

**SCHEME OF DELEGATION**  
**FOR ACADEMIES**  
**WITHIN THE ARCHDIOCESE OF BIRMINGHAM**



**DIOCESAN EDUCATION SERVICE**

**Version 4.0 – 01.05.19**

This Scheme of Delegation is for any school that has converted onto the new national suite of documents from 1<sup>st</sup> April 2017.

It should only be used by schools in the following MACs:

The Holy Family Catholic Multi Academy Company  
The Christ the King Catholic Collegiate  
The Painsley Catholic Academy  
St John Paul II Multi Academy Company  
St Teresa of Calcutta Multi Academy Company  
Holy Cross Catholic Multi Academy Company  
St Francis & St Clare Catholic Multi Academy Company  
Our Lady & All Saints Catholic Multi Academy  
Lumen Christi Catholic Multi Academy  
St Catherine of Siena Multi Academy Company  
St John Bosco Catholic Multi Academy Company  
Our Lady of Lourdes Catholic Multi Academy Company  
The Pope Francis Catholic Multi Academy Company

If you are a school in any other MAC, please ensure that you continue to use the Scheme of Delegation issued to you by your solicitors on conversion. This Scheme of Delegation will not meet the requirements of your Articles of Association.

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## **SUMMARY OF WHO DOES WHAT IN ACADEMIES**

### **Members:**

- Guardians of the governance of the MAC.
- Accountable to the Archbishop.
- Signatories to the Memorandum and Articles of Association of the MAC.
- Hold the MAC Directors to account.
- Appoint the MAC's auditors and receive the MAC's audited accounts.
- If necessary, remove a MAC Director.

### **Directors:**

- Responsible for preserving and developing the MAC's Catholic character at all times, and this overriding duty (which is also a legal duty) should permeate everything that the Directors do. MAC Directors are company directors and charity trustees.
- Responsible to the Archbishop, to the Government and to the MAC Members for the quality of education in the academies.
- Responsible for the general control and management of the administration of the MAC.
- Duty to uphold the MAC's objects and to comply with any directives, advice and/or guidance issued by the Archbishop via the DES.

### **Governors:**

- Appointed/elected to govern a specific academy within the MAC and provide information to the MAC Directors.

### **The Principal:**

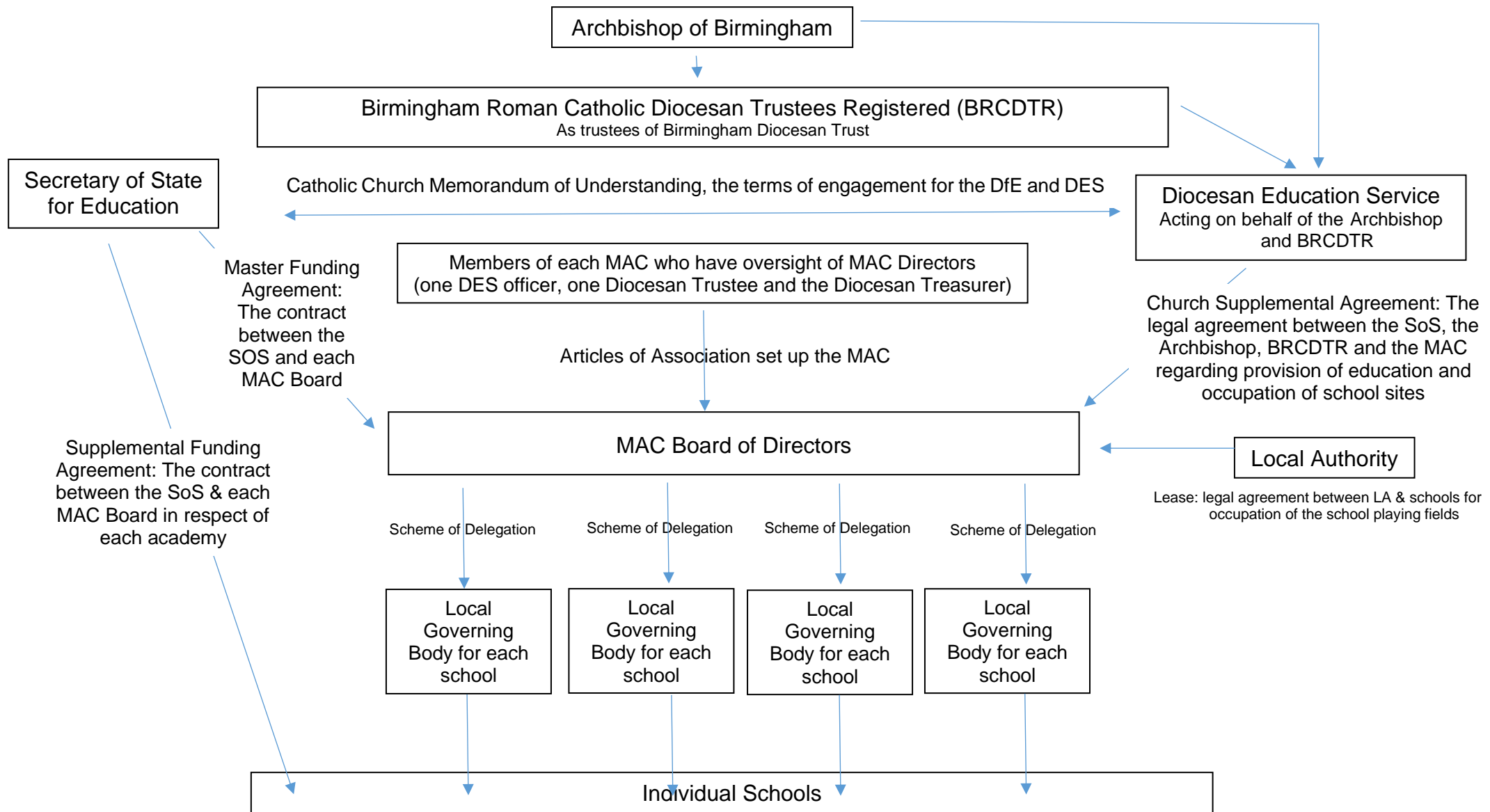
- Responsible for day to day management of the academy.

