

# Scheme of Delegation to Member Academies



## September 2017

**Schools serving their communities through excellence, exploration and encouragement within the love of God.**

The diocese of Lincoln is called to faithful worship, confident discipleship and joyful service and our church schools bear witness to our belief that every child is made in the image of God and loved by Him. They were founded for the good of their local communities so that children can be educated through the values and stories of Christianity.



## SCHEME OF DELEGATION TO MEMBER ACADEMIES

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Glossary

LAAT Board - Board of Directors for the Lincoln Anglican Academy Trust

Local Board - Governors of an individual Academy within the Trust

Local Interim Board - temporary, small and selected Governing Board established to bring about rapid change in an academy

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## Lincoln Anglican Academy Trust: Scheme of Delegation

### **Section 1.01 Introduction**

- 1.01.01 As an exempt charity and company limited by guarantee, the Lincoln Anglican Academy Trust (the “Company”, “LAAT”) is governed by appointees of the Lincoln Diocesan Board of Education and the Methodist Academy School Trust (the “Directors”) who are responsible for, and oversee, the management and administration of LAAT and Academies run by LAAT (“Academies”).
- 1.01.02 LAAT is accountable to external government agencies including the Department for Education (“DfE”), the Education Funding Agency (“EFA”) and the Charity Commission (including any successor bodies), for the quality of the education provided by the Academies and its management of public funds and it is required to have systems in place through which it can assure itself of quality, safety and good practice.
- 1.01.03 In order to assist in the discharge of these responsibilities, the Board of Directors of LAAT (the “Main Board”) may appoint people who have connections to a particular Academy to serve on a Committee of the Board of Directors (a “Local Board”) established to ensure the good governance of that Academy.
- 1.01.04 This Scheme of Delegation (this “Scheme”) explains the ways in which the Directors fulfil their responsibilities for the leadership and management of LAAT and the respective roles and responsibilities of the Main Board and the Local Boards.
- 1.01.05 This Scheme has been put in place by the Directors from the Effective Date in accordance with the provisions of LAAT’s Articles of Association (the “Articles”) and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles. In the case of conflict between a provision of the Articles and a provision of this Scheme, the provision of the Articles shall prevail.
- 1.01.06 A reference in this Scheme to a “clause” or “Appendix” is to a clause or Appendix of this Scheme.

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**Section 1.02 Academy Ethos and Purpose**

1.02.01 The Company's Object as defined in the Articles is:

"to advance for the public benefit education in the United Kingdom, ... by establishing, maintaining, carrying on, managing and developing Academies with a designated Church of England religious character...offering a broad and balanced curriculum conducted in accordance with the principles, practices and tenets of the Church of England and for joint Anglican/Methodist schools to the practices and tenets of the Methodist Church both generally and in particular in relation to arranging for religious education and daily acts of collective worship and in having due regard to the advice of Lincoln Diocesan Board of Education and where applicable the Methodist Academy School Trust. (MAST)".

The primary purpose of LAAT is to ensure that every LAAT student achieves the highest possible levels of attainment within an appropriate learning and built environment. LAAT comprises a number of such environments - the component Academies. While each Academy will operate within this Scheme independently through its Local Board, the ethos of LAAT is that all the Academies will work collaboratively, to enable students and staff to flourish and grow through an educational model where each of the component parts works together, with the strong supporting the weak and the weak challenging the strong.

1.02.03 A Church Academy recognising its historic foundation will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level. For such academies without a religious character LAAT will support the development of the academy's particular character.

1.02.04 Each Academy will work collaboratively with other Academies run by LAAT, noting in particular the close working links with hub academies whilst retaining any successful partnership links and clusters with other schools and academies and the wider family of Church of England schools, sharing resources, knowledge and best practice as may be appropriate with the following objectives in mind, supporting each other to:

1.02.04.01 Achieve consistently high standards of learning and teaching;

1.02.04.02 Develop curriculum design and collaboration which optimise opportunities for students and provide 'added value' progress for them; provides excellent

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information, advice and guidance in order to make informed choices; ensure effective learning behaviour and interpersonal relationships;

1.02.04.03 Provide support building upon individual specialisms and/or areas of identified strength between schools and academies to improve key aspects of performance;

1.02.04.04 Achieve best value in service delivery and financial management, especially where partnership working can add value.

1.02.04.05 Allow the flourishing of each child spiritually, morally, academically, physically

***Section 1.03 Directors' Powers and Responsibilities***

1.03.01 The Directors have overall responsibility and ultimate decision-making authority for all the work of LAAT. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Directors have the power to direct change where required.

1.03.02 The Directors have a duty to act in the fulfilment of LAAT's Aims and Objectives.

1.03.03 Directors will have regard to the interests of all Academies for which LAAT is responsible in deciding and implementing any policy or exercising any authority but will also recognise the responsibility of the Diocesan Board of Education as the "appropriate diocesan authority" under the Education Acts.

1.03.04 The constitution, membership and proceedings of each Local Board are determined by the Directors and are as set out in this Scheme.

***Section 1.04 Constitution of the Local Board*****1.04.01 Members of the Local Board**

All appointments will be made in line with any national governance regulation that will be in existence at the time

1.04.01.01 The composition of the members of the Local Boards (each a "Local Board Member") shall be subject to the provisions of this section of the Scheme. The number of people who shall sit on a Local Board shall be subject to the limits (both in respect of the total number

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of Local Board Members and the number of Local Board Members belonging to discrete categories of member) set out in Appendix 2.

