

All academies within Embrace are expected to contribute to one or more of the following:

- Development and maintenance of academy policies
- Sharing of best practice
- Provision of emergency cover
- Mentoring and coaching of staff
- Recruitment, training and appraisal of governors for the LGBs

This re-enforces the Embrace vision of working together to support learning for life.

## **7. Academy Improvement/Quality Assurance**

The different approach by Embrace towards academy improvement is dependent upon academy designation within the different areas as follows:

### **Embraced**

- *Initial whole-academy review at point of designation/joining Embrace leading to raising achievement action plan*
- *The primary or secondary lead becomes responsible for brokering support to improve standards, quality assured by the TL. This includes direct intervention, coaching, training and visits to other academies*
- *Regular review of progress against targets with termly review by the Embrace board*
- *Regular monitoring and evaluation with termly one-day peer challenge assessment*
- *Annual review of leadership and management by the Embrace board*
- *Top slice may be increased, dependant on the support required and/or be a negotiated sponsor funding stream*
- *Embraced specific scheme of delegation is applicable in all areas.*

### **Areas Designated as Embraceable**

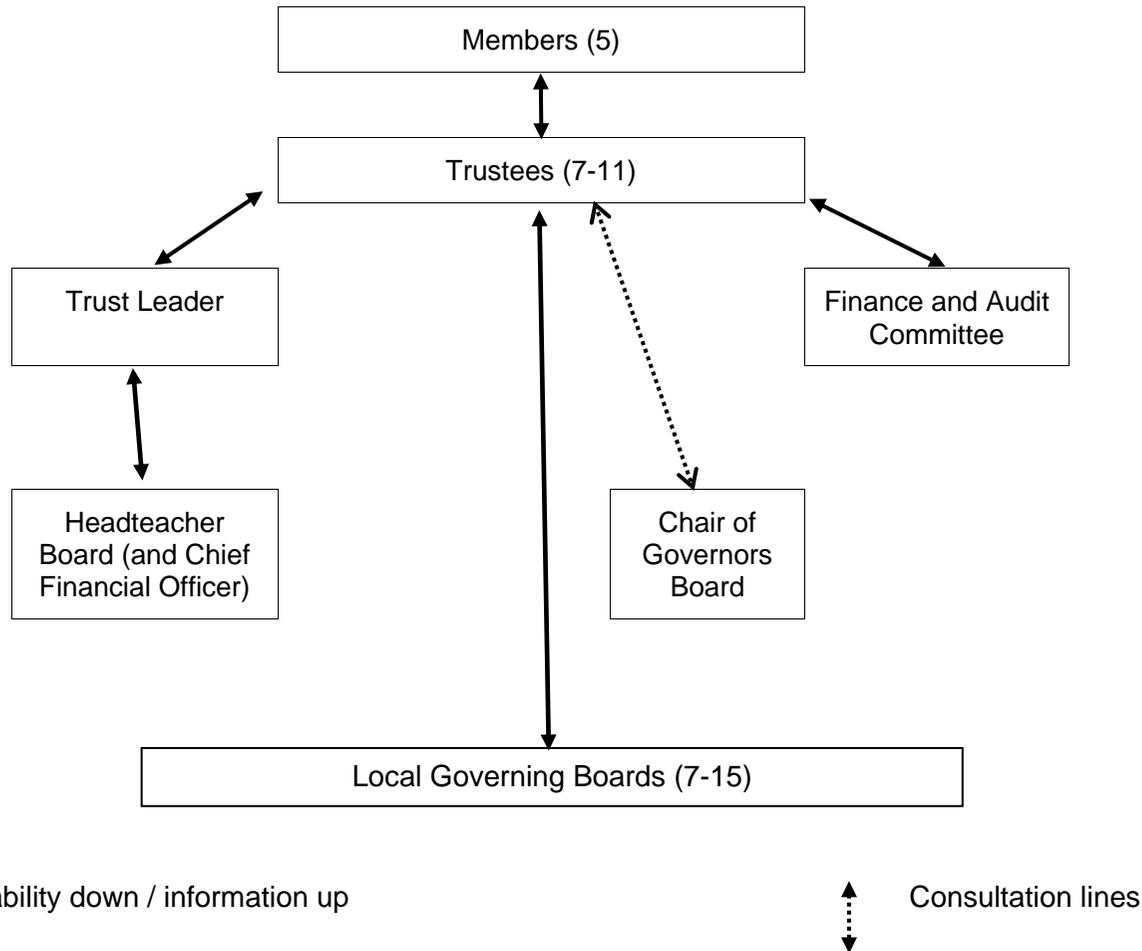
- *Improvement plan for relevant area/s drawn up in collaboration with the headteacher, LGB, TL, Embrace board*
- *Support package brokered to support improvement plan*
- *Embraceable specific scheme of delegation is applicable in relevant areas.*

### **All Embraceable and Embracer Academies have:**

- *An annual peer challenge assessment*
- *An annual review of progress by the Embrace board*
- *An annual review of leadership and management by the Embrace board*
- *A relevant scheme of delegation applying to appropriate areas.*

## 8. Embrace Governance Structure

### 8.1 Schematic



Our structure shows the levels of governance within Embrace and how they relate to each other.

