

## APPENDIX 4

### General Powers Delegated to the LGB

#### 1 CONTRACTS

- 1.1 The LGB shall have the power (subject to the other provisions of this SoDA) to enter into contracts on behalf of the Company in so far as they relate to the Academy provided that the LGB shall first obtain the written consent of the Directors to any contracts or expenditure which would commit the Academy and/or the Company to expenditure (in aggregate) in excess of the financial limits referred to in **Appendix 5**.
- 1.2 The LGB should inform all contract providers with information about its structure, the role of the Company and details of who is permitted to enter into contracts.
- 1.3 All contracts should be signed by the Academy Headteacher, Principal or Chief Finance Officer as appropriate. All contracts will be authorised in line with limits as described in Appendix 5 for each Academy category.
- 1.4 Academy improvement services will be contracted through and will normally be provided by the Trust and LGBs, Head Teachers or Principals of Academies of Level 2 Academies (**see Appendix 3**) that shall not enter into any contract relating to the provision services or services akin to school improvement with any other provider without first obtaining the written consent of the Directors.

#### 2 FINANCE

- 2.1 The Directors delegate to the LGB the responsibility to plan, manage and expend such of the monies received under the Academy Funding Agreement or otherwise for the purposes of the Academy as may be determined each year by the Directors in accordance with the annual budget approved by the Directors ("Budget").
- 2.2 The LGB acknowledges the support provided by the Company and that certain costs will be incurred by it in undertaking its functions and meeting its responsibilities.
- 2.3 The Company will normally expect a percentage of the Academy's budget General Annual Grant (GAG) funding to be paid to the Company each financial year to pay for or contribute to the payment for the services provided by the Company;
  - 2.3.1 the Company may on such notice as is reasonable add or remove services to be provided and vary the amount which the Academy will contribute to the funding of these services.
- 2.4 There may be other services provided by the Directors on either an optional or a non-discretionary basis. The Academy will meet such proportion of the costs incurred by the Company in relation to such additional services as shall be determined by the Directors on an annual basis. The Directors will on request make available to the LGBs full details of the expenditure incurred by the Company and will at the start of each academic year circulate a draft budget for the Company for discussion with the LGBs.
- 2.5 The LGB shall ensure that all funds received by the Academy are spent in a manner as the LGB shall consider most beneficial for the achievement of the object of the Company in so far as it relates to the Academy and in accordance with the financial limits set out in **Appendix 5**.

- 2.6 The LGB shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the **Academies Trust Handbook** are observed at all times as well as any requirements and recommendations of the Directors and the Secretary of State. The LGB shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy and are delegated to them.
- 2.7 The Company operates a single bank account, as such there is no authority for a LGB to establish their own banking facilities.
- 2.8 The accounts of the Company shall be the responsibility of the Directors but the LGB shall provide such information about the finances of the Academy as often and in such format as the Directors shall request.
- 2.9 Under no circumstances will the LGB expend unplanned expenditure without prior approval of the Company Directors.
- 2.10 In acknowledgement of the receipt by the Directors of funds in relation to the Academy; provided by the Secretary of State, donated to the Company and generated from the activities of the Company, the Directors, subject to **Appendix 3**, delegate to the LGB the responsibility to manage and expend allocated monies received on account of the Academy for the purposes of the Academy.
- 2.11 The Directors acknowledge the LGB's right and intention to use any voluntary (i.e. non grant) funds (including any restricted funds) raised by the LGB for the purposes for which they have been raised and otherwise solely at the discretion of the LGB provided this is within the Object. Proper accounts will be kept by the LGB showing the receipt and use of such funds and the extent to which such funds are restricted, in the light of the obligation on the Company to note these funds separately in the accounts of the Company. Please refer to 2.7 above with regards to banking arrangements.

### 3 PREMISES

- 3.1 The use of monies apportioned in the Budget for the routine maintenance of the buildings and facilities used by Academy will be the responsibility of the LGB.
- 3.2 The LGB shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Directors (and/or any others) as owners of such buildings and facilities.
- 3.3 The Directors shall have regard to, but not be bound by, the views of the LGB in developing any mid to long term estate management strategy.
- 3.4 Insuring the land and buildings used by the Academy will be the responsibility of the Directors who will recover the cost from the budget delegated to the LGB. Each Academy will join the DfE Risk Protection Arrangement (RPA) insurance scheme for academies unless directed otherwise by the Company through the Chief Financial Officer.
- 3.5 The LGB will notify the Directors as soon as reasonably practicable following the occurrence of an event in respect of which a claim is probable through the Academy insurance. The responsibility for notifying the insurers is the LGB's. The Directors and the LGB will provide each other with all necessary information and assistance as may be helpful in the management of any insurance claims.

## 4 HUMAN RESOURCES

### *Head teacher / Principal*

- 4.1 The Directors shall be responsible for the appointment of the Academy Head teacher / Principal but shall include the LGB in the decision-making processes and take due account of the views of the LGB prior to making an appointment.
- 4.2 The Directors shall decide the pay and pay progression of the Academy Head teacher / Principal and shall work with the LGB to undertake the annual performance review of the Academy Head teacher / Principal.

### *Other staff*

- 4.3 The Directors shall be responsible for the appointment, dismissal and contractual management and compliance of all other staff (to include teaching and non-teaching staff) to be employed by the Academy, but may delegate all or any of these powers to the LGB in line with **Appendix 8 and 9**.
- 4.4 Where appointment of staff is delegated to the LGB, the LGB shall:
- comply with all policies dealing with staff issued by the Directors from time to time
  - take account of any pay terms set by the Directors
  - adopt any standard contracts or terms and conditions for the employment of staff issued by the Directors; and
  - manage any claims and disputes with staff members having regard to any advice and recommendations given by the Directors.
- 4.5 The Directors together with the LGB shall carry out the performance management of all staff (including the Headteacher / Principal) and shall put in place procedures for the proper professional and personal development of staff.

## 5 CURRICULUM AND STANDARDS

- 5.1 The LGB shall be responsible for the setting and review of the curriculum but shall have regard to any views of the Directors in recognition of the Directors' obligation to the Secretary of State to provide a broad and balanced curriculum. The LGB shall be responsible for the standards achieved by the Academy and the pupils attending the Academy but shall follow such advice and recommendations of the Directors as they might issue from time to time. The Head teacher / Principal will make regular written reports to the LGB which will be forwarded to the Directors. At the beginning of each academic year the LGB shall submit to the Directors a curriculum plan for approval.
- 5.2 Subject to the provisions of any statutory admissions code, the LGB shall be responsible for the review from time to time of the Academy's admissions policy. The Directors are responsible for the setting and approval of the admissions policy for each academy and no change will be made to the admissions criteria without the written consent of the Directors. The LGB will review the Academy's admissions policy on an annual basis in line with the vision of the Academy and the statutory obligations.
- 5.3 If a serious safeguarding issue arises the Chair of the LGB shall inform the Directors as soon as practicable, through the CEO.

## 6 BUSINESS ACTIVITIES

6.1 Whilst the undertaking of any activities designed to generate business income, shall be the responsibility of the LGB, such activities shall only be undertaken in a manner consistent with any policy set by the Directors and provided that the LGB shall have regard to the viability of such activities and possible implications including taxation i.e. must always be at least cost neutral.