### **Diocesan Education Service:**

- Exercises the oversight given to the Archbishop under Canon Law.
- Holds the MAC Directors to account for the performance of the academies within the MAC.
- Provides policies, guidance and support to academies and MACs.
- Supports the community of Catholic academies, supporting a collective voice on national issues affecting academies.
- Provides guidance on the provision of RE, collective worship and the development of Catholic life in academies.
- Provides advice and guidance on the use of buildings and land.

## The Proposed Model of MACs within the Archdiocese of Birmingham

The diagram below demonstrates the proposed arrangements for the emerging MAC model



## KEY PRINCIPLES

- Solidarity - We are all responsible for each other.
- Subsidiarity - allowing people to be able to contribute to decision-making at all levels.

This is reflected in the following expectations:

1. The MAC Directors and all staff and Governors at all academies within the MAC take collective responsibility for all our children.
2. Academies and the MAC Directors will work in partnership with families and parishes to promote strong, positive links within the wider community.
3. All MACs in the Archdiocese of Birmingham will work together with the DES to ensure that best practice is available to all and where support is needed it is readily available, creating an environment where academies work together for mutual support and the benefit of all our children.
4. No individual academy will be left in a vulnerable position.
5. Unity will be maintained across the Archdiocese of Birmingham under the authority and direction of the Archbishop and those acting on his behalf, and all academies will strive to provide the best possible Catholic education for all children.
6. The MAC Directors adopt this Scheme of Delegation in accordance with the MAC Articles. The DES, the MAC Directors and the Governors agree that best practice in the organisation of academies will change over time. Therefore this Scheme of Delegation will be reviewed at least annually at the end of each academic year by the DES and each review will take into account feedback received from MACs, LGBs and Principals. That review will also update this Scheme of Delegation to ensure that it accords with the law and the requirements of the DfE from time to time. The current version of this Scheme of Delegation will be available on request from the DES and will be available on the DES website. At any time, the Scheme of Delegation adopted by the MAC Directors shall be the version available at that time from the DES.