## 8.2 Members

Five members are appointed. Three are appointed by the Diocese of Leicester, in recognition that Embrace is a Church of England 'majority' MAT. Two members are nominated by the trustees in particular to reflect the inclusion in Embrace of academies that are not Church of England academies. Trustees and employees of the trust may not be members. The trust will notify the Education and Skills Funding Agency (ESFA) of the appointment of new members within 14 days of each change.

The role of a member is similar to that of a shareholder in a company limited by shares. The role of the members of Embrace is as follows:

1. Amendment of the articles of association, subject to any restrictions created by the trust's funding agreement or charity law. This requires special resolution (75% of members must agree and also requires the consent of the Leicester Diocesan Board of Education) and the DfE.
2. Appointment of new members or removal of existing members other than those appointed by the Diocesan Board of Education.
3. Appointment of trustees as set out in the trust's articles of association, with the power under the Companies Act to remove any or all serving trustees
4. By special resolution to issue direction to the trustees to take a specific action
5. Appointment of the trust's auditors and to receive the trust's annual audited accounts
6. Having the power to change the name of the charitable company and ultimately, wind up Embrace.

## 8.3 Trustees

Embrace has between 7 and 11 trustees, who are appointed by and can be removed by the members. The trust notifies the ESFA of the appointment of new trustees within 14 days of each change.

The board of trustees is legally accountable for managing the business of the trust and may exercise all the powers of the trust. The board of trustees is equally responsible and accountable for the performance of all the academies within the trust. It has three core functions:

- Ensuring clarity of vision, ethos and strategic direction
- Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff
- Overseeing the financial performance of the organisation and making sure money is well spent.

The board of trustees is accountable in law and to the secretary of state as the principal regulator of academies as exempt charities and must therefore ensure compliance with the trust's charitable objects and with company and charity law. The board of trustees signs off the annual report and accounts and is responsible for adherence to the trust's funding agreement with the secretary of state.

The board of trustees is permitted to exercise all the powers of the trust. The board of trustees delegates responsibility to the trust leader (TL) for the day to day operations of the trust. The board of trustees can determine whether to delegate any governance functions in line with the specific schemes of delegation.

The appointment of an accounting officer does not remove the responsibility of trustees, both individually and as a board, for the proper conduct and financial operation of the trust.

The formation of, and subsequent recruitment to, the board of trustees should be on the basis of the skills, knowledge and behaviours set out in 'A Competency Framework for Governance 2017'.

The board of trustees is also responsible for ensuring that the trust complies with:

- The Companies Act 2006 – the trust's obligations as a company limited by guarantee must be met
- Charity law – the trust's charitable status must be observed and the obligations of the trustees as charity trustees must be met.

Specifically, the board of trustees is accountable to the following bodies for the trust's educational and financial performance:

1. The members of Embrace Multi Academy Trust
2. The Education and Skills Funding Agency (ESFA)
3. The Department for Education (DfE), in particular through the regional schools commissioner (RSC)
4. Ofsted.

The main responsibilities of the board of trustees are:

1. To set and communicate a strategic vision for the trust and to plan strategically for its future, including for its sustainable growth, future shape, leadership, outcomes and financial health
2. To assess and manage principal risks to the trust – financial, educational, reputational and legal risk in particular
3. To appoint the trust leader (TL) with the consent of the Leicester Diocesan Board of Education
4. To hold the TL to account for the trust's overall performance and progress towards achieving key performance indicators in the trust's business plan
5. To determine arrangements for the performance management of the TL, including securing external professional advice
6. If necessary, to lead capability or disciplinary proceedings in respect of the TL
7. On the advice of the TL and the LGB, appoint the individual headteachers (HT) and the chief financial officer (CFO)
8. To ensure that the terms of the funding agreement with the secretary of state are being fully met
9. To ensure that all strategic decisions are taken in the light of the trust's charitable status
10. To ensure the requirements of the current academies financial handbook (AFH) are being met as this sets out the financial framework within which the trust is required to comply as a requirement of its funding agreement with the secretary of state
11. To ensure the requirements of the current academies accounts direction are being fully met, as this is the guidance that the trust and its auditors must use when preparing its annual reports and financial statements
12. To ensure that the trust undertakes prudent financial planning and remains solvent at all times in order that it can continue to discharge its responsibilities
13. To appoint (other than for parent and staff governors), and arrange for the training (all governors) and inducting of local governors. To monitor the work of LGBs for each trust academy and to delegate roles and responsibilities to those LGBs according to the SoD.
14. To set a budget for the trust, (to include the 'trust running costs' and the allocations of funding for each academy in the trust with a range of indicative benchmarks for the academy to use when setting the individual academy's budget), to monitor the budget of the trust as a whole at least three times per year and to take action when necessary in the light of that monitoring

15. To ensure, in line with the requirements of the AFH, that an appeals procedure is in place for a HT to challenge the budget share allocated to their academy on grounds of unfairness or unreasonableness
16. To agree the levels of financial delegation to the TL, including discretionary awards
17. To monitor pupil achievement reports for each academy in the trust at least three times per year and to take action when necessary in the light of that monitoring
18. To monitor pupil attendance reports for each academy in the trust three times per year and to take appropriate action in the light of that monitoring
19. To hold the TL to account in ensuring a robust appraisal system is in place for all groups of staff across all trust academies
20. Through HT reports and academy plans, evaluate both value for money and investment in professional development for members of staff, as necessary prerequisites in aiding the future performance of the trust and its constituent academies
21. To ensure that each LGB is discharging the obligations placed by the board of trustees on their behalf with respect to the distinctive character of worship and religious education in their academy. This is determined by the academy's religious, or non-religious, designation prior to conversion, as set out in the funding agreement from the secretary of state and is therefore a duty of the board of trustees. This duty is delegated at an operational level to LGBs
22. To make sure appropriate arrangements are made for the external verification or moderation of statutory information provided by the TL, CFO, LGBs, and HTs
23. To ensure that the health and safety and safeguarding obligations of the trust (including 'Prevent' and 'British values') are met.
24. To ensure that all conflicts of interest are declared and documented
25. To ensure the trust meets its responsibilities in matters of equalities legislation
26. To ensure the trust meets its responsibilities in matters of GDPR.

