

SCHEDULE 2

FUNCTIONS OF AND DECISION-MAKING BY THE ACADEMY COUNCIL

PART A

Scheme Overview

1. The Operating Levels are:

Level 1 - where the academy's effectiveness:-

- is judged by Ofsted to be working at expected standard or above across all evaluation area; OR
- is judged by Ofsted to be working at expected standard or above across the majority of evaluation areas but some areas may have been highlighted as needing attention AND the Trust Board have decided at their sole discretion that it is appropriate for Level 1 to remain in place when considering the support in place for the academy

However this is subject to the discretion set out below.

Level 2 – Where the academy's effectiveness:-

- is judged by Ofsted to require urgent attention in any evaluation area; OR
- is judged by Ofsted to need attention in any evaluation area AND the Trust Board have decided at their sole discretion that it is appropriate for Level 2 to be invoked when considering the support in place for the academy

Level 2 may also be invoked where the directors of the MAT have at their discretion identified a need to intervene and change an Academy's operating Level to Level 2 as a result of:-

- a three year trend in underperformance as measured by government statistics
- the Academy being deemed (in the absolute discretion of the Directors) not to be acting in accordance with this Scheme of Delegation or otherwise not acting in accordance with the Ethos and Mission Statements of the Trust as set out in Clause 3.

- a significant safeguarding issue which, in their absolute discretion, the Directors consider could place the school at risk of an Ofsted inspection
 - the management of the Academy's financial affairs by the AC resulting in a budget deficit which has not been approved by the Directors
2. The AC will conduct the Academy's business at the Operating Level determined by the MAT, acting reasonably.
 3. If the MAT, acting reasonably, determines that the Academy should move to a different Operating Level:
 - (a) the MAT may exercise its intervention powers to appoint new academy council members to the AC at its discretion as set out below where the academy is at Operating Level 2;
 - (b) the new Scheme Decision Levels will be in force immediately from notification by the MAT to the Academy of a change in Operating Level;
 - (c) any necessary adjustments will be made to its budget at the year end.
 4. The functions of the AC will be exercised in accordance with the Scheme Decision Level table at Part B below.
 5. The Operating Levels within the Scheme have the following key features:

Level 1

- Members of the AC are appointed in line with the constitution of the predecessor school and subject to the composition requirements going forwards as set out in schedule 1 unless otherwise agreed by the appointing authorities.
- The Academy will have significant powers delegated to the AC but the MAT will retain appropriate powers and controls in the Scheme as set out in part B below

Level 2

- The Directors may select all members of the AC, other than parental and staff representatives.
- The AC will have limited powers delegated to it in the Scheme as set out in part B below.

PART B

Scheme Decision Levels

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

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

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

The MAT

The CEO (or at the MATs discretion a named individual identified by the Directors ("the Directors' nominee"))

The Academy Council

The Headteacher

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
Central Services	1.	To determine the scope of central services to be delivered by MAT to and on behalf of the Academy	1 2				Central Services Offer is set out in the schedule of services and is covered with each school during the budget setting process and when a school joins the Trust. Note additional or separate services should not be sourced from alternative providers where this is covered by a Central Services supplier without the consent of the CEO.
	2.	To identify additional services to be procured on behalf of the Academy		2	1		AC to liaise with central finance support when reviewing and deciding on changes to academy services and also suggest areas where service may be better sourced centrally/there are concerns around quality of current service. Services to be contracted by MAT Board/central finance support.
	3.	To ensure centrally procured services provide value for money		1 2			CEO to liaise with AC and central finance support when ensuring this.
Finance/ Budgets	4.	To set the MAT budget and determine the proportion of the overall MAT budget to be delegated to the Academy	1 2				Provided that the proportion of the Budget withheld by the MAT in respect of the Academy shall not be more than those notified to the school via the annual budget processes for Operational Levels 1 and 2 respectively, initial review by Finance, audit & risk committee
	5.	To develop and propose the individual Academy budget (for approval)		2	1		In conjunction with central finance support.
	6.	To approve the first formal budget plan each financial year	1 2				Budget plan to be produced by central finance support and approved by MAT board following initial review by Finance, audit & risk committee.
	7.	To monitor Trust wide budget	1 2				With central finance support and review by Finance, audit & risk committee