1.04.01.02 The Board of LAAT may also appoint one or more of their number to serve on a Local Board and attend any meetings of such Local Board. Any Director or their appointed representative attending a meeting of a Local Board shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by such Local Board.

1.04.01.03 All persons appointed or elected to the Local Board shall give a written undertaking to the Directors to uphold the Object, Purpose and Ethos of LAAT.

**1.04.02 Appointment of members of the Local Board**

This section of the Scheme sets out the criteria by which the LAAT Board (and any other relevant appointer) may appoint a person to serve as a Local Board Member.

1.04.02.01 A Local Board may (subject to clause 2.04.01.01 and clause 2.04.02.03 and Appendix 2) comprise Local Board Members of the following categories and such Local Board Members shall be appointed as follows:

1.04.02.01.01 LAAT Members – appointed directly by the Main Board; in the case of academies of religious character consultation with the local parish will be undertaken or for academies with no religious character with the local community; (may be inserting DBE appointments)

1.04.02.01.02 Parent Members – parents of registered pupils at the relevant Academy may apply for selection as a Parent Member of the board;

1.04.02.01.03 Staff Member (Headteacher) – the Headteacher of each Academy shall be a Local Board Member.

1.04.02.02 The LAAT Board shall appoint a member of each Local Board to serve as the Chair of the Board. The Chair of each Local Board shall have a term of office of one year. A person may be re-appointed to be the Chair of a Local Board provided that they remain a Local Board Member.

1.04.02.03 The Local Board of an Academy which has had its delegation removed shall exclusively comprise Local Board Members appointed by the LAAT Board. The LAAT Board shall



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appoint such persons as it considers will be able to direct and oversee an improvement in the Academy. LAAT may consult with the DfE as to the strategy to be employed in trying to improve the Academy and appointments that might be made to the Local Board.

**1.04.03 Co-opted members of the Local Board.**

1.04.03.01 Local Boards may nominate up to two persons to be 'Co-opted' to the Local Board to give additional assistance to the Local Board on specific projects or more generally but for a limited period of time. The co-optees may be appointed by LAAT following unanimous request from the Local Board. A person to be 'Co-opted' to a Local Board means a person who is to serve on the Local Board without having been appointed (pursuant to paragraph 2.04.02 of this Scheme) or elected to serve on the Local Board. The Local Board may not co-opt a person who is employed at the Academy if thereby the number of persons employed at the Academy serving on the Local Board would exceed one third of the total number of persons serving on the Local Board (including the Headteacher). Such persons are appointed on terms approved by LAAT and voting powers of co-optees shall be limited to those projects.

**1.04.04 Term of office**

- 1.04.04.01 The term of office for any person serving on a Local Board shall be four years, except that this time limit shall not apply:
- a. to the Headteacher;
  - b. to persons who are 'Co-Opted' to the Local Board who shall serve for one year.
  - c. to parents whose child or children leave the academy (who shall cease to be Local Board Members when they cease to have any children who are registered pupils at the Academy) unless LAAT consents to this continuation.
- 1.04.04.02 Subject to remaining eligible to be a particular type of Local Board Member, any person may be re-appointed or re-elected (including being 'Co-Opted' again) to the Local Board.
- 1.04.04.03 It is a requirement for all Local Board Members to have a full Disclosure and Barring Service check on appointment to the role as Local Board Member as it is expected that they will attend the Academy while children are on site.

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**1.04.05 Resignation and removal**

- 1.04.05.01 A Local Board Member shall cease to hold office if they resign by notice to the Local Board or LAAT (but only if at least five persons will remain in office when the notice of resignation is to take effect).
- 1.04.05.02 A Local Board Member shall cease to hold office if they are removed by the person or persons who appointed them. While at the same time as acknowledging that no reasons need to be given for the removal of a Local Board Member by a person or persons who appointed them, any failure to uphold the values of LAAT and/or the Academy or to act in a way which is inappropriate in light of this Scheme will be taken into account. Any Local Board Member may also be removed by the Main Board if, in the reasonable opinion of the Main Board, that person is failing to adequately discharge their responsibilities or their continued membership of the Local Board is inappropriate for any other proper reason and this right to remove prevails over any provision of this Scheme or any other document issued by LAAT which is, or may appear to be, inconsistent therewith.
- 1.04.05.03 If a Staff Member ceases to work at an Academy then they shall be deemed to have resigned and shall cease to serve on the relevant Local Board automatically on cessation of them working at the Academy.
- 1.04.05.04 Where a Local Board Member resigns their office or is removed from office, that person or the Local Board shall give written notice to either the Chair or the Clerk of the Local Board.

**1.04.06 Disqualification of members of the Local Board**

To be eligible to serve on a Local Board, prospective candidates must be 18 years or over at the date of their appointment. Current pupils/students of an Academy are not entitled to serve on a Local Board.

- 1.04.06.01 A Local Board Member shall cease to hold office if they become incapable by reason of mental disorder, illness, injury or inability to manage or administer their own affairs.
- 1.04.06.02 A Local Board Member shall cease to hold office if they are absent without the permission of the Chair of the Local Board from all the meetings of the Local Board held within a period of six months and the Local Board resolves that the office be vacated.
- 1.04.06.03 A person shall be disqualified from serving on the Local Board if:

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- a. Their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
  - b. The person is the subject of a bankruptcy restrictions order or an interim order; or
- 1.04.06.04 The person is subject to disciplinary procedures of a serious nature and shall be suspended from the Local Board until these are resolved
- 1.04.06.05 A person shall be disqualified from serving on the Local Board at any time when they are:
- a. subject to a disqualification order or a disqualification undertaking under the Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
  - b. A person serving on the Local Board shall cease to hold office if they would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- 1.04.06.06 A person shall be disqualified from serving on the Local Board if they have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or their conduct contributed to or facilitated.
- 1.04.06.07 A person shall be disqualified from serving on a Local Board at any time if such person:
- a. is on the barred list; or
  - b. has previously been disqualified from being a governor of a Church of England or any other designated school.
  - c. in respect of whom a direction has been made under section 142 of the Education Act 2002 or subject to any prohibition or restriction which takes effect as if contained in such a direction.
- 1.04.06.08 A person shall be disqualified from serving on a Local Board where:
- a. at any time, they have been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where

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a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.