#### **8.4 Chair of Trustees**

The board of trustees elects a chair annually who must not be an employee of the trust. The chair of trustees will not be a member, but is responsible for ensuring that members are kept informed about the progress of the trust and its academies.

The chair ensures that the board of trustees sets strategic direction and vision for the trust and holds the TL to account for educational standards, financial propriety and business acumen.

The chair is responsible for ensuring the effective functioning of the board of trustees and has a vital role in setting high expectations for professional standards of governance.

It is the chair's role to give the board of trustees clear leadership and direction, keeping it focused on its core functions. The chair encourages the trustees to work together as an effective team, building their skills, knowledge and experience. They need to ensure that everyone is actively contributing relevant skills and experience, participating constructively in meetings and actively involved in the work of any committees.

The Trust will notify the ESFA of the appointment of chair of board of trustees, including direct contact details, within 14 days of each change.

## **8.5 Clerk to the Board of Trustees**

The clerk's agreed responsibilities include, but are not limited to:

1. Clear understanding of the articles of association, funding agreements, scheme of delegation and other operational documents of the trust.
2. Supporting and guiding the board of trustees in understanding their delegation and responsibilities
3. Maintaining up to date records relating to the membership of the board of trustees, including any national requirements for publicising the membership of the governance of the trust
4. Informing the named person responsible for the management of the trust website of any changes, including membership and access rights
5. Ensuring all meetings are professionally recorded and that documents and minutes are provided to the board of trustees within the time scales required. Within seven days of each meeting, the clerk produces an agreed set of draft minutes of its meeting identifying decisions made and items for further discussion by the board of trustees
6. Communicate educational matters of trust wide significance with the board of trustees and constituent academies in a timely manner commensurate with the importance of the information
7. Working closely with the chair and TL to prepare a purposeful agenda, which includes trust and government items and is focused on the three core responsibilities of governance
8. Recording the attendance of trustees at meetings and taking appropriate action as agreed by the trust regarding trustee absences
9. Maintaining records of board of trustees membership, Disclosure and Barring Service (DBS) status, vacancies and committee terms of reference
10. Maintaining a register of trustees' pecuniary interests
11. Maintaining records of board of trustees' correspondence
12. Undertaking relevant training as deemed appropriate.

## **8.6 Embrace Committees**

In addition to the headteacher board, the chairs of governors' board and the finance and audit committee, the Embrace board of trustees may decide to form committees to carry out certain functions. The term 'Embrace board of trustees' therefore includes any such committees that may be formed from time to time.

## **8.7 The Finance and Audit Committee**

The finance and audit committee is a trustees' committee which is also attended by the TL and CFO. The role of this committee is to:

1. Fulfil responsibilities as set out in the terms of reference, the AFH, the trust's financial regulations and in compliance with the funding agreement with the secretary of state for education
2. Ensure sound management of the trust's finances and resources, including proper planning, monitoring, probity and value for money
3. Advise the trust board on specific remuneration packages of the TL and HTs to ensure that staff are fairly rewarded in relation to their individual responsibility and contributions to the trust's overall performance

4. Demonstrate to the public that the pay of senior staff is set by a committee which has no personal interest in the outcome of its decision and which gives due regard to the interests of the public and of the financial health of the trust
5. Advise the trust board and accounting officer on the adequacy and effectiveness of the trust's governance, risk management, internal control and value for money systems and frameworks. An annual report is produced by the finance and audit committee in this regard
6. Advise the trust board on the appointment, re-appointment, dismissal and remuneration of the external auditor
7. Advise the trust board on the need for and where appropriate, the appointment, reappointment, dismissal and remuneration of an internal auditor or other assurance provider
8. Advise the trust board on an appropriate programme of work to be delivered by independent assurance providers. This programme of work should be to be derived from the finance and audit committee's regard of the key risks faced by the trust, the assurance framework in place and its duty to report to the trust board
9. Review the appraisal of HTs ensuring compliance with the Embrace appraisal and capability policies.

### **8.8 The Headteachers' Board**

The headteacher's board works with the TL and CFO to lead the trust and in particular to develop academy improvement.

### **8.9 The Chairs of Governors' Board**

The chairs of governors board meets periodically with the TL, CFO and chair of trustees to discuss matters of common interest, so that the trustees have direct feedback on the work of the trust, as it is perceived by the academies.

