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# Samuel Ward Multi-Academy Trust Relationship with Academies

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## 1 Introduction

The purpose of this document is to set out the SW MAT relationship with academies. It provides details of the nature of the relationship between the trust and each academy and the expectations that underpin that relationship. It provides a basis for academies and the trust to hold each other to account.

## 2 Benefits of Joining the Samuel Ward Multi-Academy Trust

Our aim is for all trust academies to be judged at least Good by Ofsted. We will focus on supporting academies in two ways:

- Raising Educational Performance, through monitoring, challenge and support
- Improved Efficiency and reduced costs through opportunities for shared resources and use of centralised services.

## 3 Performance Management

### 3.1 Academy Performance

The aim of the trust is for every academy to be at least Good as defined by Ofsted. In support of this, the trust will use a review approach to work with the academy to identify areas for improvement and support needed.

### 3.2 HT Performance

The board will have a member on the principal's performance management panel.

The principal is responsible for ensuring that performance management takes place for all staff within their academy.

### 3.3 LGB Performance

The Academy Trust expects that all governors attend an induction course and that the chair attends the Suffolk Chair of Governors training.

The Academy Trust buys into Suffolk training and expects governors to take full advantage of the courses available to them.

## 4 Monitoring

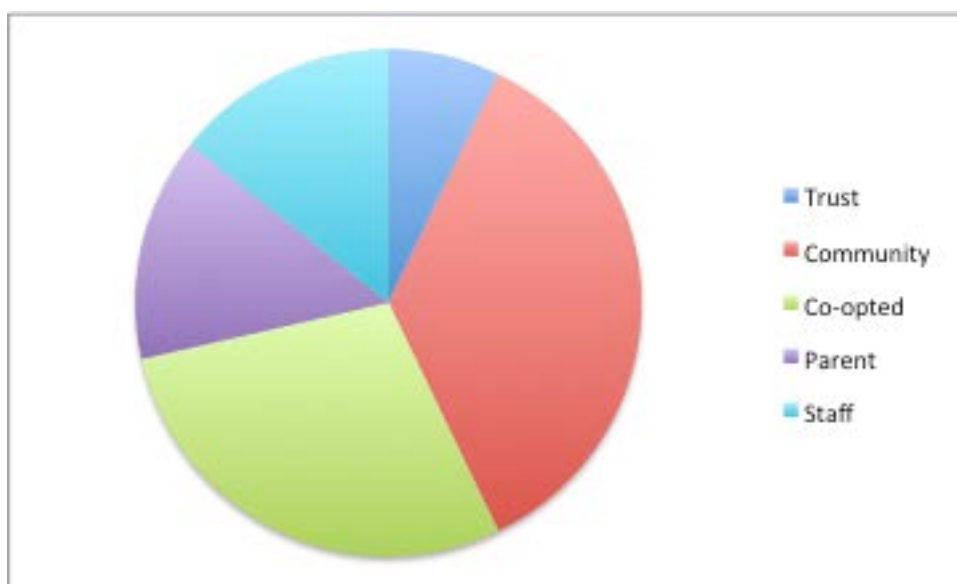
Monitoring is carried out through the academies' data dashboards that are reviewed at each board meeting.

## 5 Local Governing Body

### 5.1 Composition

The local governing body (LGB) of each academy will be composed of 14 governors as follows:

- 1 Trust Governor
- 5 Community Governors
- 4 Co-opted Governors
- 2 Parent Governors
- 2 Staff Governors, one of which must be the Principal



### 5.2 Definitions

#### 5.2.1 Trust Governor

Trust governors are appointed by the Board of Directors as someone who will preserve and develop the principles and values of the trust.

Trust governors may be drawn from any walk of life and do not have to be members or directors of the trust themselves.

#### 5.2.2 Community Governor

Community governors are appointed by the governing body to represent community interests. They can be individuals who:

- live or work in the community served by the academy, or
- are committed to the good governance and success of the academy even though they do not work or live close to it.