## TERMS USED IN THIS SCHEME OF DELEGATION

- ‘Archbishop’ means the Archbishop of the Archdiocese of Birmingham (as defined in Canon Law) and includes any person exercising Ordinary jurisdiction in his name (including Vicar Generals and Episcopal Vicars) and any person delegated by him, including officers of the Diocese.
- ‘Bishop’s Conference Curriculum Directory’ means Religious Education Curriculum Directory of the Catholic Bishop’s Conference of England and Wales outlining the guidance for religious education in Catholic schools. A copy of this is available on the DES website.
- ‘Bishop’s Memorandum on Appointment of Teachers in Catholic Schools’ helps governing bodies fulfil their responsibility to preserve and develop the Catholic character of the school or academy in relation to the appointment of Catholic staff. A copy of this is available on the DES website.
- ‘BRCDTR’ means Birmingham Roman Catholic Diocesan Trustees Registered as trustee of Birmingham Diocesan Trust, registered charity number 234216.
- ‘Canon Law’ means the Canon Law of the Catholic church from time to time in force and if any question arises as to the interpretation of Canon Law, this shall be determined exclusively by the Archbishop.
- ‘CES’ means Catholic Education Service.
- ‘CSEL’ means Catholic Senior Executive Leader.
- ‘Director Code of Conduct’ means the Code of Conduct for MAC Directors available on the DES website.
- ‘DES’ means Diocesan Education Service.
- ‘DfE’ means the Department for Education.
- ‘ESFA’ means Education and Skills Funding Agency.
- ‘GAG’ means General Annual Grant.
- ‘Governor’ means a member of a Local Governing Body.
- ‘Governor Code of Conduct’ means the Code of Conduct for Governors available on the DES website.
- ‘KPI’ means Key Performance Indicators.
- ‘LGB’ means Local Governing Body.
- ‘MAC’ means Multi Academy Company.
- ‘MAC Articles’ means the memorandum and articles of association of the MAC.
- ‘MAC Director’ means a Director of a Multi Academy Company.
- ‘Member’ means a member of the Multi Academy Company.
- ‘OJEU’ means the Official Journal of the European Union.
- ‘PAN’ means Published Admission Number.
- ‘RPA’ means Risk Protection Arrangement provided by the DfE.
- ‘School Admissions and Appeals Codes’ means the current versions of the School Admissions Code and the School Admission Appeals Code published by the DfE.



## **PART ONE**

### **DETAILS OF WHO DOES WHAT WITHIN THE MAC AND THE ACADEMY**

PLEASE NOTE THAT IN THIS SCHEME OF DELEGATION TASKS WHICH ARE IN ITALICS CANNOT BE DELEGATED BY THE MAC DIRECTORS

#### **1. INTRODUCTION**

- 1.1 Canon Law gives the Archbishop the duty to watch over the Catholic schools in the Archdiocese and to issue directives concerning their general regulation. The Archbishop carries out this duty through the work of the DES.
- 1.2 The MAC Directors are responsible for all of the academies in that MAC. That means that they are responsible to government agencies for the quality of the education provided by every academy. They are also responsible to the Archbishop for every academy being run as an excellent Catholic school which serves as a witness to the Catholic faith in Our Lord Jesus Christ.
- 1.3 The role of any CSEL who is appointed is set out in more detail in the Role Description in Part 4 of this Scheme.
- 1.4 The role of the LGB which is appointed for each academy is to make sure that the academy is well run. To do that the Governors follow all the guidance provided by relevant government agencies, the DES and the MAC Directors.
- 1.5 Principals are responsible for the day to day running of an academy and work with the LGB of that academy.
- 1.6 This Scheme of Delegation explains how the DES, the MAC Directors, the Governors and the Principals work together to ensure that each academy provides an excellent Catholic education to all its pupils.

#### **2. ETHOS AND MISSION STATEMENT**

- 2.1 Each academy must have its own mission statement which reflects the unique Catholic ethos of that academy.
- 2.2 Collectively the academies, as part of the MAC, must have a shared ethos based on their shared Catholic faith which may be reflected in a joint mission statement.
- 2.3 Every academy must work in partnership with the other academies within the MAC with the common good of Catholic education as the basis of their collaborative work. This partnership working should be at both an operational level and a strategic level. It is expected that all academies continue to engage and work with schools in the wider community including non-Catholic schools where possible.

### **3. OVERALL ROLES AND RESPONSIBILITIES**

- 3.1 The DES provides support, training and guidance for the MAC Directors, for the Governors and for staff with regard to the Catholic ethos of the academy. The DES is the first point of contact for advice, guidance and support in all matters that may impact on the quality and provision of Catholic education either across a MAC or in an individual academy. This typically includes, but is not limited to, issues involving: RE, collective worship and Catholic life, admissions, governance, leadership, standards, staffing, buildings and premises, health and safety and finance.
- 3.2 The MAC Directors must manage and develop Catholic academies within the MAC in accordance with the principles, teachings and expectations of the Catholic Church. MAC Directors must follow and adhere to any advice, guidance or directives given by the DES on behalf of the Archbishop.
- 3.3 Both the MAC Directors and the Governors have a duty to act with integrity, objectivity and honesty in the best interests of the MAC and the academy and shall be open about decisions (except where a matter is confidential) and be prepared to justify those decisions.