### **8.10 Local Governing Boards**

The purpose of the LGB is to:

- |   |  |
|---|--|
| 1. Champion the trust's values                    | 3. Hold to account and support the HT                |
| 2. Uphold their academy's unique ethos and values | 4. Monitor the academy's key performance indicators. |

Its role is to provide focused governance for an academy at a local level, subject to the provisions of the Companies Act 2006, the articles of association, the trust's strategic plan and policies of the board of trustees and any directions given and rules and regulations set by the board of trustees. In relation to its own academy, the LGB has the same three key responsibilities as all governors:

- |  |   |
|--|---|
| 1. Ensuring clarity of vision, ethos and strategic direction   | 3. Overseeing the financial performance of the academy and making sure money is well spent. |
| 2. Holding executive leaders to account for the educational performance of the academy and its pupils, and the performance management of staff |   |

## 8.11 Areas of responsibility for Local Governing Boards

The duties of the LGBs are detailed below. These are reviewed by the board of trustees from time to time. LGBs may be directed to undertake additional duties. Such additional duties are communicated in writing from the board of trustees to the chair of the LGB. Where necessary, LGBs may decide to convene specific committees.

LGBs bring a local perspective to the way in which the academies are managed. Their duties can be described as follows:

### **General:**

1. Promote and uphold the values of the trust and the ethos of the academy
2. Carry out any requirements the board of trustees may specify necessary to ensure that the trust is meeting its legal obligations
3. Ensure the academy implements and monitors the policies approved by the board of trustees, with particular reference to statutory policies.

### **Risk, health and safety, safeguarding and asset management:**

1. Ensure asset management systems are adhered to within the academy
2. Ensure local arrangements for the effective supervision of building maintenance and minor works
3. Hold the HT to account for maintaining high standards of compliance and best practice in safeguarding and health and safety; this includes regular scrutiny of the single central record
4. Implement the trust's health & safety policy, ensuring full compliance with regulations and report on this to the board of trustees three times a year
5. Review annually the risk register relating to the academy and support the HT in the mitigation of risk
6. Ensure that GDPR within the academy are followed fully.

### **Governance:**

1. The LGBs' role is to question and challenge the HT in order to assure themselves that appropriate action is being taken to identify and address areas for improvement, and to inform the board of trustees of the academy's performance
2. Ensure that all requests for information or actions required are met within agreed timescales
3. Make arrangements for the election of parent governors
4. Appoint from its number, governors with specific responsibilities for safeguarding, health and safety, SEND, pupil premium, website compliance and other priorities as identified in the academy improvement plan (AIP)
5. The LGB follows agenda and any other standing items as directed by the board of trustees
6. Ensure that accurate minutes are taken of LGB meetings, reporting to the board of trustees on intended actions and outcomes
7. Maintain a register of governor's interests and ensure the proper and effective management of conflicts of interest
8. Respect the confidential nature of all matters discussed, relating to the work of the trust academies and the trust.

**Human Resources:**

1. Participate in the recruitment of HTs according to the relevant specific scheme of delegation
2. Participate in the recruitment of senior leadership team members, according to the relevant specific scheme of delegation
3. Participate in the recruitment of teachers and support staff according to the relevant specific scheme of delegation
4. Participate in the HT appraisal and salary review according to the relevant specific scheme of delegation
5. Participate in teacher appraisal and salary review according to the relevant specific scheme of delegation
6. To recommend staffing structure changes, according to the relevant specific scheme of delegation
7. To exercise disciplinary functions in respect of allegations against members of staff or as a consequence of investigating a complaint, unless the allegation/complaint is against the HT
8. When requested by the board of trustees, participate as a panel member in appraisal, pay, disciplinary, complaints, capability, exclusions, appeals and admissions hearings.

**Admissions:**

1. Ensure arrangements are in place for the implementation and monitoring of the admissions policy for the individual academy
2. Positively promote pupil admissions to the trust academies.

**Behaviour:**

1. Monitor the academy's pupil behaviour and discipline as prescribed by its policy.

**Complaints:**

1. Monitor the management of complaints, as prescribed by the trust's complaints procedure.

**Ofsted and SIAMS:**

1. Represent the academy for interview by Ofsted/ Diocesan representatives as requested
2. Monitor and hold the HT to account in the implementation of post-inspection agreed actions.

**Ethos and vision:**

1. Commission and report the outcomes of consultations to the board of trustees in respect of the academy's mission, ethos and policies
2. In the case of a Church of England academy, the LGB monitors the extent to which the academy is upholding its distinctive Christian values, within the context of SIAMs.

**Standards:**

1. Ensure that the academy improvement plan (ADP) identifies and addresses achievement priorities through the analysis of publically available and internally generated data. The ADP should form the focus for the annual budget setting process and regular financial monitoring
2. Monitor and evaluate the ADP
3. Ensure that the curriculum and its planning is fit for purpose, fully compliant with national and Trust requirements and enables pupils to flourish and maximise their potential
4. Examine progress towards targets for all pupils and all nationally identified pupil groups (including SEND and disadvantaged) and in each year group (not just end of key stage), challenging the HT on progress towards targets
5. Monitor and scrutinise the quality of key judgements made in each area of the self evaluation form (SEF)
6. Scrutinise the impact of staff professional development in enabling the staff team to raise standards in line with the AIP priorities
7. Monitor behaviour, exclusions and attendance, and scrutinise impact made by academy interventions
8. In conjunction with the HT, prepare a report for the board of trustees at least three times a year, concerning the progress of the AIP and its priorities.

