

# Barnet Special Education Trust



<b>Title</b>	<b>Scheme of Delegation inc. Delegation of Financial Powers</b>
<b>Purpose</b>	<p>To provide a written description of governance powers and duties within the Multi-Academy Trust.</p> <p>To ensure that secure financial and operational controls are in place for each provision managed by the Trust.</p> <p>To maintain compliance with;</p> <ul style="list-style-type: none"> <li>• Company Articles of Association</li> <li>• Master and Supplemental Funding Agreements</li> <li>• Other funding contracts</li> <li>• Academy Trust Handbook</li> <li>• Company and charity law</li> <li>• Employment, health and safety law</li> <li>• Equality and data protection law</li> </ul>
<b>Relevant to</b>	Members, Trustees, Local Governors, School Leaders
<b>Responsible Officer</b>	Headteacher (CEO/AO)
<b>Introduced</b>	1/2017
<b>Modification History</b>	1/2018, 1/2019, 10/2019, 10/2020, 10/2021
<b>Related Policies</b>	The Scheme of Delegation should be operated in conjunction with the Financial Regulations of Barnet Special Education Trust.
<b>Date Due for Review</b>	Autumn 2022
<b>Relevant committee for review</b>	Board of Trustees
<b>Approved by Board of Trustees</b>	6 <sup>th</sup> December 2021
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## A. INTRODUCTION

- A.1. [Barnet Special Education Trust](#) is an Academy Trust registered in England and Wales as a private company limited by guarantee, whose lawful activities are defined by its **Academy Articles of Association** and **Academy Trust Objects**. In particular the Trust has been established to maintain, establish and develop schools specially organised to make special educational provision for pupils with Special Educational Needs by managing and developing Special Academies and Free Schools.
- A.2. The Academy Trust's [Articles of Association](#) were signed by its Founding Members and follow the standard DfE model.
- A.3. Barnet Special Education Trust has entered into a [Master Funding Agreement](#) (MFA) with the Secretary of State for Education to form a Multi Academy Trust (MAT). This is an academy agreement as defined by section 1 of the Academies Act 2010.
- A.4. In order for the Academy Trust to establish and run a number of Academies in England, according to the provisions of the Academies Act 2010, and in order for the Secretary of State to make payments to the Academy Trust, the Academy Trust must meet the requirements of the MFA and with each **Supplemental Funding Agreement** (SFA) that has been entered into by the Academy Trust and the Secretary of State in respect of each Academy or Free School.
- A.5. Barnet Special Education Trust holds a [Supplemental Funding Agreement for Oak Lodge School](#) as a Special Academy Converter. Oak Lodge School is funded by ESFA to offer up to 195 specialist places for pupils with special educational needs and an Education, Health and Care Plan (EHCP).
- A.6. Members and Trustees must always act in accordance with the [Academy Trust Handbook](#) (ATH), issued annually by ESFA. Section 1.4 outlines the principle responsibilities of members. Section 1.3 outlines those of trustees.
- A.7. In accordance with ATH 1.3.9 members and trustees and local governors should follow guidance issued by the DfE in its [Governance Handbook](#).
- A.8. In accordance with Articles 5r and 5s, the Academy Trust may establish subsidiary companies to carry on business for the purposes of raising funds for the Academy Trust that are conducive to the achievement of its Objects.
- A.9. Barnet Special Education Trust has established [Oakbridge Special Education](#) as a private company limited by guarantee. The company's principle Object as noted in its [Articles of Association](#) is to act as a resource for young people aged 16-25 with special educational needs and disabilities by providing and organising programmes of education and associated activities.
- A.10. [Oakbridge Special Education](#) has entered into a [funding contract](#) with the Secretary of State as a Specialist Post-16 Institution (SPI). Oakbridge is funded by ESFA to offer up to 16 specialist places for students aged between 16-25 who have Special Educational Needs and an Education, Health and Care Plan (EHCP).

## B. POWERS AND DUTIES OF MEMBERS

- B.1. In accordance with the Articles of Association, Article 12, the Members of the Academy Trust comprise the signatories to the Memorandum and any person(s) appointed by special resolution under Article 15A, provided that at any time the minimum number of Members shall be three. Members may be removed by other Members in accordance with Articles 13 and 16.
- B.2. In accordance with ATH 1.4, Academy Trusts, as charitable companies limited by guarantee have Members who have a similar role to the shareholders of a company limited by shares. They;
- a. are the subscribers to the trust's memorandum of association (where they are founding members)
  - b. may amend the articles of association subject to any restrictions in the articles, the funding agreement or charity law.
  - c. may, in certain circumstances, appoint new members or remove existing members
  - d. have powers to appoint and remove trustees in certain circumstances
  - e. may, by special resolution (more than 75% of votes), issue direction to the trustees to take a specific action
  - f. appoint the trust's auditors and receive the trust's audited annual accounts (subject to the Companies Act)
  - g. have power to change the name of the company and, ultimately, wind up the academy trust.
- B.3. DfE minimum requirements before entering into a funding agreement are that academy trusts have at least three members, although their strong preference is to have at least five members, as this:
- a. provides for a more diverse range of perspectives
  - b. ensures members can take decisions via special resolution without requiring unanimity.
- B.4. Employees of the trust **must not** be members.
- B.5. A majority of members should be independent of the board of trustees.
- B.6. Members should be 'eyes on and hands off' to avoid compromising the board's discretion.
- B.7. If the governance of the trust by the board of trustees becomes dysfunctional, members must ensure the board has plans to address the issues or remove the board or individual trustees and re-appoint trustees with the skills necessary for effective governance.
- B.8. In accordance with ATH 1.3.6 and Article 57, members can decide whether to appoint the trust's senior executive leader as a trustee.

## C. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

- C1. In accordance with Article 45 the number of Trustees shall be not less than three but (unless determined by ordinary resolution) shall not be subject to any maximum.
- C2. In accordance with Article 58, Trustees appointed by Members may appoint Co-opted Trustees, taking account of **Academy Trust Handbook** (ATH) paragraph 1.6 that states “the Department’s strong preference is for no other employees to serve as trustees in order to retain clear lines of accountability.”
- C3. In accordance with ATH 1.3, Trustees are both charity trustees and company directors. As such trustees should focus on the three core functions of governance;
  - a. ensuring clarity of vision, ethos and strategic direction
  - b. holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff
  - c. overseeing and ensuring effective financial performance.
- C4. Having regard to the **Governors Handbook**, Trustees should operate and make decisions in the best interest of pupils and in line with the Trust’s charitable objects.
- C5. Trustees **must** comply with the trust’s charitable objects, with company and charity law, and with their funding agreement(s). The duties of company directors are described in sections 170 to 181 of the [Companies Act 2006](#) and in [Charity Commission Guidance](#), but in summary are to:
  - a. act within their powers
  - b. promote the success of the company
  - c. exercise independent judgement
  - d. exercise reasonable care, skill and diligence
  - e. avoid conflicts of interest
  - f. not accept benefits from third parties
  - g. declare interest in any proposed transactions or arrangements
- C6. Trustees must ensure regularity and propriety in use of the trust’s funds, achieving value for money.
- C7. The Chair of Trustees is responsible for ensuring the effective functioning of the board and for setting professional standards of governance.
- C8. In accordance with ATH 1.3.7, the board may delegate functions to committees. **Each committee** (other than those in a MAT constituted as a Local Governing Body) **must contain a majority of trustees**, but it may also include other people the board chooses to appoint.
- C9. Trustees should follow guidance in the [Governance Handbook and Competency Framework](#).
- C10. In accordance with ATH 1.5.1, the Board of Trustees must appoint, in writing, a senior executive leader and a named [accounting officer](#), who may also be a trustee. Until further notice, that shall person be **Lynda Walker**, Headteacher of Oak Lodge School.
- C11. The appointment of an accounting officer does not remove trustees’ responsibility for the proper conduct and financial operation of the Trust.
- C12. In accordance with ATH 1.6.1, the Board of Trustees must appoint a [Chief Financial Officer](#) (CFO), who is the Trust’s finance director or equivalent. Until further notice, that person shall be **Nathaniel Nye**, Business Director.