- b. they have not provided to the Chair of the Local Board a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would, in the opinion of either the Chair or the Headteacher following a risk assessment, confirm their unsuitability to work with children that person shall be disqualified.

If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

- 1.04.06.09 Where, by virtue of this Scheme, a person becomes disqualified from serving on the Local Board and was, or was proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Board who shall inform the LAAT Board.
- 1.04.06.10 This clause 2.04.06 shall also apply to any member of any committee of the Local Board who is not a Local Board Member.

***Section 1.05 Operation of the Local Board***

Each Local Board shall operate in accordance with the provisions of Appendix 1.

***Section 1.06 Delegated Powers (See Decisions Table, Appendix 3)*****1.06.01 General Provisions**

- 1.06.01.01 Subject to company law generally, provisions of the Companies Act 2006, the Articles and to any directions given by the Members of LAAT pursuant to a special resolution, the management of the business of each Academy shall be delegated by the Main Board to the Local Board in accordance with the terms of this Scheme and in particular the relevant decision-making and referral matrices set out in Appendix 3 (“Decision Tables”). If a Local Board is uncertain as to where, or if, the Decision Tables deal with a particular matter, the Local Board should refer to a nominee of LAAT for guidance (being, unless otherwise resolved by the LAAT Board).
- 1.06.01.02 No alteration of the Articles and no such direction shall invalidate any prior act of a Local Board which would have been valid if that alteration had not been made or that direction

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had not been given. Except as provided for in this Scheme, the powers given by this Scheme shall not be limited by any special power given to the Directors by the Articles or to the Local Board and a meeting of the Local Board at which a quorum is present may exercise all the powers so delegated.

1.06.01.04 In the exercise of its powers and functions, a Local Board may consider any advice given by the Headteacher and any other executive officer as well as the LAAT Board.

1.06.01.05 Any and all delegation of power by the Main Board pursuant to this Scheme is revocable upon the decision of the LAAT Board (acting reasonably). This provision prevails over any other of this Scheme but for the avoidance of doubt, does not apply to powers held by a Headteacher in their capacity as such.

**1.06.02 Ethos and Values**

1.06.02.01 While each Local Board shall be responsible for ensuring that the business of the Academy is conducted in accordance with its Purpose and Ethos referred to in Clause 2, the determination of the Academy's Purpose and Ethos shall be the responsibility of the LAAT Board who shall not make any alteration to the religious or non-religious character of any Academy or the conduct of any Academy as a Church of England school without first consulting the LDBE.

1.06.02.02 At all times, the LAAT Board and the relevant Local Board shall ensure that each Academy is conducted in accordance with the Object of LAAT, and any agreement entered into with the Secretary of State for the funding of that Academy.

1.06.02.03 At all times, the Directors and the Local Board Members shall act in accordance with the HM Treasury 'Code of Conduct for Board members in Public Bodies'.

**1.06.03 Finance**

1.06.03.01 Each local board will act according to the finance Handbook– Appendix?

**1.06.04 Premises**

1.06.04.01 The maintenance of the buildings, land and facilities used in respect of an Academy is the responsibility of the Local Board, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of LAAT and any relevant trustees as the occupiers and freeholders respectively of such buildings, land and facilities.

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1.06.04.02 Each Local Board shall, in conjunction with the LAAT Board (or a designated officer thereof), develop an estate management strategy that will identify the suitability of building and facilities in the light of long term curriculum needs and the needs of staff, students and other users of the buildings. Each Local Board has a responsibility to ensure that buildings, land and facilities are maintained to a high standard and must try to secure capital investment to ensure the premises are maintained.

1.06.04.03 The LAAT Board will arrange for an appropriate insurance broker to advise on all insurance of the land and buildings used by each Academy. Such insurance must be placed with a LAAT-approved insurance company for such risks and on such terms previously approved by the Main Board and any trustees of the land in question. The payment for this will be the responsibility of the Local Board from its delegated budget.

**1.06.05 Resources****1.06.05.01 Headteacher**

- a. The LAAT Board (having consulted the relevant Local Board) shall appoint the Headteacher of each Academy, having regard to that person's ability and fitness to preserve and develop the religious character of the Academy. The Main Board and the Local Board may delegate such powers and functions as they consider are required by the Headteacher for the internal organisation, management and control of the Academy, including the implementation of all policies approved by the Main Board and the Local Board for the direction of the teaching and curriculum at the Academy.
- b. The LAAT Board shall ensure the post holder is committed to giving active and practical support to the ethos and value traditions of the Academy. It is desirable that the Headteacher of a School of religious character is able to demonstrate commitment to the Christian values, ethos and distinctiveness of a Church school.