**Community and parents:**

1. Monitor the character and quality of religious education to ensure that it meets the requirements, denominational or otherwise, of the academy's character as established in the funding agreement
2. Monitor the character, content and quality of assemblies or collective worship to ensure that they meet the requirements, denominational or otherwise, of the academy's character as established in the funding agreement
3. Ensure the quality and appropriateness of the PSHCE and sex and relationships education offered to pupils, including the promotion of fundamental British values
4. Where there are established local relationships with other organisations, for example with a local church, ensure that these are appropriate to the academy's character and are nurtured and maintained in the interests of the academy's pupils
5. Hold the HT to account to ensure there is a wide range of good quality extra-curricular activities
6. In conjunction with the HT, maintain a positive link with the Incumbent, the parish and the wider community in the case of a Church of England academy
7. Ensure a good quality of communication with the HT, parents and the wider community
8. Monitor compliance of its academy's website
9. Monitor the outcomes of all surveys of parents, staff and pupils.

**Finance:**

1. Monitor the academy budget for value for money in relation to the AIP, ensuring that any variances are reported to the finance and audit committee for approval
2. Ensure the LGB is represented by one of its governors at appropriate meetings of the finance and audit committee as requested, in order to receive a briefing on their academy's individual budget position

### **Reporting to the Board of Trustees:**

The chair of each LGB, in collaboration with the clerk, is required after each LGB meeting, to agree a succinct summary of the meeting (normally no more than one side of A4). This includes areas of progress in relation to the AIP, any issues of concern with agreed actions. Where there is a serious concern about the academy or the HT's performance, this is communicated in a confidential annexe to the summary report.

### **8.12 Membership of Local Governing Boards**

The length of service of local governors is four years. Where the local governor was a governor of the predecessor academy immediately prior to conversion, their first term of office is deemed to have commenced on the date of their appointment to the predecessor academy. LGBs source their own governors, with approval of the board of trustees required. All local governors are required to sign a written undertaking to uphold the object of the company.

Local parent governors are appointed to ensure that boards stay accessible and connected to the community they serve and that there is always a diverse range of perspectives around the table to support robust decision making.

Any person wishing to become a local governor of a Church of England academy is required to sign a declaration of acceptance and of willingness to act as a local governor, which shall include an undertaking to the Leicester Diocesan Board of Education, to uphold the Church of England character of the academy.

No person is qualified to serve on the LGB unless they are aged 18 or over at the date of their election or appointment. No current pupil or student of the Trust may serve on the LGB.

Trustees may attend any meeting of the LGB.

The board of trustees is entitled to remove any member of the LGB from office at any time.

Governors automatically cease to hold office if they are employed directly by the trust, whether or not at an academy, unless elected as a parent or staff governor. If employed indirectly by the trust (eg as a contractor), conflicts of interest must be declared.

## 8.13 Structure of Local Governing Boards

Over time the LGBs will move to the following structure:

### *Community Academies*

- Minimum 7 and maximum 11 governors appointed by the board of trustees
- 2 elected parent governors
- Minimum 1 and maximum 2 elected staff governors
- The headteacher (ex officio)

### *Church Academies Voluntary Controlled (VC)*

- Minimum 5 and maximum 9 governors appointed by the board of trustees
- Minimum 2 foundation governors appointed to include incumbent (ex officio) and maximum to be not more than 25% of the board
- 2 elected parent governors
- Minimum 1 and maximum 2 elected staff governors
- The headteacher (ex officio)

### *Church Academies Voluntary Aided (VA)*

- Minimum 7 and maximum 11 foundation governors to include incumbent (ex officio)
- 2 elected parent governors
- Minimum 1 and maximum 2 elected staff governors
- The headteacher (ex officio)

### **Foundation Governors in Church Academies:**

The number of foundation governors and who appoints them differs in VC and VA academies. Each Church continues to appoint foundation governors in accordance with the Embrace governance schedule.

In the case of vacancy or unwillingness of the incumbent to act, a person may be appointed to act in their stead by the Archdeacon of the area in which the academy is located.

In addition, in recognition of the role of the DBE in relation to the Church academies, the board of trustees consults with the DBE on any changes to the scheme of delegation and takes account of any advice offered.

## **8.14 Convening meetings of the Local Governing Board**

Each LGB meets in accordance with the Embrace governance calendar.

The clerk to the LGB gives written notice of each meeting and circulates the agenda and associated papers to be considered at least seven clear days in advance of the meeting. However, where the chair determines that there are matters demanding urgent consideration, it is sufficient that a copy of the agenda and other papers are given within a shorter period as the chair directs.

Governors can invite persons who are not governors to attend the whole or part of any meeting for purposes connected with such a meeting.

The convening of a meeting and the proceedings conducted are not invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda.

## **8.15 Chair of the Local Governing Board**

The chair of the LGB is elected annually by the LGB, subject to the approval of the board of trustees. Neither the chair nor the vice chair may be an employee of the academy.

The chair serves for one year, but is eligible for re-election at the end of that term. It is recommended that the chair holds their position for a maximum of four years. If there is a good reason why this should be extended, consultation should take place with the TL prior to a decision by the board of trustees.

The responsibilities of the chair include:

- Chairing meetings of the LGB
- Following the trust's standard agenda for LGB meetings
- Reporting to the board of trustees (and when requested by board of trustees, in person) following any LGB meeting
- Provide a direct link between the LGB and the board of trustees via the chairs of governors' board.