The definition of community governor is wide. People from a business or professional background, or who represent an area or aspect of the local community can be appointed as community governors.

#### 5.2.3 Co-opted Governor

Co-opted governors are appointed by the governing body. They can be individuals who are committed to the good governance and success of the academy even though they do not work or live close to it.

The definition of co-opted governor is wide. People from a business or professional background, or who bring a specific area of knowledge or skills can be appointed as community governors.

#### **5.2.4 Parent Governor**

Parents, including carers, of pupils are eligible to stand for election as governors. Parent governors are elected by other parents at the academy. If insufficient parents stand for election, the governing body still has a duty to ensure that there are sufficient parent governors and may appoint parents.

#### **5.2.5 Staff Governor**

The principal is a staff governor by virtue of their office. Other staff, both teaching and support, may become governors as long as they are paid (volunteers do not qualify). Staff governors are elected by the academy staff. Any election that is contested must be held by ballot.

### **5.3 Responsibilities**

The Department for Education states that governing bodies have three core strategic functions:

- a. Ensuring clarity of vision, ethos and strategic direction;
- b. Holding the principal to account for the educational performance of the academy and its pupils; and
- c. Overseeing the financial performance of the academy and making sure its money is well spent.

For an academy within the SW MAT, these functions will be shared with the MAT as follows:

- a. Ensuring clarity of vision, ethos and strategic direction;

The trust is responsible for setting the vision for the whole trust and the academies within it.

Each LGB is responsible for ensuring implementation of the vision and ethos within their own academy. The ethos should reflect the Academy Trust values. The Academy Improvement Plan should reflect impact of the trust strategic direction within the academy.

- b. Holding the principal to account for the educational performance of the academy and its pupils;

This is a shared responsibility. The LGB is responsible for the recruitment and selection of the principal but, as the employer, the board has final approval. A board member should be part of the recruitment panel.

Similarly, the LGB is responsible for the performance management of the principal but a board member should also be part of the panel. Where the chair of governors is also board member, it is expected that a different board member will be part of the panel.

- c. Overseeing the financial performance of the academy and making sure its money is well spent.

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The LGB is entirely responsible for managing the academy's annual budget. Some financial decisions will be recommended by the LGB and need board approval. These are set out in the schedule of delegation.

The full Terms of Reference of the LGB are set out in section 7.

#### **5.4 Transition**

It is recognised that the LGB structure won't fit the governance structure on joining and it is not expected to change overnight. The trust will work with LGB to develop a transition plan to show how the LGB will evolve to the new structure over the course of the first academic year.

### **6 Finance**

The Central Cost Recharging Policy provides a transparent charging structure for central services provided by the trust. The trust aims to keep the charges below the average of other sponsors. The policy is reviewed on an annual basis, so that each academy will know what their management fee would be for the year.

## **7 LGB Terms of Reference**

### **1. POWERS OF THE TRUST BOARD OF DIRECTORS**

- 1.1. The Directors of the Trust Board shall establish the Local Governing Body as a committee of the Trust as part the Trust's Articles of Association (Article 100)
- 1.2. The Directors shall determine and approve the Local Governing Body Terms of Reference and shall review the Terms at the start of each academic year (Article 104).
- 1.3. The Directors shall determine and approve the delegation of powers, responsibilities and duties to the Local Governing Body and shall review this Scheme of Delegation at the start of each academic year (Article 105).
- 1.4. The Directors shall have the right to intervene in the governance of an academy where it has serious cause for concern including
  - 1.4.1. Standards of performance of pupils at the Academy are unacceptably low
  - 1.4.2. Serious breakdown in the way the Academy is governed or managed
  - 1.4.3. Safety of pupils or staff is threatened
  - 1.4.4. Financial mismanagement or failure to operate within budget
- 1.5. The Trust Scheme of Delegation is attached as Annex 1.