**1.06.05.02 Other Staff**

Each Local Board shall be responsible, within the delegation set out in the Decision Tables (Appendix 3) for the appointment and management of all other staff to be employed at the Academy, at the budgeted level, provided that the Local Board shall:

- a. Comply with all policies relating to staff as issued by the LAAT Board from time to time;
- b. adhere to any pay terms set by the LAAT Board;

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- c. Adopt any standard contracts or terms and conditions for the employment of staff issued by the LAAT Board;
- d. Manage any claims and disputes with staff members having regard to any advice and recommendations given by the LAAT Board.
- e. Each Local Board shall ensure appropriate performance management of all staff (excluding the Headteacher), with advice from the Chief Executive Officer as appropriate and shall put in place procedures for the proper professional and personal development of staff.
- f. The LAAT Board or its appointed person will ensure that the performance management of each Headteacher is carried out on an annual basis.

**1.06.06 Curriculum and Standards**

- 1.6.06.01 Each Local Board shall be responsible for the setting and review of the curriculum, within the limits set by the Decision Tables, but shall have regard to any views of the LAAT Board in recognition of LAAT's obligation to the Secretary of State to provide a broad and balanced curriculum and the Diocesan Board of Education in respect of religious education.
- 1.06.06.02 Each Local Board shall be responsible for the student outcomes achieved by the Academy but shall follow such advice and recommendations of the LAAT Board as they might issue from time to time.
- 1.06.06.03 Each Local Board shall be responsible for the setting and review annually of the Academy's Admissions Policy provided that no change will be made to the Admissions Criteria without the written consent of the LAAT Board.

**1.06.07 Extended Schools and Business Activities**

While the undertaking of any activities that would be described as part of the Academy's 'extended schools agenda' or any activities designed to generate business income, will be the responsibility of the relevant Local Board, this shall only be undertaken in a manner consistent with any policy set by the LAAT Board, after having received the Main Board's express permission and having regard to the viability of such activities, the impact on the Academy's activities and any financial implications, such

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as the threat of taxation in light of LAAT's charitable Object and any threat to funding provided by the Secretary of State.

**1.06.08 Regulatory Matters**

The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the LAAT Board but each Local Board shall do all such things as the LAAT Board may specify as being necessary to ensure that LAAT is meeting its legal obligations.

***Section 1.07 Operational Matters***

- 1.07.01 Each Local Board shall comply with the obligations set out in Appendix 1 which deals with the day to day operation of the Local Board.
- 1.07.02 Each Local Board will adopt and will comply with all policies of the LAAT Board communicated to the Local Board from time to time.
- 1.07.03 The LAAT Board and the Local Board Members have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of LAAT and the relevant Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
- 1.07.04 Each Local Board will review its policies and practices on a regular basis, having regard to recommendations made by the LAAT Board from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.
- 1.07.05 Each Local Board shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the LAAT Board may require from time to time.
- 1.07.06 Each Local Board shall submit to any inspections by the LAAT Board (or its appointees) and any inspections pursuant to section 48 of the Education Act 2005 to assess how well the Academy is being managed in light of the additional responsibilities and expectations of schools that are Academies.
- 1.07.07 Local Board shall work closely with and shall promptly implement any advice or recommendations made by the LAAT Board. In the event that this advice or any recommendations are not implemented or in the event that intervention is either



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threatened or is carried out by the Secretary of State, the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Board under this Scheme in such circumstances, but without in any way affecting the character of the Academy.

***Section 1.08 Annual Review***

This Scheme shall operate from the Effective Date and shall be reviewed by the LAAT Board annually (or at such shorter interval as it may determine).

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**APPENDIX 1: Functioning of the Local Board****A1.01 Chair, Vice-Chair and Clerk of the Local Board**

- A1.01.01 The Local Board shall have a Chair, a Vice-Chair and a Clerk. The Chair of each Local Board shall be appointed by the Main Board.
- A1.01.02 The members of each Local Board shall each academic year, at their first meeting in that year, elect a Vice-Chair from among their number to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph A1.01.04. Neither a person who is employed by LAAT (whether or not at the Academy) nor a person who is at the time of election already a Director (except where such person is a Director by virtue of being the incumbent chair) shall be eligible for election as vice-chair,
- A1.01.03 Subject to paragraph A1.01.04, the Vice-Chair shall hold office as such until the successor has been elected in accordance with this clause 1.
- A1.01.04 Chair or Vice-Chair may at any time resign their office by giving notice in writing to the Local Board. The Chair or Vice-Chair shall cease to hold office if:
- a. The person ceases to serve on the Local Board;
  - b. The person is employed by LAAT whether or not at the Academy (save that this provision shall not apply where the Academy is rated by OFSTED as being 'Inadequate' and an employee of LAAT is appointed by LAAT to act as Chair for the purpose of improving the Academy or where a Local Board require an interim Chair, Directors or the CEO may appoint for a short time a Chair who is a LAAT employee or Director);
  - c. The person is removed from office in accordance with this Scheme; or
  - d. In the case of the Vice-Chair, they are elected in accordance with this Scheme to fill a vacancy in the office of Chair.
- A1.01.05 Where by reason of any of the matters referred to in paragraph A1.01.04, a vacancy arises in the office of Vice-Chair and the members of the Local Board shall at its next meeting elect one of their numbers to fill that vacancy.
- A1.01.06 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice-Chair shall act as the Chair for the purposes of the meeting.