## **8.16 Parent Local Governors**

Parent local governors for each LGB are elected in accordance with the process set out below:

- When a vacancy arises, the LGB writes to all eligible parents/carers of pupils at the academy seeking nominees for the vacancy, where necessary advertising for required skills and/or experience. Nominees are asked to provide a short statement about why they are interested in being a parent local governor and their background and experience that makes them suitable for the role
- In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the nominees are deemed to be elected
- Where the number of nominees is less than the number of vacancies on the LGB, the Board of Trustees may appoint suitable persons to fill any vacancy

- Where there are more nominees than places available, the LGB writes to all parents/carers of pupils at the academy asking them to vote for their preferred candidate.

A parent local governor must be a parent/carer of a registered pupil at the relevant academy at the time of appointment.

### **8.17 Ceasing to be a Governor**

The office of governor is vacated, before the end of the term, if:

- Any event or circumstance occurs which would disqualify them from the office of governor
- They have, without the consent of the LGB, failed to attend three consecutive LGB meetings
- They resign from office by written notice to chair of the LGB
- They become incapable by reason of illness or injury of managing or administering his or her own affairs.

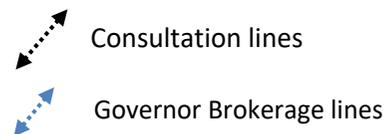
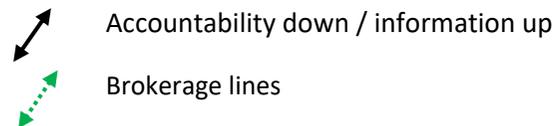
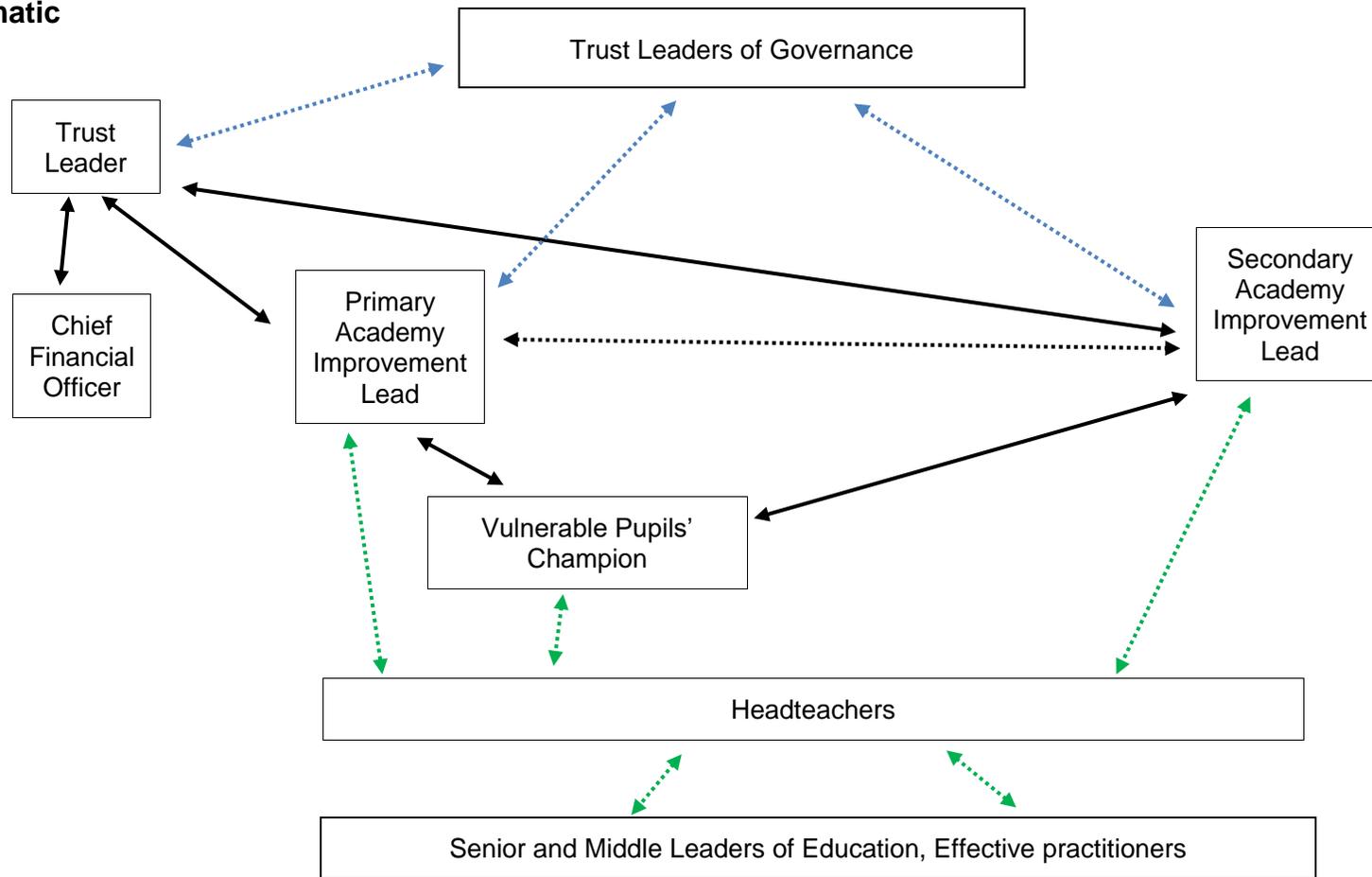
### **8.18 Clerk to the Local Governing Board**

The clerk's agreed responsibilities include, but are not limited to:

