



Governance Structure

March 2020

Rationale

The Model Articles of Association agreed with the Archdiocese of Birmingham and the Secretary of State have been revised during June 2019. As the St John Bosco Catholic Academy is moving towards growth in numbers, there is a requirement at the point of change that the MAC will move over to the new Articles of Association.

In addition to the reason outlined above the Academy Committee of Bishop Milner Catholic College has fell below the acceptable number of Foundation Representatives for the committee to remain quorate. The challenges faced in the appointment of Foundation Representatives has not been felt in the Primary Schools who currently have a full complement of representatives.

Moving forward the scrutiny of governance structures for growth MACs by the Regional Schools Commissioner has increased and the requirement for a MAC to have Directors with specialist skills has grown.

Proposal

Local Governing Body

Taking current membership into consideration and the membership of the existing Local Governing Body Boards the following is suggested:

	Current				Proposed	
	St Chads	St Josephs	Bishop Milner		Regional Local Governing Body (Dudley)	Regional Local Governing Body (Sandwell)
Foundation Representative	7	5	3	Foundation Governors*	6	6
Parent Representative	2	2	2	Parent Governors	2	2
Staff Representative	2	2	1	Staff Governors	1	1
Principal	1	1	1	Principal	1	1
Vacancies		2	5	Co-opted	2	2
	12	12	12		12	12

A minimum of three Governors must be in post at all times.

*At least one Foundation Governor position must be available to a Priest

Each Regional Board must have the following governors identified with responsibility for:

- Statutory Grants – Sports Premium and Pupil Premium
- Safeguarding

- SEND and Inclusion
- Health and Safety
- Finance

Board of Directors

In complying with the new Articles of Association the Board of Directors will comprise the following Directors:

Foundation Directors (shall exceed all other Directors by at least two)

- Human Resources
- Religious Education and Catholic Life
- Financial Management
- Legal
- School Improvement

2 Parent Directors (not required if Parent Local Governors have been elected to the Local Governing Bodies)

Co-opted Directors

The proposed Board of Directors structure based on LGB as above:

Foundation Directors	7
Co-opted Directors	2
Accounting Officer/CSEL	1
	10

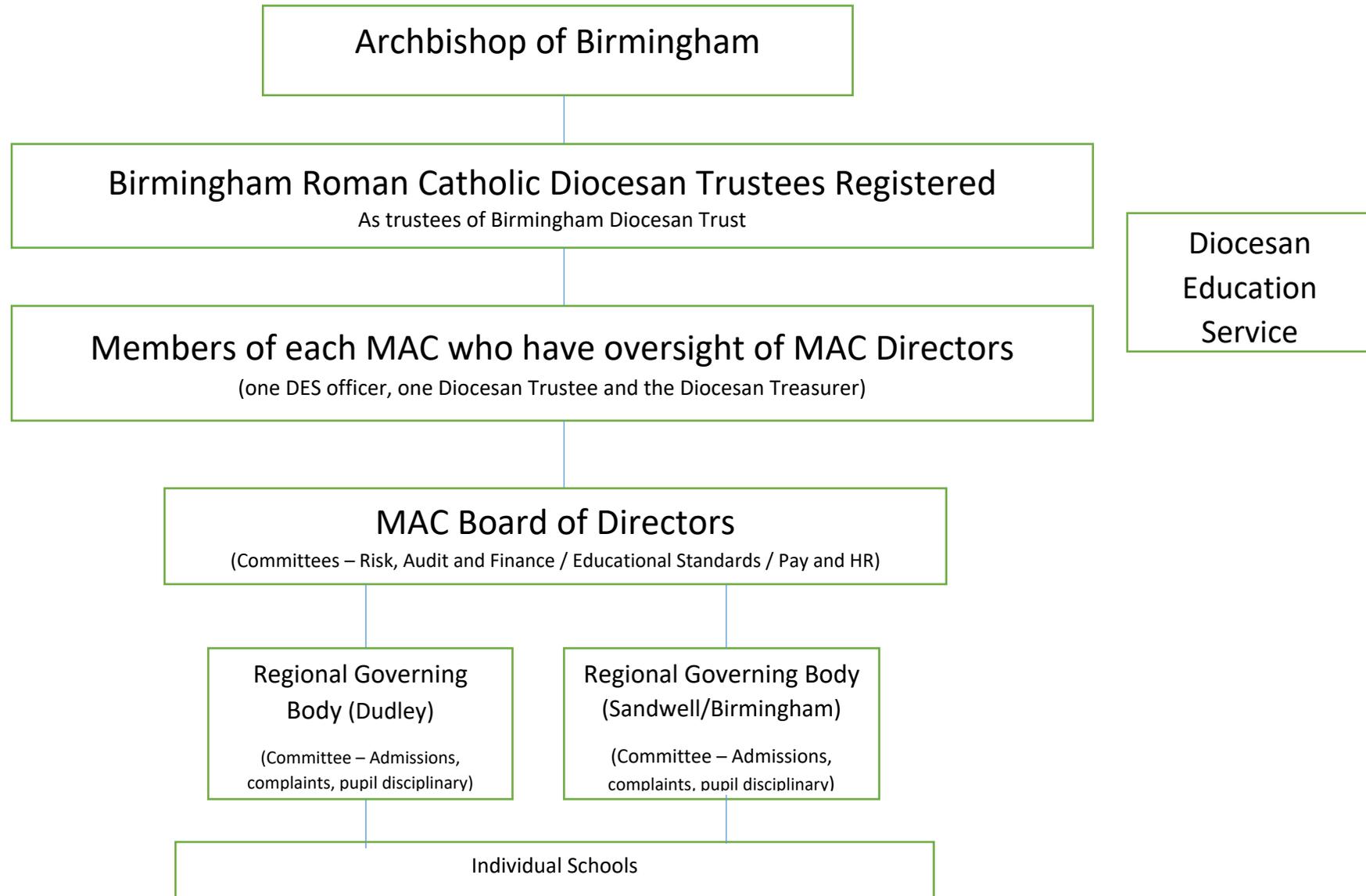
Principals of all schools are expected to attend Directors meetings, but will have no voting rights.

Chairs of LGB are expected to attend Directors meetings, but will have no voting rights.

The Board of Directors must have individuals identified with responsibility for:

- Safeguarding
- SEND and Inclusion
- Health and Safety
- Finance
- Pupil Premium

Proposed MAC Structure – September 2019 onwards



Local Governing Body (Regional)

The LGB is responsible for ensuring the successful delivery by the Principal of the day-to-day operational matters affecting the daily life of the individual academy as delegated by the MAC Directors. Typically, this may include but is not limited to:

- The implementation of curriculum plans.
- The arrangements for teaching and learning.
- Management of health and safety in the academy.
- Assisting the MAC Directors in the performance management of the Principal.
- Monitoring educational standards.
- Championing the MAC's vision and values in the academy and ensuring the spiritual wellbeing of the pupils.
- Preserving and developing the religious and educational character, mission or ethos of the academy in collaboration with the Principal.
- Ensuring that the academy has a medium to long-term vision for its future and that there is a robust strategy in place for achieving its vision.
- **Appointing from its number: chair, vice-chair and Governors with specific responsibilities for SEND, safeguarding, pupil premium, health and safety and financial matters. The Governors may also remove such specific responsibilities from a Governor at any time.**
- **Appointing a clerk to LGB.**
- Reviewing and amending the policies of the academy in line with the MAC's prescribed policy.
- Implementing a means whereby the academy can receive and react to pupil, parent and staff feedback.
- Establishing and maintaining relationships with the parish priest, local Church and parish community to work with them as they contribute to the Catholic formation of the pupils at the academy.
- Establishing and maintaining relationships with parents of pupils attending the academy to support them in their role as primary educators.
- Establishing and maintaining a relationship with members of the local community, including assisting the Principal to build relationships with other schools, agencies and businesses in the community to enhance the quality of Catholic education provided for pupils.
- With the Principal, establish and develop pupil, parent and staff voice and monitor the same, reporting any issues or other matters to the MAC Directors.
- Performance managing the chair to LGB – 360 review.
- Reviewing annually the contributions made by the Governors.
- Succession planning.
- Supporting and working with other LGBs in the MAC.
- Supporting the Principal.
- Carrying out the annual self-evaluation of the LGB.
- Co-operating fully with any inspections pursuant to S.48 and any additional canonical inspections and visitations of the Archbishop.
- Co-operating fully with any other education inspections as required by law.

The LGB provides evaluative feedback and supporting evidence to the Directors on the impact and effectiveness of both the MAC and the individual academy's collective aims and objectives, policies, targets and plans.