### **2. POWERS OF THE LOCAL GOVERNING BODY**

- 2.1. The Governors shall exercise the powers, responsibilities and duties delegated by the Trust Board as set out in the Terms of Reference and Scheme of Delegation, and in particular;
- 2.2. to carry forward the Trust's vision in ways that are appropriate to the academy's status, pupils, staff and community,
- 2.3. to implement policies, plans and actions to comply with statutory regulations, the Trust's policies and procedures and the decisions of the Directors,
- 2.4. to hold to account the academy leadership for the academic performance, the quality of provision and the quality of care,
- 2.5. to recommend and monitor the Academy Performance Targets and Performance Review,
- 2.6. to approve and monitor the Academy Development Plan to achieve the approved Academy Performance Targets,
- 2.7. to oversee the financial governance and operation of the academy to comply with the Trust's financial regulations, policies and procedures, including proposing and monitoring the academy's annual budget,
- 2.8. to oversee the strategic management of staff to comply with statutory regulation, the Trust's HR regulations, policies and procedures,
- 2.9. to decide the allocation of places against the approved academy admissions policy,
- 2.10. to establish the Local Governing Body Committee structure and to regulate their proceedings
- 2.11. to nominate one Governors to serve as Trust Directors (subject to approval by the Directors),

### **3. COMPOSITION AND APPOINTMENT OF THE LOCAL GOVERNING BODY**

- 3.1. The composition of the Local Governing Body shall be determined by the Local Governing Body except for the requirements, as follows;

3.1.1. two Parent Governors elected by the parents of registered pupils at the academy , of which at least one Parent Governor will have a child as a registered pupil at the academy,

3.1.2. at least one Staff Governors elected by the staff of the academy,

3.1.3. where the academy is not judged by Ofsted as Good or Outstanding, the Trust shall appoint two Governors

3.1.4. the academy Headteacher

3.2. The composition of the Local Governing Body shall be:

*3.2.1. To be inserted by the LGB*

#### **4. TERM OF OFFICE AND RESPONSIBILITIES OF GOVERNORS**

4.1. The Term of Office for all Governors is 4 years.

4.2. On appointment Governors are each required to familiarise themselves and to agree to comply with;

4.2.1. Trust Articles of Association,

4.2.2. Trust Financial Regulations,

4.2.3. these Terms,

4.2.4. current relevant legislation and guidance for Governors.

#### **5. MEETINGS OF THE LOCAL GOVERNING BODY**

5.1. The Local Governing Body shall meet at least once per term and in particular;

5.1.1. The Local Governing Body shall meet at the appropriate times set out in the Trust Business Calendar

5.1.2. The Governors will receive notice of each meeting 7 clear days before the date of the meeting.

5.1.3. The agenda, papers and minutes of Local Governing Body meetings will sent to the Clerk to the Directors when they are issued to Governors

5.1.4. Minutes will be signed by the Local Governing Body Chair at the next meeting to verify that the minutes are a true record.

5.2. Quorum for a meeting of the Local Governing Body will be XXX Governors (to be determined by the Local Governing Body).

5.3. Each question to be decided at a meeting of the Local Governing Body shall be determined by a majority of votes of Governors present and eligible to vote on the question

#### **6. APPOINTMENT OF THE LOCAL GOVERNING BODY CHAIR AND VICE CHAIR**

6.1. The Local Governing Body shall elect the Chair and Vice Chair.

6.2. The Trust Board shall have the right to remove the Chair and/or Vice Chair, specifically in circumstances outlined in item 1.4 of these Terms of Reference

6.3. The term of office for Chair and Vice-Chair will be 1 year and they shall be elected at the first meeting of each academic year, and, in particular;

6.4. The Chair and Vice Chair will be elected by a secret ballot, conducted by the Clerk to the Local Governing Body.

- 6.5. Governors will be able to submit written nominations prior to the meeting and verbal nominations at the meeting. A Governor can nominate him/herself for office and does not need to be present.
- 6.6. Nominee(s) will be asked to leave the room whilst the election takes place. If there is more than one nominee, the remaining Governors will take a vote by secret ballot and the Clerk will tally the vote.
- 6.7. If there are more than three nominees per office, the nominee polling the least votes shall be eliminated and a further vote taken. If there is a tie the Governors shall discuss the strengths of nominees and a further vote taken. This process will continue until a nominee polls a majority of votes.