- C13. In accordance with ATH 2.1.2, the board and its committees **must** meet regularly enough to discharge their responsibilities and ensure robust governance and effective financial management arrangements. Board meetings **must** take place at least three times a year (and business conducted only when quorate). If the board meets less than six times a year it **must** describe in its governance statement, accompanying its annual accounts, how it maintained effective oversight of funds with fewer meetings.
- C14. In accordance with ATH 2.1.3, the board **must** approve a written scheme of delegation of financial powers that maintains robust internal controls.
- C15. In accordance with ATH 2.1.4, the academy trust should have a finance committee to which the board delegates financial scrutiny and oversight.
- C16. In accordance with ATH 2.1.5, the academy trust should appoint a clerk to the board of trustees who is someone other than a trustee, principal or chief executive of the trust.
- C17. In accordance with Article 93; subject to provisions of the Companies Act 2006, the Articles and to any directions given by special resolution, the business of the Academy Trust shall be managed by the Trustees.
- C18. In accordance with Article 94, the Trustees shall have the following powers:
- a. to spend the funds of the Academy Trust in the manner they consider most beneficial for the achievement of the Objects
  - b. to enter into contracts on behalf of the Academy Trust.
- C19. In accordance with Article 95, the Trustees may consider any advice given by the Chief Executive Officer and any other executive officer.
- C20. In accordance with Article 96, any bank account in which any money of the Academy Trust is deposited shall be operated by the Trustees in the name of the Academy Trust. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Trustees.
- C21. In accordance with Article 99, the minutes of the proceedings of a meeting of the Trustees shall be drawn up and entered into a book kept for the purpose by the person acting as Clerk for the purposes of the meeting; and shall be signed (subject to the approval of the Trustees) at the same or next subsequent meeting by the person acting as chairman.
- C22. In accordance with Article 100, the Trustees:
- a. may appoint committees to be known as Local Governing Bodies for each Academy
  - b. may establish any other committee.
- C23. In accordance with Article 101, the Trustees shall decide the constitution, membership and proceedings of any committee. The establishment, terms of reference, constitution and membership of any committee of the Trustees shall be reviewed at least once in every twelve months. The membership of any committee of the Trustees may include persons who are not Trustees, provided that (with the exception of the Local Governing Bodies) a majority of members of any such committee shall be Trustees. Except in the case of a Local Governing Body, no vote on any matter shall be taken at a meeting of a committee of the Trustees unless the majority of members of the committee present are Trustees.
- C24. In accordance with Article 101A, Trustees shall ensure that any Local Governing Body has at least 2 Parent Local Governors.

- C25. In accordance with Article 105, Trustees may delegate any of their powers or functions (including the power to sub-delegate) to any Trustee, committee (including any Local Governing Body), the Chief Executive Officer or any other holder of an executive office. Any such delegation shall be made in writing and subject to any conditions the Trustees may impose, and may be revoked or altered.
- C26. In accordance with Article 107, Trustees shall appoint the Chief Executive Officer and the Principals of the Academies. The Trustees may delegate such powers and functions as they consider are required by the Chief Executive Officer and the Headteachers for the internal organisation, management and control of the Academies (including the implementation of all policies approved by the Trustees and for the direction of the teaching and curriculum at the Academies).
- C27. In accordance with Article 109, Trustees shall hold at least three meetings in every school year. Meetings of the Trustees shall be convened by the Clerk. In exercising his functions, the Clerk shall comply with any direction:
- a. given by the Trustees; or
  - b. given by the chairman of the Trustees or, in his absence or where there is a vacancy in the office of chairman, the vice-chairman of the Trustees, so far as such direction is not inconsistent with any direction given as mentioned in (a).
- C28. In accordance with Article 117, subject to Article 119, the quorum for a meeting of the Trustees, and any vote on any matter, shall be any three Trustees, or any one third (rounded up to a whole number) of the total number of Trustees holding office at the date of the meeting, who are present at the meeting and entitled to vote on the matters to be resolved.
- C29. In accordance with Article 118, the Trustees may act notwithstanding any vacancies, but if the numbers of Trustees are less than the number fixed as the quorum, the continuing Trustees may act only for the purpose of filling vacancies or of calling a General Meeting.
- C30. In accordance with Article 119, the quorum for the purposes of:
- a. any vote on removal of a Trustee in accordance with Article 66; and
  - b. any vote on removal of the chairman of the Trustees in accordance with Article 90;
- shall be any two-thirds (rounded up to a whole number) of the persons who are at the time Trustees, present at the meeting and entitled to vote on those respective matters.
- C31. In accordance with Article 120, every question to be decided at a meeting of the Trustees shall be determined by a majority of the votes of the Trustees present and voting on the question. Every Trustee shall have one vote.
- C32. In accordance with Article 121, where there is an equal division of votes, the chairman of the meeting shall have a casting vote in addition to any other vote he or she may have.
- C33. In accordance with Article 124, but subject to Article 125, the Trustees shall ensure that a copy of:
- a. the agenda for every meeting of the Trustees;
  - b. the draft minutes of every such meeting, if they have been approved by the person acting as chairman of that meeting;
  - c. the signed minutes of every such meeting; and