The LGB enters into contracts on behalf of the MAC in so far as they are permitted to by the MAC Directors or as directed to by the MAC Directors. The contract will relate to their individual academy only, unless the MAC Directors have determined such a contract is to be provided across all academies in the MAC.

The LGB must, in the exercise of its powers and undertaking of its duties and responsibilities consider any advice given by the Principal and/or the MAC Directors. The LGB must accept and follow any direction given by the DES in any of its undertakings.

Governors have a duty to act with integrity, objectivity and honesty in the best interests of the MAC and the academy and shall be open about decisions (except where a matter is confidential) and be prepared to justify these decisions.

Aims

The Governors' main aims are to:

- Monitor what happens at the academy in order to make sure that the academy provides an excellent Catholic education to all its pupils.
- Make sure that the academy follows any and all guidance from the DES to secure, protect and improve the provision of Catholic education and the Catholic ethos.
- Ensure that policies put in place by the MAC Directors for the MAC are put into practice in the academy.
- Act as a critical friend to the Principal.
- Give the Principal of the academy support in the recruitment, selection, grievance, disciplinary and exclusion processes as appropriate.
- Develop and maintain the building and estate management plan.
- Develop links with the parish or parishes near the academy and with the wider community.
- Manage admissions to the academy on behalf of the MAC Directors, who are the admissions authority.
- Develop the School Development Plan in conjunction with the Principal.
- Ensure the School Development Plan is put into practice.

LGB Terms of Reference

Membership

6 Foundation Governors

2 Parent Governors

1 Staff Governor

Any MAC Director is entitled to attend and will count towards the quorum and will hold voting rights.

Observer: Principals

Co-opt: 2 Governors

Term of Office

4 years Governors (maximum 3 terms of 4 years)

1 year Co-opted Governors

Principals – as long as they remain in post

Chair and Vice Chair

To be elected by the LGB from its membership annually.

No employee may be elected Chair or Vice Chair.

Reporting

i) Minutes to be published

ii) Report on activities and decision to the next Board of Directors meeting.

Frequency

At least termly

Convening and Agenda

Chairperson in consultation with the CSEL Finance and Operations and SIPs Clerking

Quorum

Three – Foundation Governors

Terms of Reference

Finance

The LGB has authority to spend the money which it receives from the MAC as it considers best to maintain and develop the academy as a Catholic academy conducted in accordance with the teachings, doctrine and discipline of the Catholic Church in accordance with the Academies Financial Handbook.

If the LGB is planning to:

- spend 1% or more of its GAG on one item or on one contract or cumulatively with a single provider/supplier, or terminate or vary such arrangements, or
- borrow or enter into hire purchase agreements or equipment leasing where the value is 1% or more of its GAG, or terminate or vary such arrangements, it should obtain the consent of the MAC Directors before entering into the contract.

The LGB is to provide any information about the finances of the Academy that the Directors request and in any case is to provide monthly management accounts to the MAC Directors.

The LGB is to inform the MAC Directors of any need for significant unplanned expenditure (£5000 or more) and discuss with the MAC Directors (and others if asked to do so by the MAC Directors) options for identifying available funding.

The LGB is to implement appropriate risk management strategies provided by the MAC Directors and shall at all times adopt financial prudence in dealing with the funding for which it is responsible.

The LGB is to comply with the requirements of the MAC Directors in relation to the management of funding delegated to the academy and the adoption of appropriate financial risk management policies.

The LGB has no power to lend money.

The LGB will:

- **Appoint a Governor responsible for finance.**
- Receive the annual budget for the academy from the MAC Directors and operate within it.
- Monitor the income, expenditure and cash flow of the academy and report any issues to the MAC Directors.
- Ensure any variances from the budget are reported to the MAC Directors or their relevant committee.
- Ensure proper financial controls are in place at the academy.
- Maintain a register of business interests of the Governors.
- Monitor provision of free school meals to those pupils meeting the criteria.
- Ensure the MAC's disaster recovery plan and business continuity plan for the academy is adhered to and remains fit for purpose.

Contracts

- Conduct the business of the academy ethically and in line with requirements set by the MAC Directors to ensure that all suppliers used take account of economic, social and environmental factors.

- Enter into contracts up to the limits of delegation and within an agreed budget, where the contractor will contract directly with the LGB (in the name of the MAC) and where the contractor will not do so, the LGB can request that the MAC Directors enters into that contract for them but the LGB will remain financially liable for the contract.
- Support MAC Directors in monitoring and evaluating of the delivery of any central services and functions provided or procured by the MAC for the academy.
- Not commence legal proceedings.

Insurance

The LGB shall make sure that the conditions subject to which any insurance policy or RPA is given are complied with. This includes complying with all statutory testing and maintenance, for example (this is not an exhaustive list):

- Keeping buildings in good repair.
- Health and safety.
- Fire safety.
- Control of asbestos.
- Control of lead.
- Checks to prevent legionella in water systems.
- Gas safety checks.
- Electrical equipment safety checks.
- First aid.
- Reporting of accidents and injuries.
- Control of hazardous substances.
- Safety in manual handling.
- Any other risks that may arise from time to time.

The LGB must check the terms of the insurance policy or the RPA and ensure that the particular requirements are complied with and meets the needs of the individual academy as certain activities are not covered by RPA, for example, minibuses and overseas travel.

If the academy undertakes any activity that is not covered by the insurance policy or RPA, then the LGB must take out additional appropriate cover.

The LGB will provide the DES with any evidence as may be required from time to time to demonstrate compliance with legal requirements and the requirements of the insurance policy or RPA.

The LGB must inform the MAC Directors immediately when circumstances arise that may result in a claim being made or in a breach in the requirements of the insurance policy or RPA.

Premises

The LGB will work with the MAC Directors to develop the 5-year estate management strategy for the academy.

The maintenance of the academy's buildings, premises and facilities is the responsibility of the LGB.

The LGB shall have regard at all times to the provisions of the Academies Financial Handbook and all relevant policies and protocols provided by the DES in matters relating to buildings, premises and facilities.

The LGB is also to have regard to the legal responsibilities of BRC DTR as owners of such buildings, premises and facilities.

The LGB is responsible for ensuring that the academy is compliant with all current regulations and legislation. LGBs may find it useful to refer to the indicative list at section 15 in relation to buildings.

The LGB must retain evidence that all necessary tests and maintenance have been undertaken in accordance with specified regulations or statutory guidance, and by suitably qualified specialists.

The LGB must provide annually to the DES details of the inspections carried out and the results obtained of the necessary tests and maintenance.

The LGB will comply with DES policy (available on the DES website) with regard to the hiring out of any part of the land and buildings used by the academy to any other person or body. The LGB has no power to grant any lease or licence or create any rights for anyone else over any part of the land and buildings used by the academy but may apply to the Directors who would then apply to the DES for consent for such arrangements which may then be put in place by the Trustees.

Monitor the arrangements for the effective supervision of building maintenance and minor works and take up any issues with the MAC Directors.

Health, Safety and Risk

- **Appoint a Governor responsible for health and safety.**
- Review the risk register of the academy and prepare the risk report for the MAC Directors.
- Adopt a health and safety policy (in line with the MAC policy).
- Review the implementation of the health and safety policy and ensure that appropriate risk assessments are being carried out in the academy.
- Conduct site inspections to review any health and safety issues and the security of premises and equipment.

Staff Appointments

The LGB appoints and manages (in the name of the MAC) all other staff at the academy.

The LGB must adopt and follow all policies and procedures of the DES in connection with the appointment of staff and their subsequent employment. This may include the use of documentation provided by the CES available on their website.

The LGB will:

- Adopt and use the standard application forms, contracts and terms and conditions for the employment of staff as issued by the CES.
- Comply with all policies or directives issued by the DES or the MAC Directors from time to time.
- Implement any pay policy set by the MAC Directors.
- Manage any claims and disputes with staff members in accordance with DES advice, policies and protocols and the advice of the MAC Directors and any HR and/or legal advice obtained

by the MAC. Carry out the performance management of staff based at the academy (except the Principal) and, working with the Principal, put in place procedures for the proper professional and personal development of staff.

- Assist the MAC Directors in the performance management of the Principal.
- Monitor and scrutinise the implementation of the MAC's policies at the academy for HR matters.
- Support the MAC Directors in the appointment process for the Principal as necessary.
- Ensure that there is effective communication between the Principal and the HR and Pay Committees of the MAC Directors.
- Advise and support the MAC Directors to determine the Principal's pay.

