

JEWISH COMMUNITY ACADEMY TRUST

SCHEME OF DELEGATION AND TERMS OF REFERENCE

Introduction

The Jewish Community Academy Trust (“the Trust”) operates the (Moriah, Rimon, Sacks Morasha and Wolfson Hillel) family of academies¹. It is a company limited by guarantee and is an exempt charity which means that although it has the responsibilities that are placed upon charities it is not required to be registered with the Charity Commission or file documents there. The Trust is constituted under Articles of Association which set out the purposes (“Objects”) and powers of the Trust and how these are to be exercised. The Objects cannot be changed although they can be added to with the approval of the Secretary of State and the Charity Commission. The Objects are:-

- a. *to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing, by establishing, maintaining, carrying on, managing and developing schools with a designated Jewish religious character offering a broad and balanced curriculum conducted as Orthodox Jewish schools under the religious authority of the Chief Rabbi of the United Hebrew Congregations of the Commonwealth both generally and in particular in relation to arranging for religious education and daily acts of worship (the “Academies”); and*
- b. *purely as ancillary to 4.a. promoting for the benefit of the inhabitants of the areas in which the Academies are situated the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants.*

As a company limited by guarantee and to meet the requirements of company law the Trust has a dual governance level. It has

1. Members, the equivalent of shareholders in a commercial limited company, and
2. Trustees² who are the directors of the company and who together comprise the Trust Board (“TB”) and who report and are accountable to the Members. The TB has overall responsibility for the operation of the academies. It delegates functions that are specific to the individual academies to committees – known as Local Governing Bodies (“LGB”) and it delegates certain of its functions that relate to the Trust as a whole to other committees of the TB. The Executive Team (“ET”), made up of the Chief Executive Officer (“CEO”), Executive Headteachers (“EH”) and the Chief Financial Officer (“CFO”) have delegated responsibility for the day to day operation of the Trust and each academy has a Headteacher (“HT”) who reports to the CEO and has delegated responsibility for the operation of the individual academy.

In addition, the TB may appoint additional members of committees on such terms as it thinks appropriate. Such members may be permitted to vote but no vote may be taken unless a majority of those attending the meeting at which the vote is taken are Trustees. This document sets how those various responsibilities are delegated and how the various constituent parts of the Trust are required to operate. Appendix One shows the delegation process for a range of decisions that arise.

¹ Free schools are technically academies and the term “academy” in this document includes the free schools

² The articles of the Trust refer to Directors but to match current DfE preference the expression “Trustees” is used in this document

Members

The Members have overall nominal responsibility for the Trust but they exercise their functions through the TB. Each Member guarantees to contribute £10 if the Trust were to become insolvent and be wound up – that is the “guarantee” implied by the term “company limited by guarantee”.

The powers and duties of the Members in broad terms are:

1. To appoint and remove Trustees
2. To maintain the Membership and to appoint Members
3. To approve any proposed changes to the Articles of Association
4. To receive the annual accounts of the Trust

Trustees

The Trustees are the directors of the trust and are the equivalent of governors in a local authority-maintained school. As company directors their duties are to:-

- act within their powers;
- promote the success of the company;
- exercise independent judgment;
- exercise reasonable care, skill and diligence;
- avoid conflicts of interest;
- not to accept benefits from third parties; and
- declare any interest in proposed transactions or arrangements.

Accordingly, it is the Trustees who are responsible for setting the vision, strategy and securing the fulfilment of that vision and strategy. The members are akin to the shareholders of a share company – they do not get involved in management but could exercise their powers to remove Trustees if they consider that the Trustees in post are failing to act in the best interests of the Academy Trust.

Conflicts of Interest

Trustees and all who have delegated responsibility are required to ensure that no conflict of interest arises. They are required to disclose and declare any business interests. The current Articles provide: -

“Any [Trustee] who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a [Trustee] shall disclose that fact to the [Trustees] as soon as he becomes aware of it. A [Trustee] must absent himself from any discussions of the [Trustees] in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academy Trust and any duty or personal interest (including but not limited to any Personal Financial Interest).”