- d. any report, document or other paper considered at any such meeting, are, as soon as is reasonably practicable, made available at every Academy to persons wishing to inspect them.
- C34. In accordance with Article 125: There may be excluded from any item required to be made available in pursuance of Article 124, any material relating to:
- a. a named teacher or other person employed, or proposed to be employed, at any Academy;
  - b. a named pupil or named student at, or candidate for admission or referral to, any Academy; and
  - c. any matter which, by reason of its nature, the Trustees are satisfied should remain confidential.
- C35. In accordance with Article 129, Trustees shall ensure that accounts are prepared in accordance with the relevant statement of recommended practice published by the Charity Commission from time to time (the “**Statement of Recommended Practice**”) as if the Academy Trust was a non-exempt charity and Parts 15 and 16 of the Companies Act 2006 and shall file these with the Secretary of State and the Principal Regulator (Companies House) by 31 December each Academy Financial Year.
- C36. In accordance with Article 130, Trustees shall prepare their Annual Report in accordance with the Statement of Recommended Practice as if the Academy Trust was a non-exempt charity and shall file this with the Secretary of State and the Principal Regulator (Companies House) by 31 December each Academy Financial Year.
- C37. In accordance with Article 131, Trustees shall comply with their obligations under Part 24 of the Companies Act 2006 (or any statutory re-enactment or modification) with regard to the preparation of an annual return to the Registrar of Companies and in accordance with the Statement of Recommended Practice as if the Academy Trust was a non-exempt charity and to the Secretary of State and the Principal Regulator by 31 December each Academy Financial Year.
- C38. Trustees shall meet the general obligations of the Academy Trust as specified in Section 1.13 to 1.20 of its Master Funding Agreement (MFA) with the Secretary of State for Education.
- a. To comply with all agreements in regard to governance in sections 1.21 to 1.29 of the MFA.
  - b. To ensure that all academies or special academies of the Trust remain compliant with MFA Section 2
  - c. To ensure that General Annual Grant (GAG) funding for its academies and special academies is only used for maintaining, carrying on, managing and developing the Academies in accordance with MFA 3.14 and 3.15 and the relevant Supplemental Funding Agreement for that Academy.
  - d. To comply with financial and accounting requirements in accordance with MFA 4.1 to 4.5A.
  - e. To follow all requirements of the **Academy Trust Handbook** in accordance with MFA 4.6 to 4.8
  - f. To prepare and file annual accounts and keep financial records in accordance with MFA sections 4.18 to 4.24.
- C39. To comply with all other requirements of the MFA and Supplemental Funding Agreement(s) not otherwise specified.

## **D. FINANCE, AUDIT AND RISK COMMITTEE**

**D.1.** Article 106: Where any power or function of the Trustees has been exercised by any committee (including any Local Governing Body), any Trustee, the Chief Executive Officer, any other holder of an executive office, or a person to whom a power or function has been sub-delegated under Article 105A, that person or committee shall report to the Trustees in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Trustees immediately following the taking of the action or the making of the decision.

### **D.2. Terms of Reference**

#### **1. Authority**

- 1.1. The Finance, Audit and Risk Committee is a Committee of the Board of Trustees and is authorised to:
  - 1.1.1. Review the management of the financial operation of the Trust through Committee meetings and recommend an annual budget to the Board of Trustees.
  - 1.1.2. Review outcomes of external audits and monitor remedial actions through to completion.
- 1.2. The Committee is authorised to obtain outside legal or independent professional advice it considers necessary, normally in consultation with the Accounting Officer and/or Chair of Trustees. However, the Committee may not incur expenditure outside of planned activities or Scheme of Delegation without the prior approval of the Board.

#### **2. Role**

- 2.1. The Committee is to maintain an oversight of financial operation (including value for money), governance, risk management, internal control and external audit findings. It will report outcomes to the Board of Trustees including but not limited to external audit outcomes (annual year end audit, interim audit and Responsible Officer outcomes).
- 2.2. Draft and keep under review the staffing structure and personnel policies of Barnet Special Education Trust in consultation with the Headteacher and Local Governing Body.
- 2.3. Review the recommendations of the Headteacher with regard to salaries and any discretionary awards.
- 2.4. Review any report from the Headteacher or her appointed deputy in relation to the operation of school or other provisions' buildings and grounds.

#### **3. Duties**

##### **3.1. Finance**

- 3.1.1. To determine, and recommend to the Board of Trustees, the annual budget plan

- 3.1.2. To establish and maintain an up to date 3-year financial plan
- 3.1.3. To monitor the budget position against the projected position
- 3.1.4. To ensure that the school operates within the appropriate financial regulation according to agreed policies and the Scheme of Delegation.
- 3.1.5. To periodically review school policies relating to finance and audit, including the financial and operational Risk Register.

### **3.2. Audit**

- 3.2.1. Advise the Board of Trustees on the appointment, re-appointment, dismissal and remuneration of the external and regularity auditor.
- 3.2.2. Review the external auditor's annual planning document and approve the planned audit approach
- 3.2.3. Receive reports (annual reports, management letters etc) from the external auditor and other bodies, for example the EFA and NAO (National Audit Office), and consider any issues raised, the associated management response and action plans. Where deemed appropriate, reports should be referred to the Board or other committee for information and action.
- 3.2.4. Consider any additional services delivered by the external auditor or other assurance provider and ensure appropriate independence is maintained.
- 3.2.5. Ensure appropriate cooperation and coordination of the work of the external auditor and responsible officer.

### **3.3. Pay**

- 3.3.1. Achieve the aims of the whole school pay policy in a fair and equal manner.
- 3.3.2. Observe all statutory and contractual obligations;
- 3.3.3. Consider the staff salary recommendations of the Headteacher in accordance with school policy.
- 3.3.4. Consider the salary recommendations of the Headteacher's appraisal.
- 3.3.5. Minute clearly the reasons for all decisions and report the fact of these decisions to the next meeting of the Board of Trustees;
- 3.3.6. Recommend to the Board of Trustees the annual budget needed for pay, bearing in mind the need to ensure the availability of monies to support any exercise of pay discretion;
- 3.3.7. Keep apprised of relevant regulatory developments and advise the Board of Trustees when the Trust's pay policy needs to be revised;
- 3.3.8. Work with the Headteacher to ensure that the Board of Trustees complies with the Appraisal Regulations 2012 (Teachers).

### **3.4. Resources**

- 3.4.1. To provide guidance to the Board of Trustees on matters relating to school grounds, buildings and other major resources;
- 3.4.2. To consider and review the facilities and resources available and prepare a statement of priorities for maintenance and development for the approval of the Board;
- 3.4.3. To have oversight of premises related funding applications (e.g. Condition Improvement Fund) as may be prepared.

## **4. Administration**

- 4.1. The Committee will meet at least once per term.

- 4.2. The Committee will elect a Chair and a Vice-Chair every two years (neither may be an employee of the school)
- 4.3. The Committee will be quorate if three voting members are present.
- 4.4. The Committee will appoint a Clerk who will provide administrative support.
- 4.5. The Chair of the Committee will agree the agenda in advance (based on, but not limited to, a pre-agreed annual schedule of activity) and papers will be circulated to members and attendees at least 5 working days in advance of the meeting.
- 4.6. Minutes of meetings will be taken and once approved in draft by the Chair of the Committee, be submitted to the next scheduled meeting of the Board of Trustees.
- 4.7. A register of attendance for each meeting of the Committee shall be kept and published annually.
- 4.8. The minutes of pay items on the Committee agenda will be placed in the confidential section of that agenda to be either received or referred back. Reference back may occur only if the Committee has exceeded its powers under the policy.
- 4.9. Any employee other than the Headteacher, shall withdraw from any meeting of the Committee when the subject for consideration is the pay or performance review of any other employee.
- 4.10. The Committee will review these terms of reference and its performance against them annually.

## 5. Committee Membership 2021-22

<b>Name</b>	<b>Status</b>
Richard Weisfeld (Chair)	Trustee
Val White	Trustee
Ola Ajadi	Trustee
Tom Burns	Trustee
David Spencer	Trustee
Emmet Giltrap	Oak Lodge Local Governor

## **E. OAK LODGE SCHOOL LOCAL GOVERNING BODY**

**E.1.** Article 106: Where any power or function of the Trustees has been exercised by any committee (including any Local Governing Body), any Trustee, the Chief Executive Officer, any other holder of an executive office, or a person to whom a power or function has been sub-delegated under Article 105A, that person or committee shall report to the Trustees in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Trustees immediately following the taking of the action or the making of the decision.