Curriculum and Standards

The LGB will:

- Approve the curriculum proposed by the Principal (to the extent that it is consistent with the MAC policy).
- Ensure that the curriculum of the academy, including all the subjects of the National Curriculum, is taught in light of the Gospel values and actively promotes the spiritual and moral development of its pupils.
- Ensure that RE is in accordance with the Bishops Conference Curriculum Directory and the Archbishop's Policy and that it constitutes 10% of the weekly timetable in the academy.
- Ensure that Relationships and Sex Education is taught in accordance with the social and moral teachings of the Catholic Church having regard to the MAC policy and in consultation with the parents of the pupils.
- Ensure effective processes are in place for monitoring the quality assurance of teaching and learning, the curriculum, inclusion and the sharing of good practice across the academy.
- Monitor the KPI figures reported from the Principal relating to standards and report this to the MAC Directors and the DES as and when requested.
- Intervene in a timely manner where standards fall below that which is expected of the academies within the MAC.
- Develop, monitor and approve the academy development plan.

Special Educational Needs

The LGB will:

- **Appoint a local governor responsible for SEND and inclusion.**
- Review and maintain the academy's SEND policy.
- Provide oversight of the implementation of the policy within the academy and compliance with the legal requirements relating to disability

Safeguarding

- **Appoint a designated governor for safeguarding.**
- Ensure that at least one governor on any recruitment panel has up to date safer recruitment training.
- Review and maintain a safeguarding and child protection policy for the academy (consistent with the MAC policy).
- Ensure the completion of the single central record and its regular updating.

Behaviour

The LGB will:

- Assist the Principal in preparing a behaviour policy for the academy in line with the MAC policy.
- Convene a committee to review any exclusion of a pupil.
- Review the overall pattern of exclusions at the academy and report this to the MAC Directors.

Admissions

The LGB will:

- Following delegation from the MAC Directors, the Governors shall undertake consultation, publish and determine admission arrangements as required in accordance with the School Admissions Code and must follow the protocols and guidance provided by the DES.
- **Appoint an admissions sub-committee which will consider all applications for admission to the academy and decide whether or not a place can be offered.**
- Ensure that parents are notified of the outcome of that application in line with the School Admissions Code including advising parents of the right to appeal should their application be unsuccessful.
- Organise any appeal hearings as required in accordance with the School Admission Appeals Code and following the protocols and guidance provided by the DES.
- Contribute to the development of the academy prospectus (if there is one).

Other Pupil Related Matters

The LGB will:

- Support and advise the Principal to determine KPIs.
- Review pupil attendance and absence and report the findings to the MAC Directors.
- **Appoint a Governor responsible for statutory grants including pupil premium and sports premium.**
- Monitor the impact of the pupil premium and sports premium in the academy and advise the MAC Directors or the CSEL if applicable.
- Adopt and follow an academy complaints policy using the recommended format provided by DES and available on the DES website.
- Immediately notify the MAC Directors of any complaints or issues that could bring into disrepute the Catholic character of the academy.
- Immediately notify the MAC Directors of any complaints or issues that result in a formal complaints panel being convened to hear the complaint.
- Notify the MAC Directors at least termly of any formal complaints received by the LGB under the complaints policy.
- Ensure effective arrangements are in place for pupil support and representation at the academy.
- Support the MAC Directors and the Principal in the extended school provision in the academy.
- Set the times of the academy sessions.

Information Management and Communication

The LGB will work with the Principal of the academy to:

Ensure the effective implementation in the academy of the data protection and freedom of information policies set by the MAC Directors.

Ensure systems in place at the academy are in line with the MAC's policy for effective communication.

Ensure that the academy is registered with the Information Commissioner's Office and the registration is up to date.

Develop and maintain a website for the academy.

Intervention

If in the view of the MAC Directors one of the following situations arises, then the MAC Directors may resolve to remove from the LGB some or all of the powers which would otherwise be delegated by this Scheme of Delegation:

- Standards and performance are low and likely to remain so without intervention.
- There has been a serious breakdown in management or in the way the academy is run which means that standards of performance have dropped or that there is a breach of MAC or DES policies and procedures.
- The safety of pupils and/or staff is threatened.
- Safeguarding procedures are inadequate.
- The DES informs the MAC Directors that it considers that the Catholic ethos of the academy is at risk.

The LGB shall work closely with and shall promptly implement any advice or recommendations made by the MAC Directors in the event that intervention is either threatened or is carried out by the Secretary of State for Education and the MAC Directors have the absolute right to review or remove any power or responsibility conferred on the LGB under this Scheme of Delegation in those circumstances.

Emergencies

An emergency is a situation that arises where a delay in a decision would be likely to be seriously detrimental to the interests of the school, any pupil or parent or any employee. In those circumstances, the Principal should make the Chair of Governors aware of the emergency as soon as possible. The Chair of Governors will, in consultation with the Principal, take such action as is reasonably necessary in the circumstances. The Chair of Governors will then notify the Chair of the MAC Directors, as soon as possible, of both the emergency and the action taken.

COMMITTEES AND DELEGATION

The LGB may set up committees. The LGB will decide how the committee is to organise itself, who is to be on it and what it is to do, but must take into account any views of the MAC Directors. Those matters should be reviewed every year.

A majority of the members of any committee must be Governors or MAC Directors, but the remaining members need not be. The LGB can give voting rights to committee members who are not Governors or MAC Directors if the LGB wishes to do so. A committee cannot take a vote on any matter unless the majority of members of the committee present is either a Governor or a MAC Director.

The LGB may ask any Governor or any person serving on a committee of the LGB or the Principal to exercise any of the LGB's powers or functions as the LGB thinks is desirable. Any such request can be made subject to any conditions either the MAC Directors or the LGB may impose, and may be revoked or altered.

Where any power or function of the MAC Directors or the LGB is exercised by any Governor, a committee of the LGB or the Principal, that person or committee shall report to the LGB in respect of any action taken or decision made with respect to the exercise of that power or function at the next meeting of the LGB after taking the action or making the decision.

LGB Admissions Committee - Terms of Reference

Membership

Must be comprised of any 3 Governors with at least 2 Foundation Governors

Term of Office

Elected annually

Chair and Vice Chair

Chair to be decided upon election.

No employee may be elected Chair or Vice Chair.

Reporting

i) Minutes to be published

ii) Report on activities and decision to the next LGB meeting.

Frequency

As required to meet statutory timescales.

Convening and Agenda

At least one week prior to meeting, however a number of decisions can be taken by email consultation.

Quorum

Three – with the majority Foundation Governors

Terms of Reference

Admissions

- Appoint the Chair of the Committee.
- Appoint a Clerk to the Committee.
- Ensure admissions are undertaken in accordance with the School Admissions Code and must follow the protocols and guidance provided by the DES.
- Admissions sub-committee will consider all applications for admission to the academy and decide whether or not a place can be offered.

- Ensure that parents are notified of the outcome of that application in line with the School Admissions Code including advising parents of the right to appeal should their application be unsuccessful.
- Organise any appeal hearings as required in accordance with the School Admission Appeals Code and following the protocols and guidance provided by the DES.
- Contribute to the development of the individual school prospectus'
- To report consultation comments and recommended changes back to the Full Governing Board for consideration.

Additional delegated responsibilities for the committee include:

- To ensure applications are prioritised by reference to the oversubscription criteria, and that this is applied lawfully and in accordance with the school's policy.
- To determine within statutory provisions and the Governing Board's admission arrangements, whether any child should be admitted to the school during the September admissions round (this cannot be delegated to an individual).
- To consider "late" Year 7 applications after all "on-time" applications have been considered, (this cannot be delegated to an individual).
- To maintain a waiting list for Year 7 applications until the end of the academic year in which they apply, annually.
- To report on admission outcomes to the Governing Board in broad terms.
- To report all in-year admissions via the Dudley In-Year Fair Access Protocol to the Governing Board in broad terms.

LGB Complaints Committee - Terms of Reference

Membership

The panel will consist of two Governors and one other person who is independent of the management and running of the school. No Governor may sit on the panel if they have had any prior involvement in the complaint or in the circumstances surrounding it.

Neither the Principal or the Chair of Governors should be a member of this panel.

Where it is not possible for the Governors to convene a panel due to there being insufficient Governors who have no prior involvement in the complaint, then another Catholic school may be approached to request that Governors from that school make up the panel.

Term of Office

Elected as and when required

Chair and Vice Chair

Panel will elect own Chair

No employee may be elected Chair.

Reporting

- i) Minutes to be published
- ii) Report on activities and decision to the next LGB meeting.