### **4. GENERAL - MAC DIRECTORS SHOULD;**

- 4.1 Ensure strategic oversight and provision of excellent Catholic education within the MAC. This must always be undertaken fairly and equitably so as not to give unreasonable advantage or disadvantage to any one or more academies within the MAC. The MAC Directors have the duty to make sure that where there are problems in any of these areas, that such problems are successfully addressed.
- 4.2 *Preserve and develop the religious and educational character, mission and ethos of the MAC, as determined by the Archbishop working through the DES in accordance with the Articles of Association, and ensure that it is embedded in each academy.*
- 4.3 Carry out the following core functions:
- Ensure clarity of vision, ethos and strategic direction.
  - Hold the Principals and/or CSEL(s) (if appropriate) to account for the educational performance of the academies in the MAC and its pupils and for the internal organisation, management and control of the academies including performance management of staff.
  - Oversee the financial performance of the MAC and the academies within it and make sure its money is well spent.
  - Secure, protect and improve the Catholic life of the academies.
  - Ensure compliance with the MAC's charitable objects and with company and charity law and ensure that all MAC Directors are provided with training to ensure that this can be achieved.
- 4.4 Have strategic oversight of governance arrangements and their effectiveness across the MAC.
- 4.5 Review and amend:
- The terms of reference for the committees, other than the LGB, set up by the MAC Directors.
  - Where applicable, and working in conjunction with the DES, the terms of reference for delegation to any CSEL or leaders.

- Role descriptions for MAC Directors, for the Chair of the MAC Directors and for members of committees, other than the LGB, set up by the MAC Directors.
  - The policies of the MAC.
- 4.6 Carry out business planning across the MAC including preparation and monitoring of budgets.
- 4.7 Establish and publish registers of business interests and registers of pecuniary interests for MAC Members, MAC Directors and Governors and publish these on the MAC's website if necessary.
- 4.8 Establish a protocol for dealing with and managing potential and actual conflicts of interest for MAC Directors and Governors.
- 4.9 Establish and maintain the register relating to persons with significant control of the MAC.
- 4.10 Ensure that each academy updates Edubase as required by the DfE.
- 4.11 *Appoint/remove MAC Directors other than Foundation Directors.*
- 4.12 Appoint, suspend or remove a company secretary.
- 4.13 Appoint, suspend or remove a clerk to the MAC Directors and support clerking arrangements to the LGBs.
- 4.14 Appoint from its number MAC Directors with specific responsibilities for SEND, safeguarding, pupil premium, health and safety and financial matters. The MAC Directors may also remove such specific responsibilities from a MAC Director at any time.
- 4.15 Work with Principals and any executive team to prepare policies which will apply across the MAC and also identify any policies which need to be developed for specific academies in the MAC and identify who will complete the work on those policies.
- 4.16 *Submit and publish an annual report to MAC Members in respect of the MAC's performance.*
- 4.17 *Performance manage the Chair to the MAC Directors – 360 review.*
- 4.18 *Working with the relevant LGB, performance manage the Principals.*
- 4.19 *Review annually the contributions made by the MAC Directors, the members of committees set up by the MAC Directors and report to the MAC Members for action, if appropriate.*
- 4.20 Succession plan.
- 4.21 Prepare an annual schedule of the business to be undertaken by the MAC Directors.
- 4.22 Ensure that the governance details of each MAC and each individual academy (including their accounts) are published on the websites of the MAC and the individual academy along with any other details required by the DfE, ESFA, Companies House or any other organisation.

- 4.23 Commission, approve and have oversight of support between academies in the MAC.
- 4.24 Submit to any inspections pursuant to S.48 and any additional canonical inspections and visitations of the Archbishop undertaken by the DES, to make sure that the academy is being conducted in accordance with Canon Law and is following the practices and teachings of the Catholic Church and in order to allow the DES on behalf of the Archbishop, to assess how well the academy is being managed.
- 4.25 Submit to any other education inspections as required by law.
- 4.26 Enter into contracts which relate to goods or services to be provided across all academies in the MAC.
- 4.27 Comply with the terms of the Code of Conduct for Directors.
- 4.28 Take appropriate action in relation to any individual Governor who breaches any provision within the Code of Conduct for Governors.
- 4.29 Seek consent from the DES before starting any discussions regarding proposed expansion of the MAC.