### **E.2. Local Governing Body Terms of Reference**

#### **1. INTRODUCTION**

- 1.1. As a charity and company limited by guarantee, Barnet Special Education Trust (the “**Trust**”) is governed by a Board of Trustees (the “**Trustees**”) who have overall responsibility and ultimate decision-making authority for all the work of the Trust, including the establishing and running of the provisions maintained by the Trust.
- 1.2. In order to assist with the discharge of their responsibilities, the Trustees will establish a Local Governing Body (“**LGB**”) for each of its provisions. The LGBs shall be committees established pursuant to Articles 100 to 104 (inclusive) of the Articles of Association of the Trust (the “**Articles**”).
- 1.3. Trustees may from time to time delegate any other of their powers or functions to LGBs in accordance with paragraphs 105 to 106 of the Articles.
- 1.4. These terms of reference apply to each LGB established by the Trustees and may only be amended by the Trustees.
- 1.5. The Trustees may review these terms of reference at any time but shall review them at least annually.

#### **2. PURPOSE**

- 2.1. The role of each LGB is to ensure that student performance, progress and outcomes are maximised; that resources of the school are used effectively; that the school promotes and protects the safety and wellbeing of its students and staff; and that the school complies with all health & safety, equality and other relevant statutory regulations and the Funding Agreements.

#### **3. MEMBERSHIP**

- 3.1. Each LGB operating in respect of one provision shall, unless the Trustees resolve otherwise, have a minimum of five members and a maximum of eleven members.

3.2. Each LGB operating in respect of two or more provisions shall, unless the Trustees resolve otherwise, have a minimum of seven members and a maximum of thirteen members.

3.3. The membership of each LGB (each an **LGB Member**) shall be as follows (unless the Trustees resolve otherwise):

1. At least two parent members;
2. One staff member;
3. The Head Teacher of the academy;
4. Up to four persons appointed by the Trustees;
5. Subject to paragraph 3.5, up to three other persons co-opted by members of the LGB;

3.4. The LGB shall:

3.4.1. Make all necessary arrangements for, and determine all other matters relating to, an election of parent LGB Members, including any question of whether a person is a parent of a registered pupil at an Academy. Any election of a parent member which is contested shall be held by secret ballot;

3.4.2. Make all necessary arrangements for, and determine all matters relating to, the election of staff LGB Members.

3.5. The LGB Members may only appoint co-opted members with the consent of the Trustees.

3.6. The term of office for any LGB Member shall be four years, save that this time limit shall not apply to the Head Teachers. Subject to remaining eligible, any member may put themselves forward for re-appointment or re-election (as the case may be).

3.7. Subject to paragraph 3.8:

3.7.1. Subject to the approval of the Trustees, the LGB shall appoint a LGB Member to act as chair of the LGB (the **Chair**);

3.7.2. The LGB Members shall at the first meeting of each academic year appoint a LGB Member to act as vice-chair of the LGB (the **Vice-Chair**);

3.7.3. The LGB Members will elect a temporary replacement from among the members present at the meeting in the absence of both the Chair and the Vice-Chair.

3.8. No person may act as Chair under paragraph 3.7 if they are an employee of the Trust.

#### **4. REMIT OF THE LGB**

4.1. The LGB shall:

- 4.1.1. Appoint a Clerk to the LGB
- 4.1.2. Act as a critical friend to the Head Teacher;
- 4.1.3. Support the Trust's senior leadership staff to address parental or other complaints pursuant to Trust policy.

4.2. The LGB shall have regard to the Department for Education document, "A Competency Framework for Governance", January 2017 and in particular but not limited to;

- Strategic Leadership;
- Accountability for educational standards and financial performance;
- Compliance.

4.3. A detailed description of the financial responsibilities of the LGB is set out in the Trust's Financial Scheme of Delegation in Appendix 1.

4.4. With the consent, or at the requirement of the Trustees, the LGB may establish further sub-committees in order to more efficiently discharge their responsibilities.

4.5. The Trustees will retain the option to appoint a Trustee to any LGB sub-committee.

4.6. Without prejudice to the Trustees' other rights to remove any governor and the Trustee's rights to amend these terms of reference at any time, where the Trustees have concerns about the performance of an LGB they may amongst other actions:

- 4.6.1. Require the relevant LGB to adopt and comply with a governance action plan in such form as determined by the Trustees;
- 4.6.2. Suspend or remove any or all of the matters delegated to the LGB;
- 4.6.3. Suspend or remove any or all of the governors of the relevant LGB;

4.7. The Trustees may exercise their powers in connection with clause 4.6 where:

- 4.7.1. The Trustees (acting reasonably) have concerns about governance or operations at the Academy;
- 4.7.2. The Academy has a deficit budget (both revenue and capital) in excess of targets set by the Trustees from time to time;
- 4.7.3. The Trustees (acting reasonably) have concerns about the finances of the Academy;
- 4.7.4. The Academy has materially or consistently failed to obtain key performance indicators set by the Trustees;

## 5. Duties

- 5.1. To ensure that the school complies with all health & safety, equality and other relevant statutory regulations and the Funding Agreements.
- 5.2. To ensure that student performance, progress and outcomes are maximised; that resources of the school are used effectively; that the school promotes and protects the safety and wellbeing of its students and staff.
- 5.3. To ensure that a robust safeguarding culture is embedded in school practice.
- 5.4. To ensure that all statutory policies related to health and safety, safeguarding, equalities, curriculum and learning are in place and that they are published, reviewed, amended or introduced according to current regulation.
- 5.5. To ensure that all Governing Body and other Committee decisions are based on raising the achievement of all students.
- 5.6. To encourage the spiritual, cultural and moral development of all students.
- 5.7. To ensure that the school curriculum in its widest sense promotes equality, community cohesion and British values.
- 5.8. To receive reports on and review student attendance and exclusions.
- 5.9. To consider arrangements for Religious Education and Acts of Collective Worship.
- 5.10. To ensure the Special Educational Needs and Disabilities Code of Practice is promoted and that individual student's Special Educational Needs are met.
- 5.11. To establish and keep under review an Accessibility Plan;
- 5.12. To consider and review the facilities and resources available and prepare a statement of priorities for maintenance and development for the approval of the Trustees;
- 5.13. To consider the aims and priorities for raising educational standards and student outcomes in the school's development plan;
- 5.14. To ensure that curriculum plans promote the school ethos and meet the needs of the students and keep under review the systems used to monitor and measure student progress.
- 5.15. To consider and evaluate the effective use of Pupil Premium funding received by the school.
- 5.16. To receive reports on the quality of teaching and learning and make recommendations to the Trustees.

- 5.17. To monitor and evaluate the implementation of the Appraisal procedure and its effect on the quality of teaching and learning.
- 5.18. To consider any complaints relating to the school in accordance with the Complaints Procedure of Barnet Special Education Trust.