Frequency

As required to meet policy timescales.

Convening and Agenda

At least one week prior to meeting.

Quorum

Three

Terms of Reference

Complaints – Stage 3

- Stage 3 convened if complainant is not satisfied with Stage 2 outcome
- To request Stage 3, the complainant will need to complete and return the Stage 3 Complaint Form (Appendix E of the schools Complaints Policy) within 10 school days of the notification of the outcome of Stage 2. This form should be sent to the Chair of Governors (or the Vice-Chair of Governors if the complaint relates to the Chair) via the school address.
- The Stage 3 Complaint Form will be acknowledged within 5 school days and the Governors Complaints Panel will normally be convened within 20 school days of the receipt of the form.
- Both parties should normally be present whilst the complaint is being described and responded to. However, there may be situations where the Chair of Governors considers that the relationship between the complainant and the school has broken down to such an extent that any further meeting that they jointly attend would not be beneficial. If this situation arises then the Chair of Governors may decide that the Stage 3 hearing should be held in two parts with each party, and their witnesses, meeting with the Governors Complaints Panel on their own. Should this decision be taken then the Chair of Governors will advise both parties, the Clerk to the Complaints Panel and the Chair of the Complaints Panel accordingly.

The panel will consider the following:

- any appropriate action to be taken to resolve the complaint.
- whether to dismiss the complaint in whole or in part.
- whether to uphold the complaint in whole or in part.
- whether changes to the school procedures or systems in the future may be necessary to ensure that situations of a similar nature do not recur.

The panel will take into account whether the complaint has been handled properly and reasonably in accordance with this policy and whether the outcome at Stage 2 was reasonable and appropriate.

As part of the Governors Complaints Panel hearing the following will be undertaken:

- a Clerk to the panel will be appointed. This would usually be the Clerk to the Governors.
- the Clerk will ensure that all parties have received a copy of this Complaints Policy.
- the Clerk will set a date, time and venue for the hearing within 20 school days of the receipt of the Stage 3 Complaint Form. The venue will be accessible for all parties.
- at least 10 school days prior to the hearing all parties will submit to the Clerk to the Complaints Panel any written evidence or other documentation to be presented at the hearing, together with the names of any witnesses either party wishes to call.
- all written evidence or other documentation submitted will be sent to all parties and the panel members to arrive at least 5 school days prior to the hearing.
- the Clerk to the Complaints Panel will record the proceedings and notify, in writing, all parties of the panel's decision within 5 school days of the hearing.
- the issues raised in the complaint are addressed.
- the panel will be open minded and act independently.
- no member of the panel will have a vested interest in the outcome of the proceedings or any involvement in any earlier stage of the procedure.
- only the issues raised in the complaint will be discussed and considered. Any new issues raised will need to be raised as a separate complaint and given due consideration by progressing through the Complaints Policy.

- if any party fails to attend the Governors Complaints Panel hearing, then the hearing will continue in their absence and considered on any written evidence that the absent party has submitted at least 10 school days prior to the hearing.

The following points should also be noted:

- all parties shall be put at ease and the hearing will be conducted as informally as possible with each party treating the other with respect and dignity.
- the Chair of the Complaints Panel will explain the panel's remit to all parties and ensure that each party has the opportunity to put their case without undue interruption and to ask questions.
- witnesses are only required to attend for the part of the hearing in which they give their own evidence.
- after an introduction by the Chair of the panel, the complainant is invited to explain their complaint and be followed by their witnesses.
- the Headteacher (or the representative for the school) may question both the complainant and the witnesses after each has spoken but only to clarify what they are saying.
- the Headteacher (or the representative for the school) is then invited to explain the school's actions and be followed by the school's witnesses.
- the complainant may question both the headteacher (or the representative for the school) and the school's witnesses after each has spoken but only to clarify what they have said.
- the panel may ask questions at any time.
- the complainant is invited to sum up their complaint.
- the Headteacher (or the representative for the school) is invited to sum up the school's actions and response to the complaint.
- the Chair explains that both parties will receive the written decision of the panel from the Clerk within 5 school days.
- both parties leave together whilst the panel considers the issues. The Clerk, and any other advisers, may be present with the panel during their discussion but the conclusions and recommendations are the responsibility of the panel members only.

The Chair of the Complaints Panel will ensure that all parties are notified of the panel's decision within 5 school days. The reasons for the decision will be clearly defined, in plain English.

If either party requires clarification concerning any points in the letter, this will be provided by the Chair of the Complaints Panel.

If relevant, any findings and recommendations will also be provided to the person complained about and a copy will be available on the school premises for inspection by the Board of Directors and the Principal.

LGB Pupil Disciplinary Committee - Terms of Reference

Membership

The panel will consist of 3 Governors

Parent, Staff and Principal Governors can not form part of the committee

Term of Office

Elected as and when required

Chair and Vice Chair

Panel will elect own Chair

Reporting

- i) The minutes will remain confidential to the committee members until after any appeal hearing has been completed, when the minutes of the committee and the appeal will be made available to any member of the Board of Directors and Regional Governing Body of the academy concerned. The chair at the appropriate Regional Governing Body meeting will give a report of actions taken to the Regional Governing Body.
- ii) Letters will be sent to parents/carers on the outcome of the hearing in accordance with the Model Letters from the DfE.

Frequency

As required to meet policy timescales.

Convening and Agenda

At least one week prior to meeting.

Quorum

Three

Terms of Reference

- The Pupil Discipline Panel is a statutory one which meets to consider all permanent exclusions and some fixed term ones.
- In the discharge of its function to review exclusions the panel must be aware of its statutory powers and keep in mind the guidance issued periodically by the Department for Education.
- In the case of any of the following decisions by the Principal:
 - a) to exclude permanently;
 - b) that a fixed term exclusion should be made permanent;
 - c) where a fixed term exclusion would result in the pupil being excluded for more than 15 school days in a single term;
 - d) the exclusion would result in the loss of an opportunity to take a public examination; the Panel shall consider the circumstances of the exclusion by holding a meeting within 15 school days after it has received notice of the exclusion and must invite the parent (or pupil if aged 18 or over) to the meeting.
- In the case of a decision to exclude for a fixed term of 6 to 15 days inclusive, or where the period of exclusion would result in the pupil being excluded for 6 to 15 days in a single term, the panel shall adopt the same procedure above if the parent wishes to make representations, save that the meeting must be held within 50 days after notice of exclusion is received.
- In the case of a short-fixed term exclusion (of up to and including 5 school days in a single term) the panel must consider any representations made by the parent, but is not required to hold a meeting with parents.
- The panel will be advised by its clerk as to its procedure in the conduct of any meeting to review exclusion, and will bear in mind what is said in the Guidance about such procedure. In particular, the panel should apply the balance of probabilities standard of proof, i.e. whether it is more probable than not that the pupil has behaved as alleged.
- The panel cannot increase the severity of exclusion by extending it or making a fixed term permanent. In cases falling within the above (exclusion for more than 5 days) the panel can uphold the exclusion, or direct the pupil's reinstatement immediately or by a particular date. (If the exclusion has already expired, a copy of the panel's findings can be placed on the pupil's record.) In the case of a short-fixed period exclusion (para 5 above) the Committee cannot direct reinstatement, but can place a copy of their findings on the pupil's record.
- The panel will reconvene where an Independent Review Panel recommends or directs that the governing body reconsiders its decision. Such a meeting will be held within 10 school days of the governing body receiving notification of the IRP decision.

Board of Directors

Ensure strategic oversight and provision of excellent Catholic education within the MAC. This must always be undertaken fairly and equitably so as not to give unreasonable advantage or disadvantage to any one or more academies within the MAC. The MAC Directors have the duty to make sure that where there are problems in any of these areas, that such problems are successfully addressed.

Preserve and develop the religious and educational character, mission and ethos of the MAC, as determined by the Archbishop working through the DES in accordance with the Articles of Association, and ensure that it is embedded in each academy.

Carry out the following core functions:

- Ensure clarity of vision, ethos and strategic direction.
- Hold the Principals and/or CSEL(s) (if appropriate) to account for the educational performance of the academies in the MAC and its pupils and for the internal organisation, management and control of the academies including performance management of staff.
- Oversee the financial performance of the MAC and the academies within it and make sure its money is well spent.
- Secure, protect and improve the Catholic life of the academies.
- Ensure compliance with the MAC's charitable objects and with company and charity law and ensure that all MAC Directors are provided with training to ensure that this can be achieved.

Have strategic oversight of governance arrangements and their effectiveness across the MAC.