## **5. GENERAL - GOVERNORS**

- 5.1 The LGB is responsible for ensuring the successful delivery by the Principal of the day-to-day operational matters affecting the daily life of the individual academy as delegated by the MAC Directors. Typically this may include but is not limited to:
- The implementation of curriculum plans.
  - The arrangements for teaching and learning.
  - Management of health and safety in the academy.
  - Assisting the MAC Directors in the performance management of the Principal.
  - Monitoring educational standards.
  - Championing the MAC's vision and values in the academy and ensuring the spiritual wellbeing of the pupils.
  - Preserving and developing the religious and educational character, mission or ethos of the academy in collaboration with the Principal.
  - Ensuring that the academy has a medium to long-term vision for its future and that there is a robust strategy in place for achieving its vision.
  - Appointing from its number: chair, vice-chair and Governors with specific responsibilities for SEND, safeguarding, pupil premium, health and safety and financial matters. The Governors may also remove such specific responsibilities from a Governor at any time.
  - Appointing a clerk to LGB.
  - Reviewing and amending the policies of the academy in line with the MAC's prescribed policy.
  - Implementing a means whereby the academy can receive and react to pupil, parent and staff feedback.
  - Establishing and maintaining relationships with the parish priest, local Church and parish community to work with them as they contribute to the Catholic formation of the pupils at the academy.
  - Establishing and maintaining relationships with parents of pupils attending the academy to support them in their role as primary educators.
  - Establishing and maintaining a relationship with members of the local community, including assisting the Principal to build relationships with other schools, agencies

and businesses in the community to enhance the quality of Catholic education provided for pupils.

- With the Principal, establish and develop pupil, parent and staff voice and monitor the same, reporting any issues or other matters to the MAC Directors.
- Performance managing the chair to LGB – 360 review.
- Reviewing annually the contributions made by the Governors.
- Succession planning.
- Supporting and working with other LGBs in the MAC.
- Supporting the Principal.
- Carrying out the annual self-evaluation of the LGB.
- Co-operating fully with any inspections pursuant to S.48 and any additional canonical inspections and visitations of the Archbishop.
- Co-operating fully with any other education inspections as required by law.

5.2 The LGB provides evaluative feedback and supporting evidence to the Directors on the impact and effectiveness of both the MAC and the individual academy's collective aims and objectives, policies, targets and plans.

5.3 The LGB enters into contracts on behalf of the MAC in so far as they are permitted to by the MAC Directors or as directed to by the MAC Directors. The contract will relate to their individual academy only, unless the MAC Directors have determined such a contract is to be provided across all academies in the MAC.

5.4 The LGB must, in the exercise of its powers and undertaking of its duties and responsibilities consider any advice given by the Principal and/or the MAC Directors. The LGB must accept and follow any direction given by the DES in any of its undertakings.

## **6. GENERAL - THE PRINCIPAL**

6.1 The Principal will:

- Implement the religious and educational character, mission or ethos of the academy.
- Prepare a school development plan for the academy with the support of the LGB as necessary.
- Attend meetings of the LGB and provide a Principal's report.
- Attend meetings of the Directors if requested to do so.
- Support the appointment process for the clerk to the LGB.
- Tailor MAC wide policies for the academy.
- Advise the LGB on succession planning.
- Advise the LGB on its annual schedule of business.
- Build relationships with other local schools, agencies and businesses in the wider community to enhance the quality of education provided for pupils at the academy.
- Update Edubase as required by the DfE.
- Assist the LGB to develop pupil, parent and staff voice.

## **7. FINANCE – MAC DIRECTORS**

7.1 The MAC Directors are accountable to the DfE for the financial outcomes of the MAC in accordance with the Academies Financial Handbook.