## **6. LGB MEETINGS**

- 6.1. The LGB will meet a minimum of three times a year.
- 6.2. The quorum for the transaction of the business of the LGB shall be five LGB Members provided that at least one of them is a LGB Member appointed by the Trustees.
- 6.3. Every matter to be decided at a meeting of the LGB must be determined by a majority of the votes of the LGB Members present and voting on the matter. Each member present in person shall be entitled to one vote. Where there is an equal division of votes the Chair shall have a casting vote.
- 6.4. Subject to paragraph 5.5, the LGB may invite attendance at meetings from persons who are not LGB Members to assist or advise on a particular matter or range of issues. Such persons may speak with the permission of the Chair but shall not be entitled to vote.
- 6.5. The Chief Executive Officer and other members of the Trust's senior management team are entitled to attend and, with the permission of the Chair, speak at LGB meetings.
- 6.6. A register of attendance shall be kept for each LGB meeting and published annually.
- 6.7. All LGB Members should fulfil their duties in line with the seven principles of public life as detailed in the DfE publication, Competency Framework for Governance. They should also be mindful of their responsibilities under equality legislation, recognising and encouraging diversity and inclusion. They should understand the impact of effective governance on the quality of education and on outcomes for all children and young people.
- 6.8. References in paragraph 5 to the "Chair" shall in the absence of the Chair be deemed to be references to the chair of the relevant meeting.

## **7. LGB MEMBERS' INTERESTS**

- 7.1. LGB Members are required to declare any business or other interests in any item being discussed at a meeting.
- 7.2. Each LGB Member, if present at a meeting of the LGB, who discloses their interest, shall withdraw from the meeting and not vote on a matter if:
- 7.2.1. There may be a conflict between their interests and the interests of either the provision or the Trust;

- 7.2.2. There is reasonable doubt about their ability to act impartially in relation to a matter where a fair hearing is required; or
- 7.2.3. They have a personal interest (this is where they and/or a close relative will be directly affected by the decision of the LGB in relation to that matter) in a matter.

## **8. DISQUALIFICATION & REMOVAL OF LGB MEMBERS**

8.1. A person shall be ineligible for appointment to the LGB and, if already appointed, shall immediately cease to be a LGB Member if the relevant individual:

- 8.1.1. Is or becomes disqualified from holding office under the Articles;
- 8.1.2. Is or becomes disqualified from holding office as a governor of a school or academy;
- 8.1.3. Is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;
- 8.1.4. Is barred from any regulated activity relating to children;
- 8.1.5. Is or becomes bankrupt or makes any arrangement or composition with his/her creditors generally; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
- 8.1.6. Is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed or any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974);
- 8.1.7. Has been fined for causing a nuisance or disturbance on school/academy premises during the 5 years prior to or since appointment or election as an LGB Member;
- 8.1.8. Refuses to an application being made to the Disclosure and Barring Services (DBS) for a criminal records check;
- 8.1.9. Is absent without the permission of the LGB Members from all their meetings held within a period of six months and the LGB Members resolve that their office be vacated;
- 8.1.10. Resigns their office by notice in writing to the Chair;
- 8.1.11. In the case of the Head Teacher, they cease to be the Head Teacher;
- 8.1.12. Their term of office expires and they are not re-appointed.

8.2. The Trustees shall have the right at their sole discretion to remove or suspend (on such terms as they see fit) any LGB Member by written notice to the Chair.

## 9. REPORTING PROCEDURES

9.1. Within 21 days of each meeting the LGB will produce and agree minutes of its meetings (the **Minutes**).

9.2. LGB Members can agree the Minutes by email.

9.3. The Minutes will be made available to the Trustees within 21 days following each LGB meeting.

## 10. Committee Membership 2021-22

<b>Name</b>	<b>Status</b>
Danny Chilvers	Elected Staff Governor
Julian Cole	Trust appointed Local Governor
Laura Crane	Trustee
Janet Dobney	Trustee
Emmet Giltrap (Chair)	Elected Parent Governor
Ella Rachamim	Trust appointed Local Governor
Grace Stogdon	Trust appointed Local Governor
Anita Talwar	Elected Parent Governor
Lynda Walker	Trustee (Headteacher & Accounting Officer)

## G. OAKBRIDGE SPECIAL EDUCATION BOARD OF DIRECTORS

G.1. Article 106: Where any power or function of the Trustees has been exercised by any committee (including any Local Governing Body), any Trustee, the Chief Executive Officer, any other holder of an executive office, or a person to whom a power or function has been sub-delegated under Article 105A, that person or committee shall report to the Trustees in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Trustees immediately following the taking of the action or the making of the decision.

### G.2. Terms of Reference

#### 1. Introduction

- 1.1. Oakbridge Special Education is an exempt charitable company limited by guarantee and not having share capital registered in England and Wales ([Company number 11390386](#)).
- 1.2. Barnet Special Education Trust ([Company number 10034425](#)), is the sole Corporate Member of the company and has the right to appoint and remove directors/trustees. In accordance with Company Article 2 the liability of a member is limited to £10, being the amount that it undertakes to contribute to company assets in the event of the company being wound up, for payment of debts, liabilities and other associated costs.
- 1.3. In accordance with Article 3(1), the objects of the Company are to act as a resource for young people aged 16-25 with special educational needs and disabilities by providing and organising programmes of education and associated activities, developing their vocational skills and capabilities to enable them to participate actively in society.
- 1.4. In accordance with Article 3(2), the Company will ensure that any profit arising from its supply of education and associated activities is used solely for the continuation and improvement of such supplies.
- 1.5. The Company will establish a Board of Directors/Trustees to be appointed by the Corporate Member. The Board will be responsible for the management of the company's business, for which purpose they may exercise all the powers of the company in accordance with Article 4.
- 1.6. Members may exercise reserve powers by special resolution to direct the Board to take or to refrain from taking specified action, in accordance with Article 5.
- 1.7. These terms of reference may only be amended by the Corporate Member, who shall review them at any time but at least annually.
- 1.8. The Company has entered into an agreement with the Secretary of State for Education to establish Oakbridge Special Education as a Specialist Post-16 Institution.

## **2. Board of Directors**

- 2.1. The Board of Directors/Trustees will be responsible for the management of the company's business, for which purpose they may exercise all the powers of the company in accordance with Article 4.
- 2.2. In accordance with Articles 6 and 7, the Board may delegate any of the powers conferred on them under the articles as they think fit. The Board may revoke any delegation so made, or alter its terms and conditions.
- 2.3. Directors/Trustees shall take decisions collectively in accordance with Article 8. All decisions of the Board shall be either a majority decision at a meeting or a unanimous decision in accordance with Article 9.
- 2.4. Any Directors/Trustees may call a Directors/Trustees meeting by giving notice of that meeting, or by authorising the company secretary (if any) to give such notice.
- 2.5. A meeting of the Board shall be conducted in accordance with Article 11. This means that not all directors need be present in the same place as long as any information or opinion they have on any item in the business of the meeting can be communicated to other participants.
- 2.6. In accordance with Article 12, the quorum for a meeting of the Board must never be less than two, and unless otherwise fixed, is two. If the total number of Directors/Trustees is less than the quorum required, directors must decide to call a general meeting so as to enable the Corporate Member to appoint further Directors/Trustees.
- 2.7. The Board may appoint a Director/Trustee to chair business meetings of the Board.
- 2.8. The chair will have a casting vote if required.
- 2.9. The Board will treat any conflict of interest arising in the business of the meeting in accordance with Article 15.
- 2.10. The Board will ensure that a written record is kept of all decisions of the Board for a minimum period of 10 years
- 2.11. The Corporate Member will appoint a representative to chair all general meetings of the Board in accordance with Article 42.