Review and amend:

- The terms of reference for the committees, other than the LGB, set up by the MAC Directors.
- Where applicable, and working in conjunction with the DES, the terms of reference for delegation to any CSEL or leaders.
- Role descriptions for MAC Directors, for the Chair of the MAC Directors and for members of committees, other than the LGB, set up by the MAC Directors.
- The policies of the MAC.

Carry out business planning across the MAC including preparation and monitoring of budgets.

Establish and publish registers of business interests and registers of pecuniary interests for MAC Members, MAC Directors and Governors and publish these on the MAC's website if necessary.

Establish a protocol for dealing with and managing potential and actual conflicts of interest for MAC Directors and Governors.

Establish and maintain the register relating to persons with significant control of the MAC.

Ensure that each academy updates Edubase as required by the DfE.

Appoint/remove MAC Directors other than Foundation Directors.

Appoint, suspend or remove a company secretary.

Appoint, suspend or remove a clerk to the MAC Directors and support clerking arrangements to the LGBs.

Appoint from its number MAC Directors with specific responsibilities for SEND, safeguarding, pupil premium, health and safety and financial matters. The MAC Directors may also remove such specific responsibilities from a MAC Director at any time.

Work with Principals and any executive team to prepare policies which will apply across the MAC and also identify any policies which need to be developed for specific academies in the MAC and identify who will complete the work on those policies.

Submit and publish an annual report to MAC Members in respect of the MAC's performance.

Performance manage the Chair to the MAC Directors – 360 review.

Working with the relevant LGB, performance manage the Principals.

Review annually the contributions made by the MAC Directors, the members of committees set up by the MAC Directors and report to the MAC Members for action, if appropriate.

Succession plan.

Prepare an annual schedule of the business to be undertaken by the MAC Directors.

Ensure that the governance details of each MAC and each individual academy (including their accounts) are published on the websites of the MAC and the individual academy along with any other details required by the DfE, ESFA, Companies House or any other organisation.

Commission, approve and have oversight of support between academies in the MAC.

Submit to any inspections pursuant to S.48 and any additional canonical inspections and visitations of the Archbishop undertaken by the DES, to make sure that the academy is being conducted in accordance with Canon Law and is following the practices and teachings of the Catholic Church and in order to allow the DES on behalf of the Archbishop, to assess how well the academy is being managed.

Submit to any other education inspections as required by law.

Enter into contracts which relate to goods or services to be provided across all academies in the MAC.

Comply with the terms of the Code of Conduct for Directors.

Take appropriate action in relation to any individual Governor who breaches any provision within the Code of Conduct for Governors.

Seek consent from the DES before starting any discussions regarding proposed expansion of the MAC.

Board of Directors Terms of Reference

Membership

7 Foundation Directors

CSEL / Accounting Officer

Observer: Principals

Co-opt: 2 Directors

Term of Office

4 years Directors

1 year Co-opted Directors

Chair and Vice Chair

To be elected by the Directors from its Foundation Director membership for up to 3 years.

No employee may be elected Chair or Vice Chair.

Reporting

i) Minutes to be published

Frequency

Every Term – at least 3 times per year

Convening and Agenda

Chairperson in consultation with the CSEL Finance and Operations and SIPs Clerking

Quorum

Three – Foundation Directors

Terms of Reference

Finance

The MAC Directors are accountable to the DfE for the financial outcomes of the MAC in accordance with the Academies Financial Handbook.

The MAC Directors must ensure that as a body they have the skills, knowledge and experience to run the MAC.

The MAC Directors have the overall responsibility for ensuring that any funding delegated to the individual academies is properly managed including adopting appropriate financial risk management policies and communicating those policies to the LGBs.

The MAC Directors must designate, in writing, a named individual as the MAC's Accounting Officer as required by the Academies Financial Handbook.

The MAC Directors receive funding for each academy which is provided by the Secretary of State for Education. They may also receive additional funding through their own income generation activities.

The DfE provides advice and guidance to the MAC Directors and the LGBs with regard to financial governance which can be found in the Academies Financial Handbook. This must be followed and adhered to in all circumstances.

The MAC Directors will submit to the DES on request a copy of the annual set of accounts and any other financial documents that the DES may require. This could include an action plan to address any financial issues that may give cause for concern.

The MAC Directors have the freedom to amalgamate a proportion of GAG funding for all its academies to form one central fund. This fund can then be used to support any collective services provided to all the academies for the purposes of either improving the quality of Catholic Education or achieving significant financial efficiencies. This central funding will include an annual contribution to the DES for each of the academies within the MAC, to assist the DES in the delivery of its functions in connection with each academy within the MAC. The funding retained for these centralised services must be reasonable and proportional and should not put any individual academy at financial risk or increase the financial vulnerability of the MAC as a whole. The MAC Directors should submit a report to LGBs explaining the use of such funds in a clear and transparent manner and the impact it has had both on the MAC as a whole and on the individual academies such that it can be judged to be fair and equitable. If the Principal of an academy within the MAC feels that the academy has been unfairly disadvantaged by the means of calculation of the central fund, that Principal can appeal to the MAC Directors. If the MAC Directors cannot resolve that Principal's grievance, that Principal can then appeal to the Secretary of State via the ESFA set out in the Academies Financial Handbook.

When requested to do so by the DES, specific MAC Directors with financial responsibility shall attend meetings with the DES to discuss matters of finance and where necessary submit to the DES a robust deficit recovery plan.

The MAC Directors acknowledge that the DES has no financial responsibility for any MAC or individual academy in any situation.

Subject to obtaining prior approval from the DES, the MAC Directors have authority to invest in the name of the MAC and to change or sell those investments but must ensure that investment risk is properly managed in accordance with the Academies Financial Handbook.

The MAC Directors will:

- Approve and review a written scheme of delegation of financial powers that maintains robust internal control arrangements as set out in the Academies Financial Handbook.
- Issue a letter of engagement for the contract of the external auditor, which auditor will be appointed by the MAC Members.
- **Appoint internal auditors.**
- Ensure that the accounts are audited in accordance with DfE requirements and are signed by the Directors and presented to the MAC Members for approval either at a General Meeting or by some other means approved in advance by the MAC Members.
- Prepare and submit to the ESFA and Companies House the accounts and an annual report for the MAC prepared in accordance with the law relating to charitable companies limited by guarantee at the time.
- **Appoint a finance committee as set out in the Academies Financial Handbook.**
- **Appoint an audit committee.**
- Approve the annual budget for the MAC and each academy to include overall approval of management accounts for each academy.
- Approve any significant changes to the approved budget and if necessary inform the ESFA.
- Budget plan on a five year rolling basis.
- Consider monthly budget monitoring reports and take action as necessary.
- Submit the budget forecast to the ESFA on time.
- Monitor income, expenditure, cash flow and balance sheet of the MAC.
- Establish a charging and remissions policy and keep this under review.
- Determine and communicate service charges to the LGBs relating to the provision of centralised functions.
- Where applicable agree remuneration for any CSEL.
- Prepare both a disaster recovery plan and a business continuity plan for the MAC and ensure that local plans exist in each academy.
- Set up and approve MAC Directors expenses in accordance with the MAC's conflicts of interest policy.

Contracts

The MAC Directors will:

- Comply with relevant legislation with regard to procurement and the award of contracts and ensure that OJEU procurement thresholds are observed and adopt a MAC-wide procurement policy.
- Conduct the business of the MAC ethically and in line with corporate social responsibility indicators to ensure that all suppliers used take account of economic, social and environmental factors insofar as permitted by the Academies Financial Handbook.
- Set the delegated levels of authority for contracts.
- Approve contracts with a value above £25,000.
- Approve contracts which constitute related party transactions (and request any necessary external approval).
- Set up and approve a MAC Directors' expenses policy in accordance with the MAC's conflict of interest policy.
- If requested to do so by any LGB, enter into a contract on behalf of the LGB where the LGB will be financially liable.

Insurance

The MAC Directors will either insure the land and buildings used by the academies in the MAC for its reinstatement value or will enter into RPA with the DfE.

If insurance is arranged, the policy must cover all the risks required by the DES and must be with an insurer which is approved by the DES.

If RPA is entered into, it must be approved in advance by the DES.

The MAC Directors must also take out insurance against liability for property owners', employer's and third-party risks including occupier's liability and contents insurance and insurance covering the activities carried out at the academies.

Any building insurance policy must be in the joint names of the MAC and BRCDTR.

The MAC Directors will pay any insurance premium and recover the pro rata cost from the budget allocated to each of the respective LGBs.

If RPA is entered into the cost will be deducted by the DfE from the GAG for the academy.