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	8.	To plan and manage monthly academy expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		2	1	1	HT with support of SBM and where necessary central finance support. MAT will monitor as necessary.
	9.	To monitor monthly academy expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		2	1		With support of central finance support and oversight of CEO. Expenditure must be in line with agreed budget and monthly reporting must take place to central finance support to inform Trust wide monitoring.
	10.	To approve any amount to be transferred between budget headings and/or likely budget overspends		2	1		AC in consultation with HT/SBM but must be in accordance with financial limits on budget virements and/ or overspends as set out in the Trust finance policies.
	11.	To establish financial decision levels and limits	1 2			Implement	As set out in finance policies with support from central finance support and with review by Finance, audit & risk committee. AC to implement with HT.
	12.	To establish financial policies, procedures, regulations and internal financial controls.	1 2			Implement	CEO to recommend with support from SBM/central finance support. Review and recommendation by Finance, audit & risk committee Include:- <ul style="list-style-type: none"> financial delegations, investment policy, borrowing, charging and remissions policy, reserves policy HT to implement at academy level overseen by CFO CFO to report any concerns about operation of policy
	13.	To appoint the Internal Auditor for the Academy	1 2				Central finance support to advice and support. Key role for MAT board (Finance, audit & risk committee).

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	14.	To enter into any contracts which exceed the agreed limits set out in the Trust finance policies	1 2				Review by Finance, audit & risk committee
	15.	To make payments within agreed financial limits in accordance with Trust Finance policies.				1 2	
	16.	To collect income due to the Academy To maintain proper financial records for the Academy To prepare accounts for the Academy To develop risk management strategies To decide how to apply Pupil Premium		2		1	HT with support of SBM and central finance support.
	17	To authorise acquisition of assets in accordance with Trust finance policies To authorise disposal of assets in accordance with Trust finance policies To appoint auditors To write off debts in accordance with Trust finance policies and not exceeding Academies Financial Handbook limits	1 2				Initial review and recommendation by Finance, audit & risk committee NB HT will be authorised to write off student related debts of up to £50 without MAT board authorisation

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	18.	To monitor compliance with approved Financial Procedures and use of pupil premium monies.		2	1		With support of SBM/HT and central finance support.
	19.	Recommend auditors for appointment/removal by Members	1 2				With support of central finance support and recommendation from Finance, audit & risk committee
	20.	Respond to auditor's report/advice		1 (trust level) 2		1 (academy level matters)	Implemented by CEO/CFO for Trust with oversight from MAT board. HT responsible overseen by AC where academy specific and academy is on operating level 1.
	21.	Annual report and accounts	1 2	Implement			CFO to co-ordinate draft with input from CEO/COO/clerk. Review by Finance, audit & risk committee. Auditors review and sign off. MAT board/accountable officer to approve specific sections. Members to receive and scrutinize at AGM. File with Companies House and DfE and on Trust website.
	22	Asset register-Academy level				1 2	With central finance support/SBM use of Every software. Trust wide register to be maintained by central finance team.
	22	To approve any 'related party' transactions as defined in the Academies Financial Handbook	1 2				With support of clerk and review by Finance, audit & risk committee
	23	Opening a new Trust bank account of changing signatories of the existing Trust bank account	1 2				

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	24	To make novel or contentious purchases or transactions which could cause repercussions in terms of reputational risk to the MAT or the academy or any of its pupils or employees.	1 2				As defined in Academy Trust Handbook and initial review to take place by Finance, audit & risk committee
	25.	Establish membership of finance, audit & risk committee	1 2				To work to agreed Terms of Reference and not to include CEO and members of staff, not to be chaired by Chair of Trust Board
	26.	Review and agree programme of internal; assurance	1 2				Through Finance, audit & risk committee
	27.	Review risk register	1 2		1 2		MAT board through Finance, audit & risk committee to review risk register termly, Board must review annually. Academy register to be reviewed termly at Academy Council
	28.	Review reports from internal assurance programme of work	1 2 (MAT level and oversight)			1 2 (academy level)	MAT board through Finance, audit & risk committee with support of CFO, implementation at school level
	29.	Investigation of any reports of fraud	1 2 (MAT level and oversight)		1 2		With support of CFO, HT will implement investigation with LAC, inform Finance, audit & risk committee of process and outcome. CEO report any instances over £5000 to DfE (cumulative or individual).
Staffing-Academy level appointments (MAT wide see schedule 3)	30.	Pre-recruitment checks		2	1	Implementation	Implemented by HT with support of SBM/admin

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	31.	To appoint a Head Teacher (through a selection panel)	1 2				1. Directors' nominee present to advise 2. Directors' nominee and/or CEO votes 3. Taking account of views of AC
	32.	To appoint a Deputy Head Teacher (through a selection panel)		2	1		Directors' nominee (CSP) present to advise
	33.	To appoint other teachers (to include responsibilities for SENCO, safeguarding/child protection designated person, educational visits co-ordinator).		2	1		Implemented/led by HT, all adverts to go on My New Term and publication authorised by CFO
	34	To appoint non-teaching staff			1 2		Implemented/led by HT all adverts to go on My New Term and publication authorised by CFO
	35	To ensure that an approved appraisal policy is in place	1 2				Trust wide pay and appraisal policy
	36	To review the performance management policy annually	1 2				Trust wide pay and appraisal policy, reviewed by Trust board
	37.	To agree a pay policy	1 2				Consistency of employer is important and keep in line nationally. In consultation with AC and HT. Trust wide policy, consulted with Unions also.