A “Personal Financial Interest” is defined in Articles 6.5 to 6.9 and is widely drafted to include companies in which the Trustee has an interest as well as interests of family members and those with whom the Trustee has business or other close relationships.

In addition, all Trustees and those with delegated responsibility are required to observe the Nolan Principles which are:-

1. Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. Leadership

Holders of public office should promote and support these principles by leadership and example.

Trust Board (“TB”)

The TB focuses on the three core functions of governance:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the CEO to account for the educational performance of the academies and their pupils, and the performance management of staff; and
- Overseeing the financial performance of the Trust and making sure its money is well spent.

Composition: Up to 11 Trustees appointed by the Members, the CEO, any Trustees co-opted by those Trustees who are not themselves co-opted Trustees as determined by the Members

Quorum: One-third of the total number of Trustees in post or 3 if higher

Meetings: At least three each year convened on seven clear days’ notice except in emergency as determined by the Chair

Retained responsibilities:

- Deciding upon major strategic and legal aspects such as:
 - Establishing a new academy
 - Discontinuing or merging existing ones
 - Disposal of land otherwise for operational letting or hire purposes
 - Proposing changes to the Articles of Association
- Adopting the strategic plan for the Trust which will include individual strategic plans for each academy
- Procurement requiring the publication of OJEU advertisements
- Procurement of any contract with a value in excess of £30,000
- Approving the overall budget for the Trust and its devolution to each academy
- Approving the annual accounts of the Trust
- Ensuring that all regulatory requirements are met
- Recommending appointment of Members, Trustees and members of LGB and co-opting additional Trustees including conducting skills audits as required
- Ensuring that all Trustees and members of LGB are appropriately trained
- Approving all policies that the Trust by law is required to maintain. All policies originate from the ET. A schedule of policies is attached as Appendix Two and shows where detailed consideration of each takes place and with whom consultation takes place
- Determining each year the scheme of delegation and terms of reference including approving the membership of all committees
- Determining admission arrangements for each academy
- Establishing arrangements for independent appeals against refusals to admit pupils to an academy
- Establishing arrangements for independent review panels to review permanent exclusions
- Appointment and performance management of:
 - CEO
 - EH
 - CFO
 - HTs

Chair's Emergency Powers

The Chair, or in the absence of the Chair the Vice-Chair, may take such action as the Chair may think fit to protect the interests of the Trust, any academy within the Trust, any student or employee of the Trust or any other member of the school community as the Chair may think fit in circumstances where in the opinion of the Chair it would not be reasonably possible to convene a meeting of the TB or a relevant Committee or LGB in the time necessary to protect such interests. The Chair or Vice-Chair must report to the TB or relevant Committee (as appropriate) in respect of any action taken with respect to the exercise of the emergency power at the meeting of the TB or Committee (as appropriate) immediately following the taking of the action.

Finance and Resources Committee

Composition: as determined by the TB. To include finance governor representative from each of the Initial Academies

Quorum: as determined by the TB

Meetings: as determined by the TB

Delegated responsibilities:

- Detailed consideration of the annual budget including consideration of
 - The extent to which funds are retained for central services not directly related to individual academies
 - The allocation of central funds for the purposes of each individual academy, [including an envelope for staffing], which will be based mainly but not solely on pupil numbers
 - The allocation of funds to each individual academy to be applied at the discretion of the HT
- Monitoring the financial performance of the Trust and holding the CEO and CFO to account for this
- Monitoring the use of the pupil premium and other earmarked or dedicated funds
- Monitoring all Human Resource aspects
- Determination of staff pay and conditions
- Procurement of any contract with a value in excess of £30,000 but less than £80,000
- Disciplinary, capability and grievance aspects relating to CEO, EH, CFO and HT
- Detailed consideration of those policies within its remit
- Appointing non-employee members of the committee to operate as an audit committee

Assessment and Evaluation Committee

Composition: as determined by the TB to include HT representative from each of the Initial Academies.