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- A1.01.07 Where in the circumstances referred to in paragraph A1.01.05 the Vice-Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the members of the Local Board shall elect one of their number to act as a Chair for the purposes of that meeting, provided that the person elected shall neither be a person who is employed by LAAT whether or not at the Academy nor a Director.
- A1.01.08 Director or the Clerk shall act as Chair during that part of any meeting at which the Chair is elected.
- A1.01.09 Any election of the Vice-Chair which is contested shall be held by secret ballot.
- A1.01.10 The Chair may only be removed from office by the Directors at any time or by the Local Board in accordance with this Scheme.
- A1.01.11 A resolution to remove the Vice-Chair from office which is passed at a meeting of the Local Board shall not have effect unless:
- a. it is confirmed by a resolution passed at a second meeting of the Local Board held not less than fourteen days after the first meeting; and
  - b. The matter of the Vice-Chair's removal from office is specified as an item of business on the agenda for each of those meetings.
- A1.01.12 Before a resolution is passed by the Local Board at the relevant meeting as to whether to confirm the previous resolution to remove the Vice-Chair from office, the person or persons proposing their removal shall at that meeting state reasons for doing so and the Vice-Chair shall be given an opportunity to make a statement in response.
- A1.01.13 It is the responsibility of the Vice-Chair to make LAAT aware of any concerns relating to the Chair and how the Chair is overseeing the day to day management of the Academy.
- A1.01.14 The Clerk to each Local Board shall be appointed by the relevant Chair subject to the approval of the Local Board Members. They shall have no right to vote at Local Board Meetings or otherwise act as if they were a Local Board Member.

**A1.02 *Conflicts of Interest***

- A1.02.01 Any Local Board Member 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 their duties as a member of the Local Board shall disclose that fact to the Local Board as soon as they become aware of it. A person must absent themselves from any discussions of

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the Local Board in which it is possible that a conflict will arise between their duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).

- A1.02.02 For the purpose of paragraph A1.02.01, a person has a Personal Financial Interest if they or a family member are in the employment of LAAT or is in receipt of remuneration or the provision of any other benefit directly from LAAT or in some other way is linked to LAAT or the Academy.
- A1.02.03 Any disagreement between the members of the Local Board and the Headteacher or any sub-committee of the Local Board shall be referred to the Directors for their determination.
- A1.02.04 It is expected that the Chair and Vice Chair will attend appropriate training courses to maintain their expertise.

**A1.03    *The Minutes***

- A1.03.01 The minutes of the proceedings of a meeting of each Local Board shall be drawn up and entered into a book kept for the purpose by the person authorised to keep the minutes of the Local Board; and shall be signed (subject to the approval of the members of the Local Board) at the same or next subsequent meeting by the person acting as Chair thereof. The minutes shall include a record of all proceedings at meetings of the Local Board and of sub-committees of the Local Board including the names of all persons present at each such meeting.
- A1.03.02 The Chair shall ensure that copies of minutes of all meetings of the Local Board (and such of the sub-committees as the Main Board shall from time to time notify) shall be provided to the Main Board as soon as reasonably practicable after those minutes are approved.

**A1.04    *Committees***

A Local Board may establish any sub-committee in accordance with the provisions of this Scheme. The constitution, membership and proceedings of any sub-committee shall be determined by the Local Board but having regard to any views of the LAAT Board. The establishment, terms of reference, constitution and membership of any sub-committee shall be reviewed at least once in every twelve months. The membership of any sub-committee may include any expert person who is not a member of the Local Board or a Director, provided that a majority of the members of any such sub-committee shall be members of the Local Board or Directors. Any member of a sub-committee who is not a member of the Local Board or a Director shall not be entitled to vote in any proceedings of the sub-committee.

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**A1.05 Delegation**

- A1.05.01 Provided such power or function has been delegated to a Local Board, the Local Board may further delegate to any person serving on the Local Board, a sub-committee of the Local Board, the Headteacher or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions imposed either by the LAAT Board or the Local Board and may be revoked or altered. Each sub-committee shall produce a document detailing its Terms of Reference, which shall adhere to the Scheme of Delegation
- A1.05.02 Where any power or function of the LAAT Board or the Local Board is exercised by any sub-committee, any Director or Local Board Member, the Headteacher or any other holder of an executive office, that person or sub-committee shall report to the Local Board in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Board immediately following the taking of the action or the making of the decision.

**A1.06 Meetings of the Local Board**

- A1.06.01 Subject to this Scheme, each Local Board may regulate its proceedings as the Local Board Members think fit.
- A1.06.02 The Local Board shall meet at least once per term (based on a three term year) in every school year. Meetings of the Local Board shall be convened by the Clerk to the Local Board. In exercising their functions under this Scheme, the Clerk shall comply with any direction:
- a. given by the LAAT Board or the Local Board; or
  - b. given by the Chair of the Local Board or, in their absence or where there is a vacancy in the office of Chair, the Vice-Chair of the Local Board, so far as such direction is not inconsistent with any direction given as mentioned in A1.06.02a above.
- A1.06.03 Any three Local Board Members may, by notice in writing given to the Clerk, requisition a meeting of the Local Board; and it shall be the duty of the Clerk to convene such a meeting as soon as is reasonably practicable.
- A1.06.04 At least 7 clear days before the date of a meeting, every Local Board Member and the LAAT Governance Officer shall be given:

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- a. notice in writing thereof, signed by the Clerk and sent to each Local Board Member at the address provided by each member from time to time; and
  - b. a copy of the agenda for the meeting;
- provided that where the Chair or, in their absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as they direct.
- A1.06.05 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.
- A1.06.06 A resolution to rescind or vary a resolution carried at a previous meeting of a Local Board shall not be proposed at a meeting of the Local Board unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.
- A1.06.07 A meeting of a Local Board shall be terminated forthwith if:
- a. the Local Board Members so resolve; or
  - b. the number of members present ceases to constitute a quorum for a meeting of the Local Board in accordance with paragraph A1.06.10, subject to paragraph A1.06.12.
- A1.06.08 Where in accordance with paragraph A1.06.07 a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the Clerk as soon as is reasonably practicable, but in any event within fourteen days of the date on which the meeting was originally to be held or was so terminated.
- A1.06.09 Where a Local Board resolves in accordance with paragraph A1.06.07 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Board shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the Clerk to convene a meeting accordingly.
- A1.06.10 Subject to paragraph A1.06.12, the quorum for a meeting of a Local Board and any vote on any matter thereat, shall be at least three Local Board Members, or, where greater, one third