7.2 The MAC Directors must ensure that as a body they have the skills, knowledge and experience to run the MAC.

- 7.3 The MAC Directors have the overall responsibility for ensuring that any funding delegated to the individual academies is properly managed including adopting appropriate financial risk management policies and communicating those policies to the LGBs.
- 7.4 The MAC Directors must designate, in writing, a named individual as the MAC's Accounting Officer as required by the Academies Financial Handbook.
- 7.5 The MAC Directors receive funding for each academy which is provided by the Secretary of State for Education. They may also receive additional funding through their own income generation activities.
- 7.6 The DfE provides advice and guidance to the MAC Directors and the LGBs with regard to financial governance which can be found in the Academies Financial Handbook. This must be followed and adhered to in all circumstances.
- 7.7 The MAC Directors will submit to the DES on request a copy of the annual set of accounts and any other financial documents that the DES may require. This could include an action plan to address any financial issues that may give cause for concern.
- 7.8 *The MAC Directors have the freedom to amalgamate a proportion of GAG funding for all its academies to form one central fund. This fund can then be used to support any collective services provided to all the academies for the purposes of either improving the quality of Catholic Education or achieving significant financial efficiencies. This central funding will include an annual contribution to the DES for each of the academies within the MAC, to assist the DES in the delivery of its functions in connection with each academy within the MAC. The funding retained for these centralised services must be reasonable and proportional and should not put any individual academy at financial risk or increase the financial vulnerability of the MAC as a whole. The MAC Directors should submit a report to LGBs explaining the use of such funds in a clear and transparent manner and the impact it has had both on the MAC as a whole and on the individual academies such that it can be judged to be fair and equitable. If the Principal of an academy within the MAC feels that the academy has been unfairly disadvantaged by the means of calculation of the central fund, that Principal can appeal to the MAC Directors. If the MAC Directors cannot resolve that Principal's grievance, that Principal can then appeal to the Secretary of State via the ESFA set out in the Academies Financial Handbook.*
- 7.9 When requested to do so by the DES, specific MAC Directors with financial responsibility shall attend meetings with the DES to discuss matters of finance and where necessary submit to the DES a robust deficit recovery plan.
- 7.10 The MAC Directors acknowledge that the DES has no financial responsibility for any MAC or individual academy in any situation.
- 7.11 Subject to obtaining prior approval from the DES, the MAC Directors have authority to invest in the name of the MAC and to change or sell those investments but must ensure that investment risk is properly managed in accordance with the Academies Financial Handbook.
- 7.12 The MAC Directors will:
- *Approve and review a written scheme of delegation of financial powers that maintains robust internal control arrangements as set out in the Academies Financial Handbook.*
  - *Issue a letter of engagement for the contract of the external auditor, which auditor will be appointed by the MAC Members.*

- *Appoint internal auditors.*
- *Ensure that the accounts are audited in accordance with DfE requirements and are signed by the Directors and presented to the MAC Members for approval either at a General Meeting or by some other means approved in advance by the MAC Members.*
- *Prepare and submit to the ESFA and Companies House the accounts and an annual report for the MAC prepared in accordance with the law relating to charitable companies limited by guarantee at the time.*
- *Appoint a finance committee as set out in the Academies Financial Handbook.*
- *Appoint an audit committee.*
- *Approve the annual budget for the MAC and each academy to include overall approval of management accounts for each academy.*
- *Approve any significant changes to the approved budget and if necessary inform the ESFA.*
- *Budget plan on a five year rolling basis.*
- *Consider monthly budget monitoring reports and take action as necessary.*
- *Submit the budget forecast to the ESFA on time.*
- *Monitor income, expenditure, cash flow and balance sheet of the MAC.*
- *Establish a charging and remissions policy and keep this under review.*
- *Determine and communicate service charges to the LGBs relating to the provision of centralised functions.*
- *Where applicable agree remuneration for any CSEL.*
- *Prepare both a disaster recovery plan and a business continuity plan for the MAC and ensure that local plans exist in each academy.*
- *Set up and approve MAC Directors expenses in accordance with the MAC's conflicts of interest policy.*

## **8. FINANCE – GOVERNORS**

- 8.1 The LGB has authority to spend the money which it receives from the MAC as it considers best to maintain and develop the academy as a Catholic academy conducted in accordance with the teachings, doctrine and discipline of the Catholic Church in accordance with the Academies Financial Handbook.
- 8.2 If the LGB is planning to:
- ❖ spend 1% or more of its GAG on one item or on one contract or cumulatively with a single provider/supplier, or terminate or vary such arrangements, or
  - ❖ borrow or enter into hire purchase agreements or equipment leasing where the value is 1% or more of its GAG, or terminate or vary such arrangements,
- it should obtain the consent of the MAC Directors before entering into the contract.
- 8.3 The LGB is to provide any information about the finances of the Academy that the Directors request and in any case is to provide monthly management accounts to the MAC Directors.
- 8.4 The LGB is to inform the MAC Directors of any need for significant unplanned expenditure (£5000 or more) and discuss with the MAC Directors (and others if asked to do so by the MAC Directors) options for identifying available funding.
- 8.5 The LGB is to implement appropriate risk management strategies provided by the MAC Directors and shall at all times adopt financial prudence in dealing with the funding for which it is responsible.