If the land and buildings of any academy are damaged by a risk which is insured by the MAC Directors or covered by the RPA the MAC Directors must:

- Inform the DES of any claim which is or may become in excess of £50,000 and keep the DES informed of progress of the claim.
- Make the necessary claim under the insurance policy or RPA.
- Use the funds which they receive in rebuilding and reinstating the land and buildings of the academy.
- With the prior consent of the DES, obtain any necessary planning permissions or consents for such rebuilding, which may not necessarily be identical to the land and buildings before the damage.

The MAC Directors will provide the LGB with a copy of the insurance policy or RPA for the academy.

The MAC Directors will provide to the DES annually confirmation of renewal of insurance or RPA.

The MAC Directors will not cancel their insurance policy or RPA without informing the DES of the cancellation and of the new arrangements.

The MAC Directors will increase the level of insurance or RPA as necessary for any additions or extensions to buildings at any academy.

Premises

If the MAC Directors are asked by the LGB for consent to any matter listed in section 16 of the Scheme of Delegation the MAC Directors will pass the request to the DES.

The MAC Directors will work with the LGB to develop a 5-year estate management strategy for the academy that will:

- Address condition, suitability and capacity of buildings and facilities in light of long term curriculum needs.
- Identify the capital investment required to ensure the buildings and facilities are maintained to a good standard.

Once the 5-year estate management strategy is in place for each academy, the MAC Directors will determine the building/funding priorities throughout the MAC.

The MAC Directors will comply with DES policy (available on the DES website) with regard to the hiring out of any part of the land and building used by the academy to any other person or body. The MAC Directors have no power to grant any lease or licence or create any rights for anyone else over any part of the land and buildings used by the academy but may apply to the DES for consent for such arrangements which may then be put in place by the Trustees.

The MAC Directors will apply to the DES for consent when planning and before starting any building works.

Health, Safety and Risk

The MAC Directors will:

- **Appoint a risk and audit committee as required by the ESFA.**
- Review risk management and maintain the risk register.
- Review and maintain any buildings strategy and asset management planning arrangements in accordance with the requirements of the DES.
- Adopt a MAC-wide health and safety policy.
- Adopt a MAC-wide lettings policy in accordance with the requirements of the DES.
- Commence or settle any litigation proceedings but only with the prior consent of the DES.

Staff Appointments (Leadership Positions)

The DES must be informed when the MAC Directors are considering the appointment of the Principal (i.e. Head Teacher or Executive Head Teacher) and any of the following key posts: Head of School, Deputy Principal, Assistant Principal, Head of Religious Education and Lay Chaplain. Similarly, advice must be sought first from the DES when the MAC Directors are considering an 'acting' or temporary post for any of these positions.

For all leadership positions, whether permanent or temporary, the MAC Directors must comply with the "Appointing Leaders Handbook" which is available on the DES website.

The consent of the DES must be obtained before appointing any CSEL.

The MAC Directors will have responsibility for the appointment, performance management and removal of Principals of all academies within the MAC.

The MAC Directors shall make sure that the Principal, the Vice Principal, and Assistant Principals (where there is no Vice Principal post), the Head of Religious Education and any Lay Chaplain are practising Catholics in full communion with the Catholic Church. The Diocesan definition of a practising Catholic can be found on the DES website.

The MAC Directors shall ensure that diocesan protocol is followed in respect of the appointment of any other senior post which directly affects the Catholic mission of the MAC and its academies, including but not limited to the CSEL if applicable.

For all leadership positions listed above, the MAC Directors shall adopt and use the standard application forms, employment contracts and terms and conditions for the employment of staff as issued by the CES. The MAC will be the employer.

Appoint, suspend and dismiss any CSEL or any person in any of the leadership positions listed above, but only with the prior consent of the DES and acting through a committee.

Conduct the performance management review of any CSEL.

Conduct the performance management review of the Principal with the assistance of the LGB as follows:

- Adopt a document that sets out the appraisal process for the Principal and make that document available to the Principal.
- Appoint an external adviser for advice and support on the Principal's appraisal and consult that adviser on setting objectives for, and appraisal of, the Principal.
- Inform the Principal of the standards against which their performance will be assessed.
- Set objectives for the Principal.
- Appraise the performance of the Principal, assessing the performance of their role and responsibilities against the relevant standards and their objectives.
- Assess the Principal's professional development needs and action needed to address them.
- Make a recommendation on the Principal's pay, where relevant.
- Give the Principal a written report of their appraisal which includes the assessments and recommendation above.
- Determine the appraisal period that applies to the Principal.

Other Staff

The MAC Directors must adopt and follow all policies and procedures of the DES in connection with the appointment of staff and their subsequent employment. This should include the use of documentation provided by the CES available on their website. The MAC will be the employer.

The MAC Directors will set overall policy for appointment and management of staff, taking into account DES policies and procedures.

The MAC Directors may set pay and conditions for staff which differ from the DfE's national pay and conditions documents. Before doing so they must first seek approval from their HR advisor to ensure compliance with the law and inform the DES of their intentions prior to any change being implemented.

The performance management of any centrally employed staff or any staff member employed to work in one or more academy in the MAC shall be the responsibility of the MAC Directors in accordance with any protocol provided by the DES.

The MAC Directors will:

- Appoint an HR committee which will work together with the LGBs within the MAC to oversee, manage and set appropriate policies for recruitment, induction, training, CPD, wellbeing, dismissals and other HR processes for all staff within the MAC.
- Appoint a pay committee.
- Determine appointments to be made across one or more academy in the MAC.
- Ensure harmonisation of terms and conditions of employment across the MAC to avoid the risk of employment claims.
- Conduct the performance management review of the company secretary and the clerk

Curriculum and Standards

The MAC Directors will:

- **Appoint an education standards committee.**
- Determine a curriculum policy for the MAC to ensure provision of a balanced and broadly based curriculum.

This will include:

- The curriculum, extra-curricular activities and ethos to prepare pupils for life in modern Britain; and A written policy on relationships and sex education, in accordance with any DES policy and/or CES policy, which shall be taught in accordance with the social and moral teachings of the Catholic church.
- Determine policy across the MAC on religious education and collective acts of worship in accordance with the Bishops' Conference Curriculum Directory.
- Consider reports received from any CSEL if applicable or in relation to any academy regarding standards.
- Provide the LGB with all necessary advice and support about standards and expected pupil outcomes as and when required.

Special Educational Needs

The Directors will:

- Determine a MAC-wide SEND policy bearing in mind local variance if the MAC spans more than one local authority area.
- Ensure training of appropriate staff takes place and legal compliance is met.
- **Appoint a lead SEND Director.**

Safeguarding

The MAC Directors will:

- Adopt a MAC-wide Safeguarding and Child Protection Policy bearing in mind local variance if the MAC spans more than one local authority area.
- Adopt a MAC-wide policy regarding School Trips.
- Ensure up to date training is provided and legal compliance issues are met.
- Ensure the Single Central Record is maintained for all MAC based and cross school appointments. Ensure that all MAC Directors and Governors receive safeguarding training.
- Ensure that at least one Director on any recruitment panel has completed safer recruitment training.
- Monitor safeguarding practice across the MAC and take appropriate action where safeguarding practice is falling below the standards expected.

Behaviour

The MAC Directors will:

- Adopt a MAC-wide behaviour policy that incorporates an exclusions policy and reflects the Catholic ethos, character and values of the MAC.
- Review the use of exclusions across the MAC and investigate inconsistencies.

Admissions

The MAC Directors will:

- Delegate the day to day responsibility for admissions within each academy to the LGB for that academy and to provide to the DES with a copy of the minutes of the meeting confirming that delegation has taken place.

Other Pupil Related Matters

The MAC Directors will:

- Adopt a MAC complaints policy using the recommended format provided by the DES and available on the DES website and consider reports from all academies to assess the level of complaints across the MAC.
- Notify the DES of any complaints or issues that could bring into disrepute the Catholic character of the MAC and/or the academies within it.
- Review data provided by all academies relating to pupil premium and sports premium and take action to address any issues as appropriate.
- Set the dates of terms and holidays for all academies within the MAC ensuring that each academy is open to pupils for 380 sessions in any academic year.