1. Clear understanding of the Scheme of Delegation and other operational documents of the trust
2. Supporting and guiding the LGB in understanding their delegation and responsibilities
3. Maintaining up to date records relating to the membership of the LGB
4. Informing the named person responsible for the management of the academy website of any LGB changes, including membership and access rights
5. Ensuring all meetings are professionally recorded and that documents, summary and minutes are provided to the board of trustees within the time scales required
6. Within 7 days of each meeting, the clerk produces an agreed set of draft minutes
7. Alongside the chair of governors, compiling the one page summary, after full LGB meetings, for the board of trustees
8. Working closely with the chair and HT to prepare a purposeful agenda which includes trust and TL items and is focused on academy improvement
9. Recording the attendance of governors at meetings and taking appropriate action as agreed by the trust regarding governor absences
10. Maintaining records of LGB membership, Disclosure and Barring Service (DBS) status and vacancies
11. Maintaining a register of governors' pecuniary interests
12. Maintaining records of LGB correspondence.

## 9. Embrace Executive Structure

### 9.1 Schematic



The executive structure (see previous page) shows where the TL and other leaders (primary and secondary academy improvement leads and vulnerable pupils' champion) are able to broker support for other academies, or aspects of academy activity within the trust. In addition to existing leaders of education and other effective practitioners, the trust supports academy staff to gain experience and qualifications in working to support others. The trust also identifies effective governors as trust leaders of governance (TLG), who might be deployed by senior leaders or by the chairs of governors' board to support improved governance where necessary.

## 9.2 Trust Leaders of Governance (TLG)

It is our ambition, once formed and when capacity allows, to appoint or train TLGs. Ideally candidates will hold or be willing to train for accreditation as a national leader of governance (NLG). The role of TLGs is as follows:

1. To support the chair of governors in an Embraced academy or in an Embraceable academy with governance weaknesses
2. To support any chair of governors, at the direction of the trustees
3. To support any new chair of governors, at the direction of the trustees
4. To provide short-term support to a LGB for a specific purpose, at the direction of the trustees
5. To undertake a review of governance at a specific academy, at the direction of the trustees or at the request of the LGB
6. To provide interim leadership of a LGB at the direction of the trustees

## 9.3 Trust Leader (TL)

The TL has the delegated responsibility for the operation of the trust including the performance of the trust's academies. The TL reports to the board of trustees on strategic trust performance.

The TL is the **leader of education for the trust**.

The TL **leads the headteacher board**.

The TL is **accountable to the board of trustees for the performance of the headteacher board**. The headteacher board contributes to key educational policy-making decisions, establishes collaborative projects and offers and receives mutual support and challenge. The TL professionally line manages the headteacher board and holds them to account through effective performance management.

The TL **directs the work of all other executive officers** and ensures that their appraisal is carried out.

The TL is the accounting officer (AO) for the trust, and as such has a range of legal responsibilities through the ESFA's accounting officer (on behalf of the secretary of state), to the DfE's principal accounting officer for the discharge of their duties. The AO has personal responsibility to parliament for the financial resources under the trust's control. The AO must be able to assure parliament, and the public, of high standards of probity in the management of public funds, particularly:

- value for money - achieving the best possible educational outcomes through the economic, efficient and effective use of resources. A key objective is to achieve value for money not only for the trust but for taxpayers generally
- regularity – dealing with all items of income and expenditure in accordance with legislation, the terms of the trust’s funding agreement and the AFH, and compliance with the trust’s internal procedures
- propriety – a requirement that expenditure and receipts are dealt with in accordance with Parliament’s intentions and the principles of parliamentary control
- ensuring feasibility of plans and decisions
- annual financial reporting
- a range of other duties imposed by the DfE, including that relating to the Prevent duty and safeguarding more widely.

The AO must take personal responsibility for assuring the board of trustees that there is compliance with the AFH and the funding agreement.

The AO must complete and sign an annual statement on regularity, propriety and compliance and submit this to the ESFA with the trust’s audited accounts. This is a formal declaration by the trust’s AO that their personal responsibilities to parliament for the resources under their control during the year have been met. The AO must also demonstrate how the trust has secured value for money via the governance statement in the audited accounts. The TL has the power to challenge decisions made by LGBs and may seek reconsideration of those decisions in the discharge of their legal duties.

The trust will notify the ESFA of the appointment of the accounting officer, including direct contact details, within 14 days of each change.

#### **9.4 Chief Financial Officer (CFO)**

The CFO is a critical executive member of the Embrace leadership team. The essential strategic duties are as follows:

1. To provide strategic guidance, leadership and management of all trust finances, advising the TL/AO, trustees and HTs on all financial matters relating to the trust
2. To be responsible and accountable for the delivery of financial support services throughout the trust, including the establishment/operation of a suitable accounting system and implementation of internal control
3. To be the primary point of contact for all aspects of funding and financial/statutory returns
4. To be responsible for the statutory accounts, financial returns and reports to trustees, members, ESFA/DfE and other statutory bodies in accordance with guidance and externally determined deadlines
5. Management of finance staff, including commissioning and delegation of relevant activities as appropriate
6. To act as a key strategic leader within Embrace and therefore to advise upon wider strategic areas and to respond as required at the direction of trustees and the TL.