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	38	Performance management and pay of HT		1 (CSP as Board nominee-recommend) 2	1 (approve) 2		In accordance with Trust policy and in consultation with AC. The CSPs or the CEO (who are effectively board nominees) carry out performance management with at least one academy councillor and make a pay recommendation in line with the pay policy which is then approved by academy council.
	39	Performance management and pay review of other academy staff		2	1 2	1	In accordance with Trust policy and appointment decisions may be delegated to HT by AC or HT advise AC. NB At operating level 2 where this is due to financial deficit pay decisions may be retained by CEO/directors nominee.
	40.	To exercise Pay discretions		2	1		In consultation with MAT board, in accordance with relevant policies and within agreed budget.
	41.	Establishing disciplinary/capability procedures	1 2				In accordance with current policies and in line with Trust wide policies-Staff Handbook
	42.	Dismissal of Head Teacher/Deputy Head Teacher	1 2				MAT in dialogue with AC, AC can request/ consult
	43.	Dismissal of other staff	2		1		In accordance with current policies and must consult MAT central team and where relevant legal support.
	44.	Suspension of Head Teacher	1 2				MAT in dialogue with AC, AC can request/ consult
	45.	Suspension of other staff		2	1		In accordance with current policies and HR advice/support
	46.	Ending of suspension of Head Teacher	1 2				MAT in dialogue with AC, AC can request/ consult

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	47.	Ending of Suspension of other Staff		2	1		HT implements in consultation with CE/director s nominee (level 2) or AC (level 1)
	48.	Determining Staff complement within agreed budget		2	1		HT implement, in consultation with CEO/CFO and any necessary HR/ finance support.
	49.	Determining dismissal payments/early retirement	1 2				HT to implement, must be in consultation with central finance support, CEO approval based on that support. NB need for DfE approval for confidentiality provisions
	50.	Conduct of Staff Appraisals Management of staff disputes		2	1		In line with MAT policy and procedures.
	51	Formulation of Employment Policies and Staff Handbook	1 2				In consultation with AC/HT with support of HR advisors. Need to ensure local differences and TUPE taken into account, policies to include:- <ul style="list-style-type: none"> Recruitment, probation and induction Pay Appraisal Conduct and disciplinary Grievance Capability Absence management Professional development Equality Expenses CEO to report to MAT board on any material concerns about operation of policies and procedures. Staff Handbook now in place, unions consulted and new schools move on following TUPE
	52	Carry out and maintain single central records		1 2			Overseen by AC and CEO (CEO responsible for trust wide staff), monitoring my CSPs
	53	Maintain register of staff interests and gifts		1 2			HT responsible, received by AC with support from HR as required. Interests should be brought to

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
		and hospitality register as necessary.					attention of HT as appropriate. CEO responsible Trust wide staff.
Curriculum	54.	Freedom to opt out of national curriculum		2	1		Overseen and consulting with MAT board/CEO
	55.	To develop a curriculum policy		2	1		Must be balanced and broadly based and comply with the terms of any curriculum requirements determined by the MAT board.
	56.	To implement curriculum policy		2		1	Implemented by HT with oversight of AC and CEO./DOSI.
	57.	Responsible for standards of teaching		2		1	With oversight of AC/ CEO/DOSI.
	58.	Accountability for standards of teaching		2	1		
	59.	Responsibility for individual child's education		2		1	
	60.	Accountability for individual child's education.		2	1		
	61.	Provision of sex education – to establish and keep up to date a written policy		2	1		Recommended and implemented by HT. Template RSHE policy and working group support.
	62.	To prohibit political indoctrination and ensuring the balanced treatment of political issues	1 2		1 2		
	63	RE policy and provision			1 2		Recommended and implemented by HT, ensure follow relevant statutory requirements for RE and overseen by CEO
	64	Collective worship policy			1 2		Recommended and Implemented by HT, in accordance with trust deed/CE tenets.