## **3. REMIT OF THE BOARD OF DIRECTORS**

- 3.1. The Board shall:
  - 3.1.1. Appoint a Clerk to the Board
  - 3.1.2. Act as a critical friend to the Provision Manager and other senior leaders holding executive power;
  - 3.1.3. Support the provision to address parental or other complaints pursuant to company policy.

- 3.2. The Board shall have regard to the Department for Education document, “A Competency Framework for Governance”, January 2017 and in particular but not limited to;
  - 3.3.1. Strategic Leadership;
  - 3.3.2. Accountability for educational standards and financial performance;
  - 3.3.3. Compliance.
- 3.3. The Board must satisfy itself that the provision maintains compliance with the terms and conditions of its funding contract with the Secretary of State, to allocate sufficient resources and supply educational activities in compliance with conditions outlined in:
  - 3.3.1. Section 4.3 (legal frameworks)
  - 3.3.2. Section 6 (quality assurance)
  - 3.3.3. Section 7 (third party licences)
  - 3.3.4. Sections 8-9 (liabilities and insurances)
  - 3.3.5. Sections 10-13 (freedom of information and data protection)
  - 3.3.6. Section 14 (safeguarding)
  - 3.3.7. Section 15 (access and monitoring e.g. Ofsted)
  - 3.3.8. Section 16 (prohibited activities)
  - 3.3.9. Schedule 1 (the learning activities)
  - 3.3.10. Schedule 3 (document retention and supply of data)

#### **4. BOARD MEETINGS**

- 4.1. The Board will meet a minimum of three times a year.
- 4.2. The quorum for the transaction of business shall be two directors.
- 4.3. Every matter to be decided must be determined by a majority of the votes of the Directors/Trustees present and voting on the matter. Each director deemed present shall be entitled to one vote. Where there is an equal division of votes the Chair shall have a casting vote.
- 4.4. Subject to paragraph 4.5, the Board may invite attendance at meetings from persons who are not directors to assist or advise on a particular matter or range of issues. Such persons may speak with the permission of the Chair but shall not be entitled to vote.
- 4.5. A clerk shall be appointed to minute the meeting and a register of attendance shall be kept and published annually.
- 4.6. All Directors/Trustees should fulfil their duties in line with the seven principles of public life as detailed in the DfE publication, Competency Framework for Governance. They should also be mindful of their responsibilities under equality legislation, recognising and encouraging diversity and inclusion. They should understand the impact of effective governance on the quality and outcomes of the education services provided.

4.7. References to the “Chair” shall in the absence of the Chair be deemed to be references to the chair of the relevant meeting.

## **5. DIRECTORS’/TRUSTEES RELATED PARTY INTERESTS**

5.1. Directors/Trustees and other persons attending are required to declare any business or other interests in any item being discussed at a meeting.

5.2. Each person, if present at a meeting of the Board, who discloses their interest, shall withdraw from the meeting and not vote on a matter if:

5.2.1. There may be a conflict between their interests and the interests of either the provision or the Company;

5.2.2. There is reasonable doubt about their ability to act impartially in relation to a matter where a fair hearing is required; or

5.2.3. They have a personal interest (this is where they and/or a close relative will be directly affected by the decision of the Board in relation to that matter) in a matter.

## **6. DISQUALIFICATION & REMOVAL OF DIRECTORS’/TRUSTEES**

6.1. A person shall be ineligible for appointment to the Board and, if already appointed, shall immediately cease to be a director if the relevant individual:

6.1.1. Is or becomes disqualified from holding office under the Articles;

6.1.2. Is or becomes disqualified from holding office as a governor of a school or academy;

6.1.3. Is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people;

6.1.4. Is barred from any regulated activity relating to children;

6.1.5. Is or becomes bankrupt or makes any arrangement or composition with his/her creditors generally; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;

6.1.6. Is convicted of any criminal offence (other than minor offences under the Road Traffic Acts or the Road Safety Acts for which a fine or non-custodial penalty is imposed or any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974);

6.1.7. Has been fined for causing a nuisance or disturbance on company premises during the 5 years prior to or since appointment or election as a director;

- 6.1.8. Refuses to an application being made to the Disclosure and Barring Services (DBS) for a criminal records check;
  - 6.1.9. Is absent without the permission of the directors from all their meetings held within a period of one year and the directors resolve that their office be vacated;
  - 6.1.10. Resigns their office by notice in writing to the Chair;
  - 6.1.11. In the case of the Head Teacher, they cease to be the Head Teacher;
  - 6.1.12. Their term of office expires and they are not re-appointed.
- 6.2. The Corporate Member shall have the right to remove or suspend (on such terms as they see fit) any director by written notice to the Chair.

## 7. REPORTING PROCEDURES

- 7.1. Within 21 days of each meeting the Board will produce and agree minutes of its meetings (the **Minutes**).
- 7.2. Directors can agree the Minutes by email.
- 7.3. The Minutes will be made available to the Corporate Member within 21 days following each directors' meeting.

## 8. Board Membership 2020-21

<b>Name</b>	<b>Status</b>
Nelma Antonio	Director/Trustee (Appointed 15/11/2021)
Nim Bansal	Director/Trustee
Linnie Domb	Director/Trustee (Appointed 15/11/2021)
Amy Rose McClean	Director/Trustee (Appointed 15/11/2021)
Suresh Vaghela	Director/Trustee
Lynda Walker	Director/Trustee & BSET Trustee (Headteacher & Accounting Officer)

## H. Appendix 1: DELEGATION OF FINANCIAL POWERS

### H1. BOARD OF TRUSTEES

#### 1. General

1.1 The Trustees will approve a written scheme of delegation of financial powers and duties to its schools/academies. The scheme must satisfy the Trustees ultimate responsibility for ensuring that there are adequate operational controls in place for all the financial processes within each school/academy. The Scheme of Delegation should be operated in conjunction with the Financial Regulations of Barnet Special Education Trust. Trustees must oversee the trust's financial affairs, holding executive leadership to account, in accordance with the Academy Trust Handbook.

#### 2. Audit

- 2.1 The Trustees should ensure that the academy trust meets audit requirements and that ESFA is notified of any changes or irregularities within its schools/academies. The trustees as well as the local governing bodies of each school/academy should receive all audit reports.
- 2.2 The Trustees should oversee the arrangement for the appointment of external auditors, and inform ESFA in the event of the removal or resignation of external auditors.
- 2.3 The Trustees should receive the reports of the external auditor and the audit committee.
- 2.4 The Trustees should receive the reports of the Responsible Officer/Internal Auditors on the use of resources, systems of internal financial control, and discharge of financial responsibilities.
- 2.5 The Trustees should inform ESFA if it suspects any irregularity affecting resources.

#### 3. Budgets/Budgetary Control

- 3.1 The trustees should oversee the preparation of the draft financial statements for each school/academy prior to audit and to approve the audited financial statements prior to submission to the Secretary of State by 31 December each year.
- 3.2 The trustees should ensure that each school/academy has approved its annual budget by the end of June prior to the start of each financial year and reported the budget to the trustees.
- 3.3 The trustees should consider budgetary control reports of trust accounts at every meeting of Barnet Special Education Trust, with relevant explanations and documentation where required.
- 3.4 The trustees should authorise all virements between or within budget headings for each school/academy in accordance with the schedule below. Details of all virements, approved and authorised by the Director of Finance are to be formally notified to the trustees and the Local Governing Body of the school/academy as appropriate.
- 3.5 Chairs of Trust Boards must ensure they are in receipt of full management accounts monthly. The remainder of the Board should receive full management accounts bi-monthly.