#### **9.5 Primary Academy Improvement Lead (PAIL)**

The role of the PAIL is of paramount importance to Embrace and is initially appointed as a one-day release per week role for a current serving

HT. We foresee this allocation will increase as Embrace is established and as capacity allows/requires. The role is essential because the post holder is working directly with academy HTs and other trust employees to raise academy standards for all our primary pupils. Consequently, the role involves the following priorities:

1. To advocate for optimum performance across all primary academies
2. To work with academies to provide a clear and concise AIP
3. To assist the TL with the organisation and delivery of the annual peer challenge programme
4. To provide and/or arrange support to academies designated as Embraced or Embraceable (within academy standards)
5. To write, in conjunction with HTs, support plans designed to improve academy standards
6. To monitor the progress made by academies towards the improvement of academy standards
7. As required by trustees and the TL, to compile and verbalise reports that relate to academy standards
8. To maintain and update records that reflect academy standards across all primary academies within the trust
9. To arrange and chair academy standards meetings as required, with the purpose of sharing/discussing good practice
10. To arrange for the dissemination of national and local good practice in respect of academy standards across all primary academies.

## **9.6 Secondary Academy Improvement Lead (SAIL)**

The SAIL role is the equivalent of the PAIL role, but within our secondary academies. Initially, upon formation, we will have only one secondary academy and therefore the role will not initially exist. However, we expect the role to be funded once a second secondary academy joins Embrace. As a starting point, depending upon capacity, the TL is responsible for working alongside the HT at Brockington College to undertake the SAIL role according to the principles laid out for the PAIL role above.

## **9.7 Vulnerable Pupils' Champion (VPC)**

One of our key values is 'to prioritise support for the most vulnerable within our academies'. Therefore we are choosing to invest in a VPC to work across the trust. Initially, this role is for a senior leader who is a current employee of the trust. As for the PAIL role, one day per week is funded by the trust for the VPC to work across all academies with and for the benefit of 'vulnerable children'. Our definition of 'vulnerable children' includes but is not limited to:

- Pupils that are 'looked after'
- Pupils accessing pupil premium (PP) funding
- Pupils with any form of Special Educational Need or Disability (SEND)
- Pupils with medical needs
- Pupils with a background of poverty, although not accessing PP funding
- Pupils that are acting as carers
- Pupils who are asylum seekers
- Pupils with severe behavioural needs that are likely to affect life chances
- Pupils in receipt of external services because of specific needs, such as the Child and Adult Mental Health Service

- Pupils with any unmet vulnerability need due to the pressure on external services
- Pupils who may be temporarily vulnerable due to specific events
- Pupils whose attainment or progress is extremely low
- Pupils prone to being bullied, teased or not included by other pupils
- Any pupil for whom we have concerns.

The VPC role is as follows:

1. To advocate for the optimum delivery of provision for vulnerable pupils who require support
2. To ensure that the PP funding reaches the groups of pupils for whom it is intended and that it makes a significant impact on their education
3. To work with academies to provide a clear and concise action plan for vulnerable pupil provision
4. To advocate for additional educational support to improve the progress and raise the achievement of vulnerable pupils
5. To liaise with academy-based members of staff responsible for vulnerable pupils
6. To assess and evaluate the effectiveness of provision for vulnerable pupils
7. To assist the TL with the organisation and delivery of the annual peer challenge programme
8. To provide and/or arrange support to academies designated as Embraced or Embraceable (for vulnerable pupils)
9. To write, in conjunction with HTs, support plans designed to improve academy standards in respect of vulnerable pupils
10. To monitor the progress made by academies towards the improvement of academy standards in respect of vulnerable pupils
11. As required by trustees and the TL, to compile and verbalise reports that relate to academy standards in respect of vulnerable pupils
12. To maintain and update records that reflect vulnerable pupil standards across all academies within the trust
13. To arrange and chair vulnerable pupil meetings as required, with the purpose of sharing/discussing good practice
14. To arrange for the dissemination of national and local good practice in respect of vulnerable pupils across all academies.

## 9.8 Headteacher

Each HT is responsible for the day to day management of their own academy and has responsibilities delegated to them by the TL. The HT is the lead professional in the academy and reports to the TL on matters which have been delegated to them.

The annual performance management of the HT is undertaken by the LGB with the support of the TL in accordance with trust policy.

HTs are professionally line managed by the TL. The TL is responsible for ensuring that each HT has a mid-year review and annual performance review. Salary progression is determined in accordance with Trust's pay policy and recommendation to the finance and audit committee. The TL, or a person acting on their behalf, ensures professional support and challenge on all areas of the academy's performance. However, accountability for the performance management of the HTs rests with the TL.

As determined by the TL, each HT produces a written report for the LGB covering the main areas of their responsibilities. This report is always part of the communication between LGBs and the board of trustees. HTs engage constructively with their LGB.

## **9.9 Senior Leaders of Education/Effective Practitioners**

Across the trust, there is a range of senior leaders of education (SLE) and effective practitioners (EP). It is essential that we utilise these members of staff to support the raising of standards within their own academy and within academies across the trust. Each academy within Embrace offers the services of these personnel, following discussion, to be available to the TL, CFO, PAIL and VPC to help raise standards throughout the trust.

The TL maintains a list of SLEs and effective practitioners, their areas of expertise, deployment across the trust and effectiveness of deployment. The trust does not deploy staff from one academy where to do so would put the performance of that academy at risk.

The role of SLEs/Eps is largely dependent upon the support that is required by a specific academy. However, support should not be deployed without a clear and concise action plan relating to the support being provided and action to be undertaken by the academy along with timescales.