Quorum: as determined by the TB

Meetings: as determined by the TB

Delegated responsibilities:

- All aspects of the curriculum and curriculum delivery
- Dealing with formal complaints against an academy in accordance with the Trust complaints policy
- Monitoring student issues including behaviour and exclusions
- Monitoring all aspects of SEN
- Monitoring all aspects of safeguarding including British Values and the operation of the Prevent strategy
- Monitoring all equality aspects including the Public Sector Equality Duty
- Monitoring all aspects of readiness of inspection
- Detailed consideration of those policies within its remit
- Monitoring educational outcomes and pupil achievement

LGB for each academy

Each LGB must have members who are able to demonstrate the following skills:

- Strategic leadership
- Risk Management
- Educational Improvement
- Financial management and monitoring
- Staffing and performance management

Composition: as determined by the TB and to include 2 Parent Governors

Quorum: as determined by the TB

Meetings: as determined by the TB

Delegated responsibilities:

- Reporting to the TB on the overall performance of the academy
- Determination of the annual spend of that part of the Trust budget delegated to be managed by the academy
- Monitoring educational outcomes and pupil achievement
- Appointment of staff (excluding HT) working at the academy in accordance with Trust policies
- Monitoring all aspects of safeguarding, SEN, equality and student welfare
- Dealing with the regulatory requirements of admissions and exclusions
- Liaising with the TB, CEO and CFO on all aspects of policy setting as they may respectively require
- Arranging election of elected members of the LGB in accordance with the Articles of Association

Admissions Sub-Committee of the LGB

Composition: Drawn from members of the LGB and such others as may be appointed by the TB

Quorum: 2 for decisions on individual admission applications, 3 for all other meetings

Meetings: As required on seven days' notice other than meetings to determine individual admission applications which may be convened without notice

Outline of responsibilities:

- To advise the TB on any aspects of admissions and the admission arrangements for the academy that may be relevant including reporting on admission patterns and matters of concern
- To respond when required by the TB to any proposal to amend the admission arrangements
- To consider and decide upon each application for a place at the academy including reviewing and confirming the ranking of applications as advised by the local authority at the points of normal entry to the academy, i.e. at Year R and/or Year 7

Pupil Exclusions Sub-Committee of the LGB

Composition: Drawn from members of the LGB other than employees of the Trust and such others as may be appointed by the TB

Quorum: 3

Meetings: In accordance with statutory requirements

Outline of responsibilities:

- To consider all parental representations in relation to any pupil exclusion
- To meet to review all fixed period exclusions in excess of five days and all permanent exclusions whether or not parents make representations or exercise the right to attend

CEO

- Provide strategic and operational leadership of the Trust
- Responsible for the internal organisation management and control of each of the academies and specifically:
 - Development of Trust-wide strategies and strategies for individual academies for TB approval
 - Determining and implementing curriculum provision and assessment
 - Performance management of HTs and those staff who report directly to the CEO. Other staff at each academy shall be performance managed by the HT and other staff at a central trust level shall be managed by their allocated line manager.
 - Disciplinary, capability and grievance aspects relating to HTs and those staff who report directly to the CEO.
 - Securing compliance with the Master Funding Agreement and each Supplemental Funding Agreement
 - Ensuring the proper discharge of all statutory functions including in relation to admission appeals and reviews of permanent exclusion
- Reporting termly to the Evaluation & Assessment Committee and the TB

CFO

- Provide financial leadership of the Trust
- Secure financial probity and value for money including compliance with the Academies Financial Handbook
- Prepare and maintain the Trust's Financial Manual
- Prepare budget for the Trust, including allocation of funds for centrally-maintained services, determining envelope of funding allocated to individual academies and determining sums to be delegated to each LGB for local spending, for TB approval
- Reporting termly to Finance & Resources Committee