## **7. LGB COMMITTEES**

- 7.1. The Local Governing Body shall establish committees as it sees fit to fulfil its powers, responsibilities and duties.
- 7.2. The Local Governing Body will be able to invite up to two non-Governors to serve in Working Groups, subject to the approval of the Trust Board.
- 7.3. The Local Governing Body will set out Committee Terms of Reference and membership to be agreed and reviewed at the first meeting of the Local Governing Body each academic year.
- 7.4. The current Committee structure, Terms of Reference and membership shall be detailed by the Local Governing Body and attached as Annex 2.
- 7.5. The practice for Working Group management shall be;
  - 7.5.1. Agendas will be circulated to all Working Group members at least seven days in advance of the meeting.
  - 7.5.2. Working Group papers and minutes will be available to all Governors (not just those on the Working Group).

## **8. APPOINTMENT OF ACADEMY PRINCIPAL**

- 8.1. The Local Governing Body of an academy shall lead the process to recruit the Headteacher and make a recommendation for the appointment of a candidate to the Trust Board.
- 8.2. The Local Governing Body will set out the recruitment process beforehand, which shall involve appropriate members from the Leadership Group and give their views reasonable weight in this process.
- 8.3. The Trust Board shall not unreasonably withhold their approval for the Local Governing Body to appoint a recommended candidate the Headteacher.
- 8.4. In the event the Trust Board does not approve the appointment of a recommended candidate as Headteacher, they shall provide a clear explanation to the Local Governing Body.

## **9. APPOINTMENT OF A CLERK**

- 9.1. The Trust Board shall appoint a Clerk to the Governors.

## **10. GOVERNORS' EXPENSES**

11. The Trust Board shall set out a policy for payment of exceptional expenses incurred by Governors, subject to prior application and approval by the Chair of the Local Governing Body

The LGB should minute their resolution to adopt these Terms of Reference.

The trust board will review these Terms of Reference annually.

## 8 Scheme of Delegation

The Scheme of Delegation sets out the delegated powers between the different bodies involved in the governance and operation of the Multi Academy Trust and member academies.

The bodies may include:

1. Trust Members
2. Trust Board of Directors
3. Trust Audit Committee
4. Other Trust Committees
5. Local Governing Body
6. Leadership Group of Principals
7. Chief Executive Officer
8. Principal of individual academies

The delegated powers are broken down into different levels in line with the Trust's principles of governance, leadership and operation. The delegated autonomy for individual academies is aligned with the need for the Trust to fulfil its corporate responsibilities and accountabilities to the Department for Education, Education Funding Agency, Charities Commission, HMRC and Companies House.

The different levels of delegated power are listed below but it should be noted that not every task requires all levels of delegated power to be defined:

- Approve (A)
- Recommend (R)
- Propose (P)
- Monitor & Report (M)
- Consulted (C)
- Implement (I)

The Scheme of Delegation should be read in conjunction with the Terms of Reference for the relevant body. While the Scheme is designed to be comprehensive it will not cover every task.

### Trust Policies

A key task for the Trust is to develop and monitor a range of policies that member academies are expected to adopt. These policies may include those listed below.

<b><u>Academy &amp; Pupil Policies</u></b>	<b><u>Employment &amp; Staff Policies</u></b>
Curriculum	Pay & Remuneration
Teaching & Learning	Performance Management & Appraisal Review
Sex Education	Disciplinary
Religious Education	Re-structuring and Redundancy
Child Welfare & Safeguarding	Job Role, Grade & Salary
Attendance	Grievance



Pupil Behaviour & Exclusions	Capability
Pupil Premium	Whistleblowing
Health & Safety	Employee Health & Safety
Academy Trips	<b><u>Financial Policies</u></b>
Complaints	Financial Regulations & Procedures
	Asset Management & Register