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	65	SMSC policy			1 2		Recommended and implemented by HT, approved by AC and oversight from CEO
	66	Off site visits policy	1 2				Implemented by HT and overseen by AC/CEO should dovetail with health and safety policy which should require that any potentially hazardous activities are referred to the MAT board for approval. CEO to report to MAT board on any material concerns about operation of policy. Home visits policy in Staff Handbook, annual review.
	67.	Assemble data for pupil assessment and other returns ICT Post-Inspection action plan			12		
	68	Examinations				1 2	HT to ensure appropriate arrangements are in place for examinations, overseen by AC
	69.	To propose targets for pupil achievement				1 2	
	70.	To agree targets for pupil achievement		2	1		
Behaviour, and attendance welfare	71.	To establish a behaviour and discipline policy (including exclusions)	2		1		HT to recommend and implement, overseen by CEO. To be in line with MAT behaviour principles CEO to report to MAT board on any material concerns about the operation of the policy.

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	72.	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair in cases of urgency)	2		1		<p>HT to take decisions on whether to exclude, may be for one or more fixed periods (up to a max of 45 days per academic year) or permanently. May withdraw an exclusion that has not been reviewed by AC.</p> <p>HT to notify AC and others in accordance with exclusions code, either without delay or once a term and notification must include reasons and duration.</p> <p>HT to arrange alternative provision in accordance with exclusions code.</p> <p>Review must be carried out by a panel of AC members (and/or Trustees) which can include AC members from other schools within the Trust.</p> <p>Report from AC/CEO into main MAT board.</p>
	73.	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)	2		1		Can be delegate to chair of AC of panel at least 3 AC members or to chair of AC where permitted by exclusions code. Panel can comprise of LAC members (and/or trustees) from other schools within the Trust if needed.
	74.	Develop the Academy development/improvement plan		2		1	Recommended and implemented by HT.
	75.	Approve Academy development/improvement plan		2	1		
	76	Pupil attendance				1 2	Overseen by AC/CEO with regular reporting to MAT board and AC.
	77	Safeguarding and Child Protection policy	1 2		Recommend	Implement	<p>HT to implement at academy level, overseen by CEO, template MAT policy to be followed.</p> <p>AC to recommend at academy level</p>

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
							CEO to report to MAT board about any material concerns on operation of the policy.
	78	Provision of school meals				1 2	HT responsible overseen by AC. Must include provision of free school meals to those eligible. Must be in accordance with nutritional standards.
Admissions	79.	Setting/amending an admissions policy	1 2		Recommend		MAT board approve but recommended by AC in consultation with HT provided that it does not conflict with MAT mission statement Consultation with DDBE/NDEB as relevant, consultation to be carried out by AC/HT
	80.	Admissions: application decisions	2		1		HT responsible for co-ordinating and managing process. Must be in accordance with published admissions arrangements. Whole AC must make decision as to who will be offered places.
	81.	If appropriate to appeal against LA directions to admit pupil(s)			1 2		AC in dialogue with the Headteacher
	82	Arrangement of independent appeal panels	1 2				Must be an independent appeal panel established in accordance with the admissions code. Support from CEO/HT and clerk.
Premises & Insurance	83.	Buildings insurance and public liability	1 2				Central finance to support/liase with insurers. Must include insurance to comply with church supplemental agreement. RPA current provider covers site trustees.

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
							CEO to ensure details of insurance policy appropriately disseminated.
	84.	Developing Academy buildings and facilities estate long term strategy or master plan	1 2				Support and advice from central finance support and estate management consultants.
	85.	Maintaining buildings, including developing properly funded maintenance plan	2		1		HT responsible for implementation/maintenance in condition required by church supplemental agreement overseen by AC.
	86.	To institute a health and safety policy/arrangements	1 (Trust wide policies) 2	1 (CEO Trust wide))	1 (school arrangements)	CEO responsible for ensuring appropriate health and safety policy and arrangements are in place in line with approved policy and operating effectively. HT to implement policy at academy level and oversee operation of procedures and advise CEO of significant issues.
	87.	To ensure that health and safety regulations are followed	1 2		1 2		HT in school with oversight of AC and support of Health and Safety Adviser (who will liaise with central team to ensure MAT board updated as required).
	88	Maintain academy premises, security and management documents (e.g. fire safety, statutory testing, asbestos)		2	1		HT responsible to implement and to ensure appropriate documents in place (overseen by CEO) CEO to report any material concerns to MAT board and AC and oversee overarching arrangements across trust.
	89	Allocation of capital funding and approve capital projects and building works	1 2				Support from central finance support and implemented in consultation with AC/HT. Necessary consents should be obtained from site trustees and check LA lease. All necessary DfE approvals obtained.