3.6 Boards of Trustees must meet frequently enough to ensure regularity in the use of funds. If the Board meets fewer than six times in the year, it must describe in its annual governance statement how it has maintained effective oversight of funds.

#### **4. Contracts**

- 4.1 Trustees shall minute the reasons for their decision to accept any tenders other than the most financially favourable, or those that are late.
- 4.2 Trustees shall maintain a Register of Business and Pecuniary Interests (Related Party Transactions) for all trustees and Barnet Special Education Trust staff involved in the short listing or awarding of contracts on behalf of the Trust or its schools/academies. Trustees will also ensure the maintenance of a Register of Business and Pecuniary Interests for each of its schools/academies that includes all local governors, budget holders and senior staff.
- 4.3 In accordance with the Academy Trust Handbook, from 1<sup>st</sup> April 2019, trusts must report all transactions valued in excess of £20,000 with related parties in advance using the ESFA online form.
- 4.4 Trustees should authorise the advertising of all tenders above the OJEU (Official Journal of the European Union) limit (currently €135,000), and also authorise the award of all such tenders.
- 4.5 In accordance with the Academy Trust Handbook 3.2.1; novel, contentious and/or repercussive transactions must always be referred to ESFA for approval, in such time as to enable referral to HM Treasury.

#### **5. Income**

- 5.1 Trustees should authorise the write off of any debts that are not collectable and obtain the Secretary of State's prior approval if debts to be written off are above the value set out in the annual funding letter.

#### **6. Security of Assets**

- 1.0 Trustees will authorise the disposal of individual items of equipment and materials owned by Barnet Special Education Trust that have become surplus to requirements, unusable or obsolete with an original purchase as per schedule below.

## **H2. FINANCE, AUDIT AND RESOURCES COMMITTEE**

### **1. General**

- 5.1.** Exercising the powers and duties of the trustees in respect of the financial administration of the schools/academies, except for those items specifically reserved for the Local Governing Body and those delegated to the Headteacher/Principal, or those delegated to other staff by the Headteacher.
- 5.2.** Reporting on decisions taken under delegated powers to the next meeting of the Board of Trustees.

### **2. Audit**

- 2.1.** Ensure that the academy trust meets audit requirements, that ESFA is notified of any changes or irregularities within its schools/academies and that trustees and the local governing bodies of each school/academy receive all audit reports.
- 2.2.** Oversee the arrangement for the appointment of external auditors, and inform ESFA in the event of the removal or resignation of external auditors.
- 2.3.** Receive the reports of the external auditor and the audit committee, acting according to the recommendations.
- 2.4.** Receive the reports of the Responsible Officer/Internal Auditor on the use of resources.

### **3. Budgets/Budgetary Control**

- 3.1.** Considering budgetary control reports on the academy trust's financial position at every meeting, take appropriate action to contain expenditure within the budget and report to the Board of Trustees.
- 3.2.** Reviewing the virement of sums between and within budget heads, subject to a limit according to schedule. Details of all virements approved and authorised by the Headteacher /Finance Director are to be formally notified to the Finance Committee who shall minute the notification.
- 3.3.** Reporting to the Board of Trustees all significant financial matters and any actual or potential overspending.

### **4. Contracts and purchasing**

- 4.1.** Authorising the award of contracts or purchases as per schedule below and under the OJEU limit

### **5. Insurances**

- 5.1.** Ensuring that arrangements for insurance cover are in place and adequate.

### **6. Security of Assets**

- 6.1.** Ensuring that there are annual independent checks of assets and the asset register.
- 6.2.** Authorising the disposal of individual items of equipment and materials that have become surplus to requirements, unusable or obsolete with an original purchase as per the schedule below and reporting such authorisations to the Board of Trustees.

### **H3. LOCAL GOVERNING BODY**

#### **1. Budgets/Budgetary Control**

- 1.1.** Formally submitting for approval, the annual school budget by the end of June prior to the start of each financial year.
- 1.2.** Considering budgetary control reports at every meeting from the Finance Committee with relevant explanations and documentation where required.

#### **2. Contracts**

- 2.1.** Ensuring that the Local Governing Body only accepts tenders other than the most financially favourable, or late tenders, if they minute the reasons for their decision.
- 2.2.** Maintenance of a Register of Business Interests for all governors and those Academy staff involved in the short listing or awarding of contracts.

#### **3. Income**

- 3.1.** Ensuring the authorisation of debt write offs that are not collectable (the Secretary of State's prior approval is also required if debts to be written off are above the value set out in the annual funding letter).

#### **4. Security of Assets**

- 4.1.** Ensuring the authorisation of the disposal of individual items of equipment and materials that have become surplus to requirements, unusable or obsolete with an original purchase as per schedule below owned by the school/academy.

#### **5. Personnel**

- 5.1.** Authorising permanent changes to the Academy's establishment.

#### **H4. THE HEADTEACHER (Accounting Officer)**

The Headteacher of Oak Lodge School has the role of Chief Executive Officer and shall be responsible for:

##### **1. Accounts**

- 1.1. The operation of financial processes within the academy trust, ensuring that adequate operational controls are in place and that the principles of internal control are maintained.
- 1.2. Ensuring that full, accurate and up to date records are maintained in order to provide financial and statistical information.

##### **2. Audit**

- 2.1. Ensuring that all records and documents are available for audit by the appointed external auditors and by the Responsible Officer/Internal Auditors.

##### **3. Budgetary control**

- 3.1. Reviewing income and expenditure reports and highlighting actual or potential overspending to the Finance Committee.
- 3.2. Approving the virement between and within budget headings as per schedule below and reporting such approval to the Finance Committee.

##### **4. Contracts**

- 4.1. Exercising the following powers and duties of the Board of Trustees in respect of the Financial Regulations relating to Contracts:
  - 4.1.1. Ensuring that all contracts and agreements conform with the Financial Regulations
  - 4.1.2. Acceptance of quotations as per schedule below.
  - 4.1.3. Receipt and custody of all tenders.
  - 4.1.4. Authorisation of senior members of staff to open tenders.
  - 4.1.5. Signing contracts on behalf of the Academy Trust.
- 4.2. Authorisation of contracts and expenditure in conjunction with the Director of Finance as per schedule below.

##### **5. Financial Management**

- 5.1. Ensuring the arrangements for collection of income, ordering of goods and services, payments and security of assets are in accordance with the Financial Regulations.

##### **6. Security of Assets**

- 6.1. Ensuring that proper security is maintained at all times for all buildings, furniture, equipment, vehicles, stocks, stores, cash, information and records etc. under his/her control.

##### **7. Personnel**

- 7.1. Approving new staff appointments within the authorised establishment (which may also be delegated to deputy headteachers).