HT

- Implementing agreed curriculum provision and assessment as determined by the TB
- Performance management of all staff below HT level
- Disciplinary, capability and grievance aspects relating to all staff below HT level
- Prepare budget for the school with the CFO for TB approval
- Ensuring authorised spending is in line with agreed budget plans and liaising with the CFO where there are potential significant variances or approval is needed for spend above £30,000
- Ensuring the proper discharge of all statutory requirements including safeguarding referrals and exclusions.
- **Note: all decisions taken under delegated authority MUST be reported to the next available TB meeting. This should be done by way of a minute of the decision or of the meeting at which the decision was taken.**

APPENDIX ONE

TABLE OF DELEGATION

M = Members

TB = Trust Board

FR= Finance and Resources Committee

AE = Assessment and Evaluation Committee

CEO = Chief Executive Officer

CFO = Chief Financial Officer

Clerk = Clerk to the Trustees

ET – Executive Team – (CEO, COO, EH, HT)

PC = Pay Committee of TB

LGB = Local Governing Body

AC = Admissions Committee of LGB

EC = Exclusions Committee of LGB

EH = Executive Head

HT = Headteacher of individual affected academy

School Trusts = those trusts which hold land which is used by the Academies or which are otherwise involved in the provision of funding for the benefit of the Academies

	Prepare	Consult with	Decide	Implement
Trust 3 year strategic plan	ET	FR / AE/LGB	TB	ET
Trust 1 year business plan	ET	FR/AE/LGB	TB	ET
Individual academy 3 year strategic plan	ET	FR/AE/LGB/HT	TB	ET
Individual academy 1 year business plan	ET	FR/AE/LGB/HT	TB	ET
Preparation and approval of overall budget	ET	FR	TB	ET
Allocation of local spend to each academy	FR	CFO/HT/LGB	TB	ET
Local spend decisions within budget	HT	CFO/LGB	HT	HT
Expenditure or award of contracts up to HT limit	HT	CFO/LGB	HT	HT
Expenditure or award of contracts from HT limit to LGB limit (c.f. Finance Regulations)	HT	CFO/LGB	LGB	HT
Expenditure or contracts from LGB limit to OJEU limit	CFO	CEO / FR/LGB	FR	CFO
Expenditure over OJEU limit	CFO	CEO / FR	TB	CFO
Disposals or write off of stock, assets or debts up to HT limit	HT	CFO/LGB	HT	HT
Disposals or write off of stock, assets or debts from HT limit to LGB limit	HT	CFO	LGB	HT
Disposals or write off of stock, assets or debts from LGB limit up to Academies Financial Handbook limit	CFO	CEO / FR	FR	CFO
Compensation payments up to £1,000	HT		HT	HT

	Prepare	Consult with	Decide	Implement
Compensation payments up to £10,000	CFO	CEO / FR/LGB for its academy	FR	CFO
Compensation payments from £10,001 to £49,999 (AFH limit)	CFO	CEO / FR	TB	CFO
Compensation payments of £50,000 and over	CFO	CEO / FR	TB	CFO
Child welfare & safeguarding policy	CEO / HT	AE	TB	CEO / HT
Attendance policy & plan	CEO / HT	AE	AE	CEO / HT
Pupil behaviour & exclusions policy	CEO / HT	AE	AE	CEO / HT
Fixed term exclusion	HT	AE	HT	HT
Permanent exclusions	HT	AE	HT	HT
Establish Independent Review Panels for permanent exclusions	HT	AE/LGB	Panel	HT
Individual Permanent Exclusion Reviews	HT	AE/LGB	LGB	HT
Complaints policy	CEO	LGB/AE/HT	TB	HT / LGB
Admissions policy	HT	LGB/AE	TB	HT / LGB
Individual admission decisions	HT	LGB / CEO	LGB	HT
Establish Independent Appeal Panels for admission appeals	HT	AE/LGB	Panel	HT
Individual Admission Appeals	LGB	CEO	Panel	HT
Sex education policy	HT/CEO	AE/LGB	AE	HT
Homework policy	HT	LGB	AE	HT
Teaching and learning policy	HT/CEO	LGB/AE	AE	HT
Religious education policy	HT	LGB/AE	LGB	HT
Term and holiday dates	HT / CEO	LGB	TB	HT
Academy trips policy	HT / CEO	LGB	TB	HT
Extended services on-site	HT / CEO	LGB	TB	HT
Pupil premium policy	HT / CEO	LGB/AE	TB	HT
Pupil premium plan	HT	CEO/LGB	HT	HT
Trust website	CFO	CEO	TB	CFO