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	90	Managing Academy capital building projects/building works/maintenance		1 2		1 2	HT responsible up to limits in Trust Finance policies with AC oversight, CEO over HT limits in Finance policies with MAT board oversight. All necessary DfE consents to be obtained and processes followed with support from central finance support. Work with estate management consultants.
	91	Acquiring and disposing of land (including leases, licences and easements) in accordance with limits set by ESFA	1 2				AC can recommend and HT/CEO advise, in consultation with central finance support and all necessary DfE approvals should be obtained.
	92	Determining permissible external and community use policy (licencing, letting/shared use arrangements)	1 2				Reflect requirements to obtain any necessary DfE, Trustee consents. Use not at odds with ethos of CE school. Policy to reflect what happens to any revenue generated from such use. Managed at school level but must have formal agreements in place and consult with Trust central team.
	93	Managing external and community use			1 2	Implement	Must be in accordance with agreed policy
	94.	To set the times of school sessions and the dates of school terms and holidays	2		1		.
	95.	To ensure that the school meets the statutory requirement for [380] sessions in a school year	2		1		
Academy Council structure	96.	To appoint the chair of the AC	1 2		1		AC decision in consultation with MAT (election)

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	97.	To remove the chair of the AC	2		1		AC decision in consultation with MAT; AC to accept MAT's decision where there is a safeguarding or other legal reason.
	98.	To appoint the vice-chair of the AC	2		1		AC decision in consultation with MAT (election)
	99.	To dismiss the vice-chair of the AC	2		1		AC decision in consultation with MAT; AC to accept MAT's decision where there is a safeguarding or other legal reason.
	100.	To appoint Academy Councillors	1 2	1 2			In line with composition schedule, appoint those who are elected/nominate confirmed via clerk and Trust Gov.
	101.	To remove Academy Councillors	1 2		1 2 (if co-opted)		Depending on category, MAT board can remove on request of nominee, or in the case of elected parents and staff in line with the Articles. For Co-opted councilors AC can remove
	102.	To determine the development needs of academy councillors and put in place an appropriate programme		2	1		AC in consultation and with support of MAT clerk
	103.	To facilitate communication between AC and Trust board		1 2			Through Chairs forum attended by clerk, chair of Trust, CEO.COO and AC Chairs and vice Chairs.
Information Management	104.	Maintain accurate and effective and secure pupil records.			1 2		In accordance with MAT policy.
	105.	Maintain accurate and effective and secure employee records.			1 2		In accordance with MAT policy.
	106.	Comply with all Data Protection legislation and good practice.	1 2		12		
	107.	To determine, on an annual basis, those policies which will be	1				Through review of policy review schedule

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
		developed by MAT and mandatory for all MAT Academies	2				
	108.	To review policies annually and ensure they meet statutory requirements for the Academy	1 2	1 2			
	109.	Complaints Procedure	1 2		1 2		Third stage complaint usually delegated to Appeal group of academy councillors (not previously directly involved) together with independent person as specified in complaints policy, HT to implement and CEO to implement any trust wide complaints and report any material concerns on policy.
Accessibility	110	Equality Information and objectives statement and equality objectives	1 2		1 2		Requirement to draw up and publish equality objectives every four years and annually publish information demonstrating how meeting aims of public sector equality duty once reach relevant number of employees (CEO with support from HR). Schools to publish/renew school level objectives and information annually with support of HR.
	111	Accessibility plan			1 2		Recommended and implemented by HT, plan for increasing accessibility to disabled pupils.
	112	Determine SEND and inclusion policies	2		1		Advice from SENCO, recommended by AC To include social disadvantage, equality, disability, discrimination, looked after children, pupil premium. Member of AC with specific oversight for SEN and disability arrangements. HT to implement at academy level, CEO to report any material concerns to MAT board.

Function	No	Tasks	Decision Level				Notes
			MAT Board	CEO/ Directors Nominee	AC	HT	
	113	Review and challenge effectiveness of SEND and inclusion policies and decisions	1 2		1 2		Consultation between AC and Trust Board via CEO/Chairs forum
	114	SEN information report	Annual input to ensure published		1 2	1 Advise 2	SEN report should be updated annually and any changes to the information occurring during the year should be updated as soon as possible Contains details about the implementation of the SEN policy School Bus forms.
Communications	115	School prospectus		1 2	1 2		As required, HT implement, oversight from AC and CEO to ensure in line with Trust requirement
	116	Academy website		1 2		1 2	HT to ensure legally compliant, overseen by AC CEO to ensure dovetails appropriately with Trust website.
	117	Press statements	1 2	1 2		Recommend where academy matters	All press statements to be approved by CEO and if controversial by MAT board