## **H5 BUSINESS DIRECTOR (CHIEF FINANCIAL OFFICER)**

- 1.** The Trustees/Governors have appointed a Business Director to be the Chief Financial Officer (CFO) who will act as the Trust's Finance Director. The CFO will have a strategic overview of academy operations and will combine their specific financial responsibilities with a range of other support and leadership responsibilities.
- 2.** Key responsibilities of the CFO will include:
  - 2.1. The preparation and monitoring of the budget;
  - 2.2. The preparation of the annual accounts;
  - 2.3. Liaison with auditors.
  - 2.4. Strategic and technical advice
- 3.** The CFO will ensure that the needs of the Trust are adequately served by employing staff or contractors with relevant skills and knowledge at the relevant time. Finance Officers of Academies will be appointed in liaison with the CFO and Trustees.
- 4.** The CFO will be responsible for all periodic checking of financial controls assigned to the role in accordance with the Financial Regulations Policy.
- 5.** The CFO will ensure the timely submission of all statutory returns to the ESFA.
- 6.** The CFO (in liaison with the appointed Clerk/Governance Professional) will ensure that accurate up-to-date records of members, trustees/directors and local governors are held by relevant authorities, including DfE and Companies House.

## **H6 FINANCE MANAGER**

The Finance Manager of each school will be responsible for preparing and maintaining the following:

### **1. Banking Arrangements**

- 1.1. Maintaining proper records of account and reviewing monthly bank reconciliations.

### **2. Budgets/Budgetary Control**

- 2.1. Regular monitoring of expenditure and income against the approved budget and submitting reports on the school/academy's financial position to every meeting of the Finance Committee. Any actual or potential overspending shall be reported to the Finance Committee.
- 2.2. Preparing an annual draft budget plan for consideration by the Finance Committee before the start of the relevant financial year.
- 2.3. Approving virements between and within budget headings as per schedule below and reporting such approval to the Finance Committee.

### **3. Contracts**

- 3.1. Maintaining a register of formal contracts entered into, amounts paid and certificates of completion.
- 3.2. Retention of quotes obtained for goods, works and services.

### **4. Income**

- 4.1. Ensuring that all income is accurately accounted for and is promptly collected and banked intact.

### **5. Insurances**

- 5.1. Notifying the Finance Committee on any eventuality that could affect the school/academy's insurance arrangements.

### **6. Orders for goods, works and services**

- 6.1. Authorising members of staff to order or receive goods and certify invoices for payment, ensuring the appropriate division of these duties between the staff.

### **7. Payments**

- 7.1. Ensuring that all correct invoices are duly certified by authorised staff before payments are made and that invoices, vouchers and other records are retained and stored in a secure way and are readily available for inspection by authorised persons.

### **8. Salaries, Wages and Pensions**

- 8.1. Notifying the payroll provider of any matters affecting payments to employees.

### **9. Security of Assets**

- 9.1. Maintaining a permanent and continuous register of all items of furniture, equipment, vehicles and plant.

## 10. H7 OTHER MEMBERS OF STAFF

1. Members of staff with delegated responsibilities should be aware that these must be exercised in accordance with Financial Regulations. The following responsibilities are delegated to Headteacher and other staff as stated

### 2. Contracts

The following members of staff, in addition to the Headteacher are authorised to open tenders in the presence of another authorised person:

- 2.1. Business Director
- 2.2. Academy Development Director
- 2.3. Deputy Headteacher
- 2.4. School Business Manager
- 2.5. IT Network Manager

### 3. Orders for goods, works and services

The following members of staff, in addition to the Headteacher are able to authorise orders for goods, works and services as specified:

Staff	Types of Order
Business Director or Academy Development Director	Up to £25,000
Deputy or Assistant Headteacher	Up to £5,000

### 4. Receipt of goods

The following members of staff are authorised to receive goods: -

- 4.1. Deputy or Assistant Headteacher
- 4.2. Head of Department
- 4.3. Administrative staff

### 5. Payments

The following members of staff in addition to the Headteacher are authorised to certify payments:

- 5.1. Business Director
- 5.2. Academy Development Director
- 5.3. Deputy Headteacher
- 5.4. Assistant Headteacher

### 6. Salaries and Wages

The following members of staff, in addition to the Headteacher, are authorised to certify pay documents and time records and authorise pay changes and appointments (excluding documents relating to themselves):

## 6.1. Academy Development Director

### H8 AUTHORISATION LEVELS

Delegated duty	Value	Delegated authority
Virements between and within budget heads (all reported to the Finance Committee)	Up to £25,000	Headteacher
	Above £25,000	Headteacher and Local Governing Body
	Above £100,000	Trustees
Bank account transfers, cheque signatories and BACS payment authorisations	Any	Any Two Signatories from: <ul style="list-style-type: none"> <li>• Headteacher</li> <li>• Business Director</li> <li>• Academy Development Director</li> <li>• Deputy Head</li> <li>• Assistant Head</li> </ul>
Ordering goods and services (Requisitions) for orders / Invoice approval	Up to £5,000	Budget Holder and Finance Manager
	£5,000 to £24,999	Budget Holder and Business Director or Headteacher
	£25,000 to £100,000	Headteacher, Finance Committee & LGB
	Over £100,000	Headteacher, Finance Committee & Trustees
Lease Agreements	Any	Headteacher/LGB/Trustees approval
Quotations and tendering	Non ICT Purchases Above £5,000	Minimum of three written quotes to be obtained by Business Director, Facilities Manager, Headteacher, Deputy Head or Budget Holder
	ICT Purchases above £2,000	Minimum of three written quotes to be obtained by Business Director, Facilities Manager, or Budget Holder
	£50,000 to relevant OJEU limit	Formal tendering process requiring Finance Committee approval
	Over OJEU limit	OJEU advertising required, Trustees approval
Authority to accept other than lowest quotation	Any	Local Governing Body or Trustees according to above scales
Disposal of assets	Up to £5,000	Headteacher or Business Director
	Over £5,000	Finance Committee & Trustees
	Over £20,000	As above, plus ESFA approval for disposal of assets funded with more than £20,000 of ESFA grant, or transferred from an LA at nominal consideration
Write-off of bad debts	Up to £5,000	Finance Committee & Trustees
	Over £5,000	Trustees + ESFA approval
Signatories for grant claims / DfE returns	Any	Any Two Signatories from: <ul style="list-style-type: none"> <li>• Headteacher</li> <li>• Business Director</li> <li>• Deputy Head</li> <li>• Assistant Head</li> </ul>
Formula Capital	Any	Finance Committee approval

Compensation Payment	Under £50,000	Trustees
	Over £50,000	HM Treasury (HMT), via the ESFA, for the non-statutory/non-contractual element
Petty Cash Imprest Value	£1000	Headteacher approval
Petty Cash Voucher	£100	Headteacher Signatory
Income Invoice Approval	Up to £25,000	School Business Manager
	Above £ 25,000	As above + Headteacher
Charge Card Purchases	Up to £250	Finance Manager
	£251to £2,000	Headteacher, Business Director or Academy Development Director
Purchase or sale of freehold property	Any	ESFA approval required
Granting or take up of any leasehold or tenancy exceeding 3 years	Any	ESFA approval required

## **I. Appendix 2: GLOSSARY OF ABBREVIATIONS**

ATH	Academy Trust Handbook
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DfE	Department for Education
ESFA	Education and Skills Funding Agency
RO	Responsible Officer