8.6 The LGB is to comply with the requirements of the MAC Directors in relation to the management of funding delegated to the academy and the adoption of appropriate financial risk management policies.

8.7 The LGB has no power to lend money.

8.8 The LGB will:

- Appoint a Governor responsible for finance.
- Receive the annual budget for the academy from the MAC Directors and operate within it.
- Monitor the income, expenditure and cash flow of the academy and report any issues to the MAC Directors.
- Ensure any variances from the budget are reported to the MAC Directors or their relevant committee.
- Ensure proper financial controls are in place at the academy.
- Maintain a register of business interests of the Governors.
- Monitor provision of free school meals to those pupils meeting the criteria.
- Ensure the MAC's disaster recovery plan and business continuity plan for the academy is adhered to and remains fit for purpose.

## **9. FINANCE – THE PRINCIPAL**

9.1 The Principal will:

- Ensure the preparation of the annual budget for the academy with the assistance of relevant staff in line with MAC policies or guidance.
- Monitor the income, expenditure and cash flow of the academy and report any issues to the LGB.
- Prepare monitoring reports for the LGB.
- Ensure proper financial controls are in place at the academy in accordance with MAC policies.
- Ensure provision of free school meals to those meeting the criteria.
- Set up a system for staff expenses and approve and submit staff expenses at the academy in accordance with MAC policies.
- Work in conjunction with the MAC Directors and the LGB in developing and implementing the disaster recovery plan and a business continuity plan for the academy.

## **10. CONTRACTS (EXCLUDING CONSTRUCTION) – MAC DIRECTORS**

10.1 The MAC Directors will:

- *Comply with relevant legislation with regard to procurement and the award of contracts and ensure that OJEU procurement thresholds are observed and adopt a MAC-wide procurement policy.*
- *Conduct the business of the MAC ethically and in line with corporate social responsibility indicators to ensure that all suppliers used take account of economic, social and environmental factors insofar as permitted by the Academies Financial Handbook.*
- *Set the delegated levels of authority for contracts.*
- *Approve contracts with a value above £25,000.*
- *Approve contracts which constitute related party transactions (and request any necessary external approval).*



- *Set up and approve a MAC Directors' expenses policy in accordance with the MAC's conflict of interest policy.*
- If requested to do so by any LGB, enter into a contract on behalf of the LGB where the LGB will be financially liable.

## **11. CONTRACTS (EXCLUDING CONSTRUCTION) – GOVERNORS**

11.1 The LGB will:

- Conduct the business of the academy ethically and in line with requirements set by the MAC Directors to ensure that all suppliers used take account of economic, social and environmental factors.
- Enter into contracts up to the limits of delegation and within an agreed budget, where the contractor will contract directly with the LGB (in the name of the MAC) and where the contractor will not do so, the LGB can request that the MAC Directors enters into that contract for them but the LGB will remain financially liable for the contract.
- Support MAC Directors in monitoring and evaluating of the delivery of any central services and functions provided or procured by the MAC for the academy.
- Not commence legal proceedings.

## **12. CONTRACTS (EXCLUDING CONSTRUCTION) – THE PRINCIPAL**

12.1 The Principal will:

- Make payments within agreed financial limits.
- Enter into contracts (in the name of the MAC) up to the limits of delegation and within an agreed budget where the LGB will be financially liable.

## **13. INSURANCE**

13.1 The Trustees of the Archdiocese of Birmingham, as owners of all academy sites, must be certain that the assets have appropriate levels of cover at all times. This can be provided by the MAC either by insurance or the Risk Protection Arrangement (RPA) provided by the DfE. Details of building cover must be provided to the DES for monitoring purposes.

13.2 A copy of the RPA is available from the DfE website.

## **14. INSURANCE – MAC DIRECTORS**

14.1 *The MAC Directors will either insure the land and buildings used by the academies in the MAC for its reinstatement value or will enter into RPA with the DfE.*

14.2 If insurance is arranged, the policy must cover all the risks required by the DES and must be with an insurer which is approved by the DES.

14.3 If RPA is entered into, it must be approved in advance by the DES.

14.4 The MAC Directors must also take out insurance against liability for property owners', employer's and third party risks including occupiers liability and contents insurance and insurance covering the activities carried out at the academies.