	Prepare	Consult with	Decide	Implement
Academy website	CFO/HT	CEO/LGB	TB/LGB	CFO/HT
Logo and branding	CFO	CEO/LGB	TB	CFO
Academy uniform	HT	LGB/CEO	LGB	HT
Estates	CFO	LGB / FR	TB/LGB for its academy	CFO
Asset management policy and plan	CFO	LGB / FR	TB/LGB for its academy	CFO
Health and safety policy	CFO	LGB / FR	TB	CFO / HT
Approve acquisition, disposal or change of use of land and/or buildings – subject always to ESFA and Foundation approvals	CFO	LGB/FR	TB/Foundation (and ESFA if necessary)	CFO
Lettings policy	HT	CFO/FR/LGB	CFO/HT	HT
Approve changes to Trust Articles of Association	CEO	CFO/TB/LGB	M	CEO
Change name of Trust	CEO/CFO	TB	M	CEO
Approve Trust Scheme of Delegation	CEO	FR/LGB/ET	TB	CFO
Establish Trust Committees	CEO	TB	TB	CEO
Approve terms of reference for Trust committees	CEO	TB	TB	CEO
Approve LGB terms of reference	CEO/LGB	LGB / TB	TB	LGB
Establish LGB committees	LGB	LGB / TB	TB	LGB
Appoint Trustees	M	TB	M	Clerk
Appoint Chair and Vice-chair of TB	TB		TB	
Appoint Chair of LGB	LGB / HT	TB	TB	TB
Remove the Chair of LGB	TB	TB/LGB	TB	TB
Organise calendar of TB meetings	CEO	Chair	TB	Clerk
Organise calendar of LGB meetings	CEO / HT	LGB	TB	LGB
Approve expenses policy	CFO	FR	TB	ET
Approve gifts and hospitality policy	CFO	FR	TB	ET
Maintain register of interests	CFO	FR	TB	Clerk
Filings at Companies House and at the Charity Commission	CFO	FR	TB	Clerk
Ensure website compliance	CFO	HT/CEO	FR	CFO

	Prepare	Consult with	Decide	Implement
Maintain risk register (and update)	CFO	FR/LGB for its academy	TB	CFO
Skills audit	CEO	CFO/HT/LGB for its academy	TB	CEO
Trustee and Local Governor training	CEO	ET/LGB/TB	TB	CEO
Pay & remuneration policy	CFO	ET/LGB/FR	TB	CFO
Job role salary & grading policy	CFO	ET/LGB/FR	TB	CFO
Local income policy	CFO	ET/LGB/FR	TB / LGB	CFO / HT
Changes to employee terms & conditions or collective agreements	CFO	ET/LGB/FR	TB / LGB	CFO
Changes to location of work for employees	CEO/HT	CFO/ET	LGB	CEO
Teachers annual pay award	CFO / HT	ET/FR/LGB for its academy	TB	CFO
Support staff annual pay award	HT	ET/FR/LGB for its academy	TB	CFO
Individual pay awards	ET	FR/LGB for its academy	FR	CFO
Performance management & appraisal review policy	ET	FR/LBG for its academy	TB	CFO
Performance management and appraisal implementation	CEO	HT/LBG for its academy	FR	HT
Disciplinary policy	CFO	ET/FR	TB	CFO
Grievance policy	CFO	ET/FR	TB	CFO
Capability policy	CFO	ET/FR	TB	CFO
Whistleblowing policy	CFO	ET/FR	TB	CFO
Re-structuring & redundancy policy	CFO	ET/LBG for its academy	TB	CFO
Employee health & safety policy	CFO	ET	TB	CFO
Staff complement, structure and grades	CFO / HT	ET/LBG for its academy	TB	CFO
CEO appointment	TB		TB	TB
CFO appointment	CEO	FR	TB	CEO
HT appointment	CEO	LGB / TB	TB	CEO
Deputy Headteacher appointment	HT	CEO	LGB	HT
Senior leadership appointments	HT	CEO	LGB	HT
Non SLT appointments	HT	CEO	HT	HT
Suspension of CEO	TB		TB	TB