#	Task Key: Approve (A), Recommend (R) Propose (P), Consulted (C), Implement (I)	Notes	Board	Fin Cttee	HR Cttee	LGB	Exec	Principal
<b>1.</b>	<b>Governance</b>							
1.1.	Approve Trust Articles of Association	Members only						
1.2.	Approve Trust Board Terms of Reference		A					
1.3.	Approve membership of new academies		A				R	
1.4.	Approve Trust Scheme of Delegation		A	P	P	P	P	
1.5.	Establish Trust Committees		A	R	R		R	
1.6.	Approve Trust Committee Terms of Reference		A	R	R		R	
1.7.	Approve Local Governing Body (LGB) Terms of Reference		A			R		
1.8.	Establish LGB working groups					A		R
1.9.	Appoint Chair of Trust Board		A					
1.10.	Appoint Chair of LGB					A		
1.11.	Remove Chair of LGB		A			A		
1.12.	Appoint and remove Vice Chair of LGB					A		
1.13.	Appoint (and remove) Chair(s) of Trust Committees			A				
1.14.	Appoint (and remove) Trust Committee members		A	R	R			
1.15.	Appoint (and remove) Clerk to Trust Board		A					
1.16.	Appoint (and remove) Clerk to LGB		A			R		

#	Task Key: Approve (A), Recommend (R) Propose (P), Consulted (C), Implement (I)	Notes	Board	Fin Cttee	HR Cttee	LGB	Exec	Principal
1.17.	Organise calendar of Trust Board and LGB meetings		A	R	R	R	R	
<b>2.</b>	<b>Trust &amp; Academy Performance, Curriculum and Teaching</b>							
2.1.	Academy 3 year plan					A	R	P
2.2.	Academy 1 Year development Plan	Trust Minimum & C w/ CEO				A	R	P
2.3.	Academic Performance Targets		A			R	R	P
2.4.	Academy Performance Review e.g. SEF		A			R	R	P
2.5.	Curriculum Policy					CM	A	R
2.6.	Teaching & Learning Policy		A			M	R	P
2.7.	Sex Education policy					AM	C	P
2.8.	Religious Education policy					AM	C	P
2.9.	Trust Staff Development Plan		C		C	C	A	R
2.10.	Academy Staff Development Plan					A	C	R
2.11.	Trust Inset Days	Trust Minimum					A	R
<b>3.</b>	<b>Staff Policies and Pay</b>							
3.1.	Pay & Remuneration Policy		A		R	PM	P	PI
3.2.	Job Role Salary & Grading Policy		A		R	PM	P	PI
3.3.	Changes to Employee Terms & Conditions or Collective Agreements		A		R	PM	P	PI
3.4.	Adoption of Transferring Policies and Collective Agreements		A		R			
3.5.	Teachers Annual Pay Award		A		R		P	
3.6.	Support Staff Annual Pay Award		A		R		P	
3.7.	Individual Performance Pay Awards					AM		R
3.8.	Performance Management & Appraisal Review Policy				A	RM	R	PI
3.9.	Disciplinary Policy				A	RM	R	I
3.10.	Grievance Policy				A	RM	R	I
3.11.	Capability Policy				A	RM	R	I
3.12.	Whistleblowing Policy				A	RM	R	I
3.13.	Re-structuring & Redundancy Policy				A	RM	R	I