Information Management and Communication

The MAC Directors will:

- Adopt data protection and freedom of information policies and procedures to comply with legislation relating to data protection and freedom of information across the MAC.
- Develop and implement an integrated ICT policy to ensure compatibility of systems across all the academies in the MAC to facilitate maximum efficiency and cohesiveness.
- Develop and implement a policy to establish effective communication by each academy with all stakeholders including pupils, parents or carers, staff, parish priests and other clergy, the DES and the wider community including any local parent teacher association.
- Maintain accurate and secure records for any CSEL.
- Ensure that if registration with the Information Commissioner's Office is required for the MAC that registration is in place and up to date.
- Ensure that registration with the Information Commissioner's Office is in place and up to date for each academy.
- Develop and maintain a website for the MAC and ensure information required by statute, Funding Agreements and Academies Financial Handbook is published.

Intervention

If in the view of the MAC Directors one of the following situations arises, then the MAC Directors may resolve to remove from the LGB some or all of the powers which would otherwise be delegated by this Scheme of Delegation:

- Standards and performance are low and likely to remain so without intervention.
- There has been a serious breakdown in management or in the way the academy is run which means that standards of performance have dropped or that there is a breach of MAC or DES policies and procedures.
- The safety of pupils and/or staff is threatened.
- Safeguarding procedures are inadequate.
- The DES informs the MAC Directors that it considers that the Catholic ethos of the academy is at risk.

The LGB shall work closely with and shall promptly implement any advice or recommendations made by the MAC Directors in the event that intervention is either threatened or is carried out by

the Secretary of State for Education and the MAC Directors have the absolute right to review or remove any power or responsibility conferred on the LGB under this Scheme of Delegation in those circumstances.

Aims

The MAC Directors are to advance the Catholic religion in the Archdiocese by establishing running and developing Catholic academies. Those academies are subject to the absolute control of the Archbishop, which he exercises through the DES.

The academies are to be run in accordance with the teachings of the Catholic Church, and to serve as witness to the Catholic Faith in our Lord Jesus Christ.

The MAC Directors can, at their discretion, arrange such use of the school premises and facilities by the wider local community as is compatible with the Catholic Faith.

The MAC Directors are to ensure that a broad and balanced curriculum is provided for the academies in accordance with the teachings of the Catholic Church.

Powers

To operate bank accounts in the name of the MAC.

To enter into contracts on behalf of the MAC.

To carry out fundraising for charitable causes and/or the academies in accordance with the mission of the Catholic Church.

No employee of the MAC can be appointed as a MAC Director.

To employ staff and operate a pension scheme.

To establish manage and develop academies.

To borrow and invest money.

Do such other lawful things which are necessary to achieve the aims.

The MAC Directors are accountable to the DfE for the financial outcomes of the MAC in accordance with the Academies Financial Handbook.

The MAC Directors must ensure that as a body they have the skills, knowledge and experience to run the MAC.

The MAC Directors have the overall responsibility for ensuring that any funding delegated to the individual academies is properly managed including adopting appropriate financial risk management policies and communicating those policies to the LGBs.

The MAC Directors must designate, in writing, a named individual as the MAC's Accounting Officer as required by the Academies Financial Handbook.

The MAC Directors receive funding for each academy which is provided by the Secretary of State for Education. They may also receive additional funding through their own income generation activities.

The DfE provides advice and guidance to the MAC Directors and the LGBs with regard to financial governance which can be found in the Academies Financial Handbook. This must be followed and adhered to in all circumstances.

The MAC Directors will submit to the DES on request a copy of the annual set of accounts and any other financial documents that the DES may require. This could include an action plan to address any financial issues that may give cause for concern.

The MAC Directors have the freedom to amalgamate a proportion of GAG funding for all its academies to form one central fund. This fund can then be used to support any collective services provided to all the academies for the purposes of either improving the quality of Catholic Education or achieving significant financial efficiencies. This central funding will include an annual contribution to the DES for each of the academies within the MAC, to assist the DES in the delivery of its functions in connection with each academy within the MAC. The funding retained for these centralised services must be reasonable and proportional and should not put any individual academy at financial risk or increase the financial vulnerability of the MAC as a whole. The MAC Directors should submit a report to LGBs explaining the use of such funds in a clear and transparent manner and the impact it has had both on the MAC as a whole and on the individual academies such that it can be judged to be fair and equitable. If the Principal of an academy within the MAC feels that the academy has been unfairly disadvantaged by the means of calculation of the central fund, that Principal can appeal to the MAC Directors. If the MAC Directors cannot resolve that Principal's grievance, that Principal can then appeal to the Secretary of State via the ESFA set out in the Academies Financial Handbook.

When requested to do so by the DES, specific MAC Directors with financial responsibility shall attend meetings with the DES to discuss matters of finance and where necessary submit to the DES a robust deficit recovery plan.

The MAC Directors acknowledge that the DES has no financial responsibility for any MAC or individual academy in any situation.

Subject to obtaining prior approval from the DES, the MAC Directors have authority to invest in the name of the MAC and to change or sell those investments but must ensure that investment risk is properly managed in accordance with the Academies Financial Handbook.

The MAC Directors will:

- Approve and review a written scheme of delegation of financial powers that maintains robust internal control arrangements as set out in the Academies Financial Handbook.
- Issue a letter of engagement for the contract of the external auditor, which auditor will be appointed by the MAC Members.
- **Appoint internal auditors.**
- Ensure that the accounts are audited in accordance with DfE requirements and are signed by the Directors and presented to the MAC Members for approval either at a General Meeting or by some other means approved in advance by the MAC Members.
- Prepare and submit to the ESFA and Companies House the accounts and an annual report for the MAC prepared in accordance with the law relating to charitable companies limited by guarantee at the time.
- **Appoint a finance committee as set out in the Academies Financial Handbook.**
- **Appoint an audit committee.**
- Approve the annual budget for the MAC and each academy to include overall approval of management accounts for each academy.
- Approve any significant changes to the approved budget and if necessary inform the ESFA.
- Budget plan on a five-year rolling basis.
- Consider monthly budget monitoring reports and take action as necessary.
- Submit the budget forecast to the ESFA on time.
- Monitor income, expenditure, cash flow and balance sheet of the MAC.
- Establish a charging and remissions policy and keep this under review.
- Determine and communicate service charges to the LGBs relating to the provision of centralised functions.
- Where applicable agree remuneration for any CSEL.
- Prepare both a disaster recovery plan and a business continuity plan for the MAC and ensure that local plans exist in each academy.
- Set up and approve MAC Directors expenses in accordance with the MAC's conflicts of interest policy.

Contracts

The MAC Directors will:

- Comply with relevant legislation with regard to procurement and the award of contracts and ensure that OJEU procurement thresholds are observed and adopt a MAC-wide procurement policy.
- Conduct the business of the MAC ethically and in line with corporate social responsibility indicators to ensure that all suppliers used take account of economic, social and environmental factors insofar as permitted by the Academies Financial Handbook.
- Set the delegated levels of authority for contracts.
- Approve contracts with a value above £25,000.
- Approve contracts which constitute related party transactions (and request any necessary external approval).
- Set up and approve a MAC Directors' expenses policy in accordance with the MAC's conflict of interest policy.
- If requested to do so by any LGB, enter into a contract on behalf of the LGB where the LGB will be financially liable.

Insurance

The MAC Directors will either insure the land and buildings used by the academies in the MAC for its reinstatement value or will enter into RPA with the DfE.

If insurance is arranged, the policy must cover all the risks required by the DES and must be with an insurer which is approved by the DES.

If RPA is entered into, it must be approved in advance by the DES.

The MAC Directors must also take out insurance against liability for property owners', employer's and third-party risks including occupier's liability and contents insurance and insurance covering the activities carried out at the academies.

Any building insurance policy must be in the joint names of the MAC and BRCDTR.

The MAC Directors will pay any insurance premium and recover the pro rata cost from the budget allocated to each of the respective LGBs.

If RPA is entered into the cost will be deducted by the DfE from the GAG for the academy.

If the land and buildings of any academy are damaged by a risk which is insured by the MAC Directors or covered by the RPA the MAC Directors must:

- Inform the DES of any claim which is or may become in excess of £50,000 and keep the DES informed of progress of the claim.
- Make the necessary claim under the insurance policy or RPA.
- Use the funds which they receive in rebuilding and reinstating the land and buildings of the academy.
- With the prior consent of the DES, obtain any necessary planning permissions or consents for such rebuilding, which may not necessarily be identical to the land and buildings before the damage.

The MAC Directors will provide the LGB with a copy of the insurance policy or RPA for the academy.

The MAC Directors will provide to the DES annually confirmation of renewal of insurance or RPA.

The MAC Directors will not cancel their insurance policy or RPA without informing the DES of the cancellation and of the new arrangements.

The MAC Directors will increase the level of insurance or RPA as necessary for any additions or extensions to buildings at any academy.