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(rounded up to a whole number) of the total number of Local Board Members at the date of the meeting of which there must be a majority of LAAT/DBE appointees

- A1.06.11 A Local Board may act notwithstanding any vacancies on the Local Board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.
- A1.06.12 The quorum for the purposes of any vote on the removal of a person in accordance with this Scheme shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters.
- A1.06.13 Subject to this Scheme, every question to be decided at a meeting of the Local Board shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every Local Board Member shall have one vote. A determination by a majority shall not apply in relation to the appointment of co-opted members to the Local Board where unanimity is required.
- A1.06.14 Subject to paragraphs A1.06.10 – A1.06.12, where there is an equal division of votes, the Chair of the meeting shall have a casting vote in addition to any other vote they may have.
- A1.06.15 The proceedings of a Local Board shall not be invalidated by:
- a. any vacancy on the board; or
  - b. any defect in the election, appointment or nomination of any person serving on the Local Board.
- A1.06.16 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of a Local Board or of a sub-committee of a Local Board, shall be valid and effective as if it had been passed at a meeting of the Local Board or (as the case may be) a sub-committee of the Local Board duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Board and may include an electronic communication by or on behalf of the Local Board indicating their agreement to the form of resolution providing that the member has previously notified the Local Board in writing of the email address or addresses that the member will use.
- A1.06.17 Subject to paragraph A1.06.18, a Local Board shall ensure that copies of:
- a. the agenda for every meeting of the Local Board;
  - b. the draft minutes of every such meeting, if they have been approved by the person acting as Chair of that meeting;

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- c. the signed minutes of every such meeting; and
- d. any report, document or other paper considered at any such meeting, are to be made available, as soon as is reasonably practicable, to persons wishing to inspect them.

A1.06.18 There may be excluded from any item required to be made available in pursuance of paragraph A1.06.17, any material relating to:

- a. a named person employed, or proposed to be employed, at the Academy;
- b. a named student at, or candidate for admission to, the Academy; and
- c. any matter which, by reason of its nature, the Local Board is satisfied should remain confidential, should be recorded and in a separate set of confidential minutes.

A1.06.19 Any Local Board Member shall be able to participate in meetings of the Local Board by telephone or video conference provided that:

- a. they have given notice of their intention to do so detailing the telephone number on which they can be reached and/or appropriate details of the video conference suite from which they shall be taking part at the time of the meeting at least 48 hours before the meeting; and
- b. the Local Board has access to the appropriate equipment. If after reasonable efforts, it does not prove possible for the person to participate by telephone or video conference the meeting may still precede with its business provided it is otherwise quorate.

### **A1.07 Notices**

A1.07.01 Any notice to be given to or by any person pursuant to this Scheme (other than a notice calling a meeting of a Local Board) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In this Scheme, 'address' in relation to electronic communications, includes a telephone number or email address used for the purposes of such communications.

A1.07.02 A notice may be given by a Local Board to its members either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by giving notice using electronic communications to an email address for the time being notified to the Local Board by the member. A Local Board Member whose registered address is not within the United Kingdom and who gives to the Local Board an address within the United Kingdom at which notices may be given to them, or an address to



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which notices may be sent using electronic communications, shall be entitled to have notices given to them at that address, but otherwise no such member shall be entitled to receive any notice from the Local Board.

A1.07.03 A Local Board Member present at any meeting of the Local Board shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.

A1.07.04 Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted by first class post or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

**A1.08 Indemnity**

Subject to the provisions of the Companies Act 2006 every member of a Local Board or other officer or auditor of LAAT acting in relation to an Academy shall be indemnified out of the assets of LAAT against any liability incurred by them in that capacity in defending any proceedings, whether civil or criminal, in which judgement is given in favour or in which they are acquitted or in connection with any application in which relief is granted to them by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of LAAT.

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**APPENDIX 2: Local Board Membership*****A2.01 Membership of the Local Interim Board in 'Academies where delegation has been removed'***

This appendix concerns membership of Local Boards in Academies which are 'Requiring improvement or Inadequate' and judged to be at risk using LAATs 'Signatures of Risk' framework

A2.01.01 Schools which are judged as 'Inadequate' or 'Requiring Improvement' by the last OfSTED inspection or independent external review and/or meet most of the criteria in the 'the Signatures of Risk' framework will have in place a **Local Interim Board** (LIB) as each academy will require a personalised range of strategies so the membership of the Local Interim Board will reflect these strategies. The Local Interim Board should be a focused group appointed for the full period which it is expected to take to turn the academy around.

A2.01.02 Members of a Local Interim Board will be chosen on a case-by-case basis, depending on the needs of the academy.

A2.01.03 Existing Local Board members/governors may be appointed to the Local Interim Board.