	Prepare	Consult with	Decide	Implement
Return of CEO	TB		TB	TB
Suspension of CFO	TB	CEO	TB	TB
Return of CFO	TB	CEO	TB	TB
Suspension of HT	CEO	LGB/FR	TB	CEO
Return of HT	CEO	LGB/FR	TB	CEO
Dismissal of HT	CEO	LGB/TB	TB	CEO
Appeal of HT against dismissal	CEO	LGB	TB – panel	CEO
Suspension of teaching staff	HT	CEO / LGB	HT	HT
Suspension of support staff	HT	CEO / LGB	HT	HT
Return of teaching and support staff after suspension	HT	CEO / LGB	HT	HT
Dismissal of Deputy Headteacher	HT / CEO	LGB	HT	HT
Dismissal of teaching staff	HT	LGB	HT	HT
Dismissal of support staff	HT	LGB	HT	HT
Appeal against dismissal (teaching staff)	HT	LGB	LGB	LGB
Appeal against dismissal (support staff)	HT	LGB	LGB	LGB
Collection and management of voluntary contributions	LGB / School Trusts	LGB	LGB	LGB

Appendix Two

Policies maintained by the Trust requiring Trust review and adoption

Note: all required policies are initiated by ET at the direction of CEO. All policies are to be reviewed every three years unless shown otherwise or a change of legislation or policy requires a sooner review. The TB will set a review timetable to secure a rolling cycle of review.

CURRICULUM AND PUPIL-RELATED POLICIES

- **Admissions arrangements** - Review frequency: Arrangements to be determined annually. Any changes must be consulted on and where no changes are made, consultation is required at least every seven years
- **Attendance policy and plan**
- **Charging and remissions**
- **Child welfare and safeguarding policy and procedures** - Review frequency: Annually
- **Pupil Premium**
- **Religious Education**
- **School trips**
- **School behaviour including exclusions**
- **Sex education**
- **Special educational needs** - Review frequency: The SEN Information Report should be updated annually and any changes to the information occurring during the year should be updated as soon as possible
- **Supporting pupils with medical conditions**
- **Teaching and Learning**

STAFFING POLICIES

- **Allegations of abuse against staff**
- **Capability of staff**
- **Restructuring and redundancy**
- **Staff discipline, conduct and grievance**
- **Staff appraisal**
- **Staff pay and remuneration including job roles, salary and grading** - Review frequency: Annually
- **Whistle-blowing**
- **Data protection** - Review frequency: At least every two years (Registration is annual)

FINANCE AND RELATED POLICIES

- **Accessibility plan**
- **Asset Management**
- **Health and safety**
- **GDPR**
- **Local Income Generation Policy**

GOVERNANCE POLICIES

- **Complaints**
- **Equality information and objectives (public sector equality duty) statement for publication** - Review frequency: Every four years and publish information annually
- **Freedom of Information**
- **Governors' allowances scheme**
- **Register of business interests** - Review frequency: Ongoing requirement to keep updated
- **Scheme of Delegation and Terms of Reference** - Review frequency: Annually
- **School information published on a website** - Review frequency: Live – must be updated as soon as possible after a change and at least annually