#	Task Key: Approve (A), Recommend (R) Propose (P), Consulted (C), Implement (I)	Notes	Board	Fin Cttee	HR Cttee	LGB	Exec	Principal
3.14.	Employee Health & Safety Policy				A	RM		I
<b>4.</b>	<b>Staff Management</b>							
4.1.	Staff complement, structure and grades					A	C	R
4.2.	CEO/Executive Principal appointment		A					
4.3.	Principal appointment		A			R	C	
4.4.	Vice Principal appointment					A	C	R
4.5.	Senior leadership appointments					A	C	R
4.6.	Teaching and support staff appointments					C		A
4.7.	Suspension of CEO/Executive Principal		A					
4.8.	Return of CEO/Executive Principal after suspension		A					
4.9.	Suspension of Principal or Vice Principal	C w/ CEO	A			R		
4.10.	Return of Principal or Vice Principal after suspension		A			R		
4.11.	Suspension of teaching and support staff	C w/ CEO						A
4.12.	Return of teaching and support staff after suspension					A		R
<b>5.</b>	<b>Financial Governance &amp; Management</b>							
5.1.	Trust & Academy Financial Regulations (inc. key policies)		A	R		P	P	I
5.2.	Trust & Academy Financial Procedures			A				
5.3.	Trust Procurement Policy			A				
5.4.	Trust 3 year Budget Plan		A	R			P	
5.5.	Trust 1 year Budget		A	R			P	
5.6.	Trust Year End Interim Accounts			A				
5.7.	Trust Annual Accounts		A	R				
5.8.	Trustees Report		A	R				

#	Task Key: Approve (A), Recommend (R) Propose (P), Consulted (C), Implement (I)	Notes	Board	Fin Cttee	HR Cttee	LGB	Exec	Principal
5.9.	Trust Academies Accounts Return to EFA			A				
5.10.	Response to Auditor's Management Letter		A	R				
5.11.	Academy 3 year Budget Plan		A	R		R		P
5.12.	Academy 1 year Budget		A	R		R		P
5.13.	Academy Year End Interim Accounts			A		R		
5.14.	Academy Accounts Return to EFA			A		R		P
<b>6.</b>	<b>Financial Authorisation</b>							
6.1.	Expenditure or contracts up to Lower Limit							A
6.2.	Expenditure or contracts from Lower Limit to Upper Limit					A		R
6.3.	Expenditure or contracts from Upper Limit to OJEU limit			A		R	R	
6.4.	Expenditure over OJEU limit		A	R		P	P	
6.5.	Disposals or write off of stock, assets or debts up to £1,000							A
6.6.	Disposals or write off of stock, assets or debts from £1,000 to £5,000					A		R
6.7.	Disposals or write off of stock, assets or debts over £5,000 (up to AFH limit)			A		R		P
6.8.	Compensation payments up to £50,000		A	R	R			
<b>7.</b>	<b>Academy Policies &amp; Procedures</b>							
7.1.	Academy times, terms and holidays					A	C	R
7.2.	Expansion of Academy (PAN or NOR)		A	R		R	C	P
7.3.	Extension of Academy provision (Nursery)		A	R		R	C	P
7.4.	Child Welfare & Safeguarding Policy					AM	C	RI
7.5.	Attendance Policy					AM	C	RI
7.6.	Pupil Behaviour & Exclusions Policy					AM	C	RI
7.7.	Short-term Exclusion							A

#	Task Key: Approve (A), Recommend (R) Propose (P), Consulted (C), Implement (I)	Notes	Board	Fin Cttee	HR Cttee	LGB	Exec	Principal
7.8.	Return after short-term exclusion							A
7.9.	Permanent Exclusions					A		R
7.10.	Appeals against Permanent Exclusion		I					
7.11.	Complaints Policy					AM		
7.12.	Complaints Appeals		I					
7.13.	Admissions Policy		A			R	C	P
7.14.	Allocation of places against Admissions Policy					AI		
7.15.	Admissions Appeals		I					
7.16.	Academy prospectus					A		
7.17.	Academy website					A		
7.18.	Academy name, logo & branding					A		
7.19.	Academy uniform	Trust Minimum				A		
7.20.	Academy Trips Policy		A			R	I	
7.21.	Extended services on-site					A		R
7.22.	Pupil Premium Policy					A		R
7.23.	Pupil Premium Plan					A		RI
<b>8.</b>	<b>Premises &amp; Assets</b>							
8.1.	Asset Management Policy & Plan			AM		CM		I
8.2.	Health & Safety Policy			AM		CM		I
8.3.	Commissioning of repairs or works up to £10,000							A
8.4.	Commissioning of repairs or works from £10,000 to £49,999			C		A		R
8.5.	Commissioning of repairs of works over £50,000			A		R		