A2.01.04 LAAT expect members of a Local Interim Board to bring a fresh outlook to the governance arrangements of the academy, marking a clear break from the previous management of the academy. In most cases, therefore, we would not expect existing Local Board Members who are vacating office to be nominated as new Local Interim Board members. Good practice may include:

- a. employing external leadership consultants to carry out a leadership review (including the position of the Headteacher) and/or teaching review of the academy to identify strengths and weaknesses;
- b. ensuring senior staff are using disciplinary/capability procedures rigorously where staff do not meet the expectations of the National Teachers' Standards;
- c. replacing/adding to the Local Board with experts in school improvement;
- d. employing a new School Improvement Partner with rigorous targets and milestones to support delivery for rapid improvement;
- e. employing consultant leaders to work alongside the SLT or to replace the SLT to effect immediate improvement;

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- f. identifying highly successful partnership schools and organisations that can provide specific support for improvement;
- g. working with the appointed inspector to develop a sponsor's Statement of Improvement and highly effective action plan for improvement when OFSTED has judged the academy at Grade 4 Inadequate;
- h. insisting on high quality data presented on a regular and frequent basis to LAAT to demonstrate the impact of improvement actions.

A2.01.05 In the event of an Inadequate academy remaining Inadequate LAAT and the Diocese of Lincoln will work with the DfE to seek a radical and innovative solution. As is currently the case the detail of each individual case will be negotiated in full partnership and consultation with the DfE.

A2.01.06 A Local Interim Board (LIB) will consist of the Headteacher and at least 3 members appointed by LAAT.

A2.01.07 The Chair of the LIB will be appointed by LAAT.

## **A2.02 *Membership of the (substantive) Local Board***

A2.02.01 The recommended size for a Local Board is nine (9) with the option to co-opt two (2) additional members for specific projects (see A2.02.03). The membership in an academy will be made up of the following:

### **Church Schools**

1 x Staff – Headteacher – Ex Officio

2 x Parent Members – 4 Year Term of Office

3 x LAAT Appointed – 4 Year Term of Office

2 x DBE Foundation Appointed – 4 Year Term of Office

1 x Community – Local Board Appointed – 4 Year Term of Office

### **Community Schools**

1 x Staff – Headteacher – Ex Officio

2 x Parent Members – 4 Year Term of Office

5 x LAAT Appointed – 4 Year Term of Office

1 x Community – Local Board Appointed – 4 Year Term of Office

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The Chair of a Local Board will be appointed by LAAT

A2.02.02 The work of the Local Board may be further supported by staff, pupil and parent forums who will feed formally into the Local Board. Each forum, if established, shall be attended by a member of the Local Board who shall represent the views of the forum to the full board.

A2.02.03 Up to 2 co-optees may be appointed following a unanimous request from the Local Board being approved by LAAT for specific, time limited projects. Co-optees' voting rights will be limited to the specific projects for which they are appointed, subject to LAAT approval.

A2.02.04 Directors or their representatives have the right to attend and vote at all meetings of the Local Board and will attend where any academy is deemed at risk.

### Appendix 3: Local Board Decision Tables

Key for the decision tables	
Stakeholders are:	
LAAT	= Lincoln Anglican Academies Trust
LB	= Local Board
H	= Headteacher
Responsibilities are:	
D	= Decision to be taken by the appropriate stakeholder
A	= Action / Advice required from the appropriate stakeholder to help inform decisions*
R	= Ratification required from the appropriate stakeholder
M	= Monitoring to be undertaken by the appropriate stakeholder

**All academies must ensure that their financial and other arrangements comply with the current financial regulations, standing orders and schemes of delegation. If any doubt exists, speak to a LAAT Officer before any action or decision**

ACTIONS			LAAT	LB	H
Key Function	No.	Tasks			
Academy	1	To set the budget plan each financial year and submit to LAAT for final approval	MD	DA	A
	2	To develop an academy improvement plan which looks in detail at the next 12 months, has actions looking 3 years ahead and has strategies for 5 years		DA	A
<b>Budgets</b> (All actions assume that financial procedures are	3	To cost the academy improvement plan for the next 12 months in the detail of the academy budget and to ensure the 3 and 5-	M	DA	A

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ACTIONS					
Key Function	No.	Tasks	LAAT	LB	H
followed in items 3-9)		year plans are affordable.			
	4	To monitor monthly and termly expenditure	M	M	M
	5	To respond appropriately to finance reports to ensure expenditure stays within budget	M	DA	A
	6	To investigate financial irregularities (Headteacher suspected)	DA		
	7	To investigate irregularities (others suspected)	DA		
	8	To enter into contracts in line with Schedule of Delegated Authorities	R	DA	A
	9	To provide all required categories of insurance	D		
<b>Staffing</b>	10	Headteacher appointments (selection panel)	DA	A	
	11	Deputy appointments (selection panel) in line with the Financial Management Policy and Schedule of Delegated Authorities	R	DA	A
	12	Appoint other teachers in line with Financial Management Policy and the Schedule of Delegated Authorities	R	DA	A
	13	Appoint non-teaching staff in line with Financial Management Policy and the Schedule of Delegated Authorities	R	DA	A
Performance Management Panel is Chair of LB, LAAT rep and if appropriate external adviser	14	Performance Management of Headteacher (Set targets, review and make pay recommendation)	DA	A	
	15	Other Pay discretions within pay policy and budget e.g. retention	R	DA	A