Premises

If the MAC Directors are asked by the LGB for consent to any matter listed in section 16 of the Scheme of Delegation the MAC Directors will pass the request to the DES.

The MAC Directors will work with the LGB to develop a 5-year estate management strategy for the academy that will:

- Address condition, suitability and capacity of buildings and facilities in light of long-term curriculum needs.

- Identify the capital investment required to ensure the buildings and facilities are maintained to a good standard.

Once the 5-year estate management strategy is in place for each academy, the MAC Directors will determine the building/funding priorities throughout the MAC.

The MAC Directors will comply with DES policy (available on the DES website) with regard to the hiring out of any part of the land and building used by the academy to any other person or body. The MAC Directors have no power to grant any lease or licence or create any rights for anyone else over any part of the land and buildings used by the academy but may apply to the DES for consent for such arrangements which may then be put in place by the Trustees.

The MAC Directors will apply to the DES for consent when planning and before starting any building works.

Health, Safety and Risk

The MAC Directors will:

- **Appoint a risk and audit committee as required by the ESFA.**
- Review risk management and maintain the risk register.
- Review and maintain any buildings strategy and asset management planning arrangements in accordance with the requirements of the DES.
- Adopt a MAC-wide health and safety policy.
- Adopt a MAC-wide lettings policy in accordance with the requirements of the DES.
- Commence or settle any litigation proceedings but only with the prior consent of the DES.

Information Management and Communication

The MAC Directors will:

- Adopt data protection and freedom of information policies and procedures to comply with legislation relating to data protection and freedom of information across the MAC.
- Develop and implement an integrated ICT policy to ensure compatibility of systems across all the academies in the MAC to facilitate maximum efficiency and cohesiveness.
- Develop and implement a policy to establish effective communication by each academy with all stakeholders including pupils, parents or carers, staff, parish priests and other clergy, the DES and the wider community including any local parent teacher association.
- Maintain accurate and secure records for any CSEL.
- Ensure that if registration with the Information Commissioner's Office is required for the MAC that registration is in place and up to date.
- Ensure that registration with the Information Commissioner's Office is in place and up to date for each academy.
- Develop and maintain a website for the MAC and ensure information required by statute, Funding Agreements and Academies Financial Handbook is published.

School, Deputy Principal, Assistant Principal, Head of Religious Education and Lay Chaplain. Similarly, advice must be sought first from the DES when the MAC Directors are considering an 'acting' or temporary post for any of these positions.

For all leadership positions, whether permanent or temporary, the MAC Directors must comply with the "Appointing Leaders Handbook" which is available on the DES website.

The consent of the DES must be obtained before appointing any CSEL.

The MAC Directors will have responsibility for the appointment, performance management and removal of Principals of all academies within the MAC.

The MAC Directors shall make sure that the Principal, the Vice Principal, and Assistant Principals (where there is no Vice Principal post), the Head of Religious Education and any Lay Chaplain are practising Catholics in full communion with the Catholic Church. The Diocesan definition of a practising Catholic can be found on the DES website.

The MAC Directors shall ensure that diocesan protocol is followed in respect of the appointment of any other senior post which directly affects the Catholic mission of the MAC and its academies, including but not limited to the CSEL if applicable.

For all leadership positions listed above, the MAC Directors shall adopt and use the standard application forms, employment contracts and terms and conditions for the employment of staff as issued by the CES. The MAC will be the employer.

Appoint, suspend and dismiss any CSEL or any person in any of the leadership positions listed above, but only with the prior consent of the DES and acting through a committee.

Conduct the performance management review of any CSEL.

Conduct the performance management review of the Principal with the assistance of the LGB as follows:

- Adopt a document that sets out the appraisal process for the Principal and make that document available to the Principal.
- **Appoint an external adviser for advice and support on the Principal's appraisal and consult that adviser on setting objectives for, and appraisal of, the Principal.**
- Inform the Principal of the standards against which their performance will be assessed.
- Set objectives for the Principal.
- Appraise the performance of the Principal, assessing the performance of their role and responsibilities against the relevant standards and their objectives.
- Assess the Principal's professional development needs and action needed to address them.
- Make a recommendation on the Principal's pay, where relevant.
- Give the Principal a written report of their appraisal which includes the assessments and recommendation above.
- Determine the appraisal period that applies to the Principal.

Other Staff

The MAC Directors must adopt and follow all policies and procedures of the DES in connection with the appointment of staff and their subsequent employment. This should include the use of documentation provided by the CES available on their website. The MAC will be the employer.

The MAC Directors will set overall policy for appointment and management of staff, taking into account DES policies and procedures.

The MAC Directors may set pay and conditions for staff which differ from the DfE's national pay and conditions documents. Before doing so they must first seek approval from their HR advisor to ensure compliance with the law and inform the DES of their intentions prior to any change being implemented.

The performance management of any centrally employed staff or any staff member employed to work in one or more academy in the MAC shall be the responsibility of the MAC Directors in accordance with any protocol provided by the DES.

The MAC Directors will:

- **Appoint an HR committee which will work together with the LGBs within the MAC to oversee, manage and set appropriate policies for recruitment, induction, training, CPD, wellbeing, dismissals and other HR processes for all staff within the MAC.**
- **Appoint a pay committee.**
- Determine appointments to be made across one or more academy in the MAC.
- Ensure harmonisation of terms and conditions of employment across the MAC to avoid the risk of employment claims.
- Conduct the performance management review of the company secretary and the clerk

Curriculum and Standards

The MAC Directors will:

- **Appoint an education standards committee.**
- Determine a curriculum policy for the MAC to ensure provision of a balanced and broadly based curriculum.

This will include:

- The curriculum, extra-curricular activities and ethos to prepare pupils for life in modern Britain; and A written policy on relationships and sex education, in accordance with any DES policy and/or CES policy, which shall be taught in accordance with the social and moral teachings of the Catholic church.
- Determine policy across the MAC on religious education and collective acts of worship in accordance with the Bishops' Conference Curriculum Directory.
- Consider reports received from any CSEL if applicable or in relation to any academy regarding standards.
- Provide the LGB with all necessary advice and support about standards and expected pupil outcomes as and when required.

Special Educational Needs

The Directors will:

- Determine a MAC-wide SEND policy bearing in mind local variance if the MAC spans more than one local authority area.
- Ensure training of appropriate staff takes place and legal compliance is met.
- **Appoint a lead SEND Director.**

Safeguarding

The MAC Directors will:

- Adopt a MAC-wide Safeguarding and Child Protection Policy bearing in mind local variance if the MAC spans more than one local authority area.
- Adopt a MAC-wide policy regarding School Trips.
- Ensure up to date training is provided and legal compliance issues are met.
- Ensure the Single Central Record is maintained for all MAC based and cross school appointments. Ensure that all MAC Directors and Governors receive safeguarding training.
- Ensure that at least one Director on any recruitment panel has completed safer recruitment training.
- Monitor safeguarding practice across the MAC and take appropriate action where safeguarding practice is falling below the standards expected.

Behaviour

The MAC Directors will:

- Adopt a MAC-wide behaviour policy that incorporates an exclusions policy and reflects the Catholic ethos, character and values of the MAC.
- Review the use of exclusions across the MAC and investigate inconsistencies.

Other Pupil Related Matters

The MAC Directors will:

- Adopt a MAC complaints policy using the recommended format provided by the DES and available on the DES website and consider reports from all academies to assess the level of complaints across the MAC.
- Notify the DES of any complaints or issues that could bring into disrepute the Catholic character of the MAC and/or the academies within it.
- Review data provided by all academies relating to pupil premium and sports premium and take action to address any issues as appropriate.
- Set the dates of terms and holidays for all academies within the MAC ensuring that each academy is open to pupils for 380 sessions in any academic year.

Intervention

If in the view of the MAC Directors one of the following situations arises, then the MAC Directors may resolve to remove from the LGB some or all of the powers which would otherwise be delegated by this Scheme of Delegation:

- Standards and performance are low and likely to remain so without intervention.
- There has been a serious breakdown in management or in the way the academy is run which means that standards of performance have dropped or that there is a breach of MAC or DES policies and procedures.
- The safety of pupils and/or staff is threatened.
- Safeguarding procedures are inadequate.
- The DES informs the MAC Directors that it considers that the Catholic ethos of the academy is at risk.

The LGB shall work closely with and shall promptly implement any advice or recommendations made by the MAC Directors in the event that intervention is either threatened or is carried out by

the Secretary of State for Education and the MAC Directors have the absolute right to review or remove any power or responsibility conferred on the LGB under this Scheme of Delegation in those circumstances.