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ACTIONS			LAAT	LB	H
<b>Key Function</b>	<b>No.</b>	<b>Tasks</b>			
	16	Dismissal (Headteacher) <i>acting through Dismissal Committee</i>	DA	A	
	17	Dismissal (other staff) <i>acting through Dismissal Committee</i>	R	DA	A
	18	Establishing staff disciplinary/capability procedures / policy	DMA		
	19	Establishing complaints and whistle-blowing procedures	DMA		
*LB as a whole will not be informed of reasons for suspension to remain impartial	20	Suspending and ending a suspension of Headteacher	DA	A*	
*HT will make only decision if it is a safeguarding issue	21	Suspending and ending a suspension of staff (except Headteacher)	R (Appeal body with LAAT advice)	DA	A (D)*
	22	Determining dismissal payments/early retirement	R	DA	A
	23	Determining staffing structure within agreed budget	R	DA	A
<b>Curriculum</b>	24	To ensure a broad and balanced curriculum taught to all pupils and to consider any disapplication for pupil(s)	M	RM	DA
	25	To approve and review curriculum policy	R	DA	A
	26	To implement curriculum policy	M	M	A
	27	Monitoring standards of teaching making decisions to improve practice	M	M	DMA
	28	To provide reports to LAAT at intervals to be decided by LAAT in consultation with the Diocese's Professional Officers		A	A
	29	To decide which subject options should be taught with regard to resources, and implement provision for flexibility in the		R	DA

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ACTIONS					
Key Function	No.	Tasks	LAAT	LB	H
		curriculum (including activities outside school day)			
	30	Responsibility for monitoring the progress of individual children and taking decisive actions	M	MA	MA
	31	Provision of sex education - make and keep up to date a written policy	R	DA	A
	32	To prohibit political indoctrination and ensure the balanced treatment of political issues (inc PREVENT policy)	M	M	A
	33	Maintain current Single Central Record and Safeguarding Policies	M	MA	DA
	34	To approve and review a charging and remissions policy for curriculum activities*	DA	A	A
<b>Target Setting</b>	35	To approve and publish targets for pupil achievement	M	DA	A
<b>Exclusions</b>	36	To approve and review a behaviour policy	R	DA	A
	37	To exclude a pupil for a fixed term (less than 45 days in total per year) or permanently			D
	38	To consider certain exclusions and any representations (must consider any pupil excluded permanently or for more than 15 days in one term, or 45 days in total) <i>NB: Local Board must act through the pupil discipline committee</i>		D	
	39	To implement an appeals process for excluded pupils	M	DA	
<b>Admissions</b>	40	To approve and review an admissions policy	R	DA	A
	41	Admissions: application and appeals decisions	M	DA	



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ACTIONS					
Key Function	No.	Tasks	LAAT	LB	H
	42	To appeal against LA directions to admit pupil(s)	M	DA	
<b>Religious Education</b>	43	Ensure RE is provided according to trust deed and the Christian ethos	M	M	A
<b>Collective Worship</b>	44	To ensure collective worship in accordance with Trust Deed and statutory requirements	M	M	A
<b>Premises</b>	45	Buildings Insurance – advice from LAAT, diocese or trustees where appropriate	D		
	46	Day to day repairs and premises maintenance		MD	DA
	47	Planned maintenance and Estate Strategy	D	A	A
	48	To ensure health and safety issues are met	M	A	A
<b>Information for Parents</b>	49	To set the times of school sessions and the dates of school terms and holidays	R	DA	A
	50	Pupil Annual reports – to approve format and distribution processes	M	M	DA
	51	To ensure all statutory information is published by Local Boards (for example Pupil Premium, Phonics scheme used etc.)	M	DA	A
	52	To ensure provision of free school meals to those pupils meeting criteria	M	M	A
<b>Local Board Procedures</b>	53	Adoption and review of home-school agreements	M	M	DA
	54	To appoint the chair of a Local Board	DA		
	55	To appoint the vice chair of a Local Board		D	
	56	To remove a member of the Local Board	D		
	57	To appoint and dismiss the clerk to the Local Board governors	R	DA	

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ACTIONS					
Key Function	No.	Tasks	LAAT	LB	H
	58	To hold a Local Board meeting once a term or more often as required by LAAT	M	DA	
	59	To consider whether or not to exercise delegation of functions to individuals or committees		DA	
	60	To regulate the Local Board's procedures	M	DA	
	61	To keep under review the establishment, terms of reference and membership of committees, including selection panels	M	DA	
	62	To set up a Register of Local Board Members' business interests	DM	A	
	63	To audit Local Board Members' skills	M	DA	
	64	To approve and set up a Local Board Members' expenses scheme	D		
	65	To discharge duties in respect of pupils with special needs by appointing a 'responsible person'	M	RM	DA

## APPENDIX 4: Actions where Academies fail to Make Improvement

If an academy is judged by OfSTED as 'Inadequate' or 'Requires Improvement,' has failed to make progress to a higher inspection category by the next inspection, or has been externally assessed as underperforming, LAAT will look for radical changes to ensure improvement.

A4.01 Each academy will require a personalised range of strategies but some of those we will employ include:

- a. employing external leadership consultants to carry out a leadership review and/or teaching review of the academy to identify strengths and weaknesses;
- b. ensuring senior staff are using disciplinary/ capability procedures rigorously where staff do not meet the expectations of the National Teachers' Standards;
- c. replacing / adding to the governing Body with experts in school improvement;
- d. employing a new school improvement partner with rigorous targets and milestones to support delivery for rapid improvement;
- e. employing consultant leaders to work alongside the SLT / replace SLT to effect immediate improvement;
- f. identifying highly successful partnership schools and organisations that can provide specific support for improvement;
- g. working with the appointed inspector to develop a sponsor's statement of improvement and highly effective action plan for improvement when OFSTED has judged the school a 4;
- h. insisting on high quality data presented on a regular and frequent basis to LAAT to demonstrate the impact of improvement actions.



**Company No: 08737412**

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