14.5 Any building insurance policy must be in the joint names of the MAC and BRCDTR.

- 14.6 *The MAC Directors will pay any insurance premium and recover the pro rata cost from the budget allocated to each of the respective LGBs.*
- 14.7 If RPA is entered into the cost will be deducted by the DfE from the GAG for the academy.
- 14.8 If the land and buildings of any academy are damaged by a risk which is insured by the MAC Directors or covered by the RPA the MAC Directors must:
- Inform the DES of any claim which is or may become in excess of £50,000 and keep the DES informed of progress of the claim.
  - Make the necessary claim under the insurance policy or RPA.
  - Use the funds which they receive in rebuilding and reinstating the land and buildings of the academy.
  - With the prior consent of the DES, obtain any necessary planning permissions or consents for such rebuilding, which may not necessarily be identical to the land and buildings before the damage.
- 14.9 The MAC Directors will provide the LGB with a copy of the insurance policy or RPA for the academy.
- 14.10 The MAC Directors will provide to the DES annually confirmation of renewal of insurance or RPA.
- 14.11 The MAC Directors will not cancel their insurance policy or RPA without informing the DES of the cancellation and of the new arrangements.
- 14.12 The MAC Directors will increase the level of insurance or RPA as necessary for any additions or extensions to buildings at any academy.

## **15. INSURANCE – GOVERNORS**

- 15.1 The LGB shall make sure that the conditions subject to which any insurance policy or RPA is given are complied with. This includes complying with all statutory testing and maintenance, for example (this is not an exhaustive list):
- Keeping buildings in good repair.
  - Health and safety.
  - Fire safety.
  - Control of asbestos.
  - Control of lead.
  - Checks to prevent legionella in water systems.
  - Gas safety checks.
  - Electrical equipment safety checks.
  - First aid.
  - Reporting of accidents and injuries.
  - Control of hazardous substances.
  - Safety in manual handling.
  - Any other risks that may arise from time to time.
- 15.2 The LGB must check the terms of the insurance policy or the RPA and ensure that the particular requirements are complied with and meets the needs of the individual academy as certain activities are not covered by RPA, for example, minibuses and overseas travel.
- 15.3 If the academy undertakes any activity that is not covered by the insurance policy or RPA, then the LGB must take out additional appropriate cover.

15.4 The LGB will provide the DES with any evidence as may be required from time to time to demonstrate compliance with legal requirements and the requirements of the insurance policy or RPA.

15.5 The LGB must inform the MAC Directors immediately when circumstances arise that may result in a claim being made or in a breach in the requirements of the insurance policy or RPA.

## **16. PREMISES - DES**

16.1 The DES provides support, direction and guidance in relation to the academy's buildings, premises and facilities by means of general guidance published on its website and the availability of DES staff to assist.

16.2 The DES will support an academy or the MAC in securing funding or grants to improve or develop the buildings, premises or facilities of an academy.

16.3 Where necessary the DES will provide details of additional professional partners to assist the MAC or the academy in any matters concerning buildings, premises or facilities.

16.4 The DES will consider any applications for consent for the sale of any part of the land and buildings used by the academy or for the acquisition of any other land and buildings and will as appropriate put forward a case for approval to the BRCDTR. The consent of the Secretary of State for Education may be required for some acquisitions and disposals.

16.5 The DES will consider any applications for consent for the lease or licence or grant of rights over any part of the land and buildings used by the academy in accordance with the policy available on the DES website. The consent of the Secretary of State for Education or the local authority may be required in some cases.

## **17. PREMISES – MAC DIRECTORS**

17.1 If the MAC Directors are asked by the LGB for consent to any matter listed in section 16 the MAC Directors will pass the request to the DES.

17.2 The MAC Directors will work with the LGB to develop a 5 year estate management strategy for the academy that will:

- Address condition, suitability and capacity of buildings and facilities in light of long term curriculum needs.
- Identify the capital investment required to ensure the buildings and facilities are maintained to a good standard.

17.3 Once the 5 year estate management strategy is in place for each academy, the MAC Directors will determine the building/funding priorities throughout the MAC.

17.4 The MAC Directors will comply with DES policy (available on the DES website) with regard to the hiring out of any part of the land and building used by the academy to any other person or body. The MAC Directors have no power to grant any lease or licence or create any rights for anyone else over any part of the land and buildings used by the academy but may apply to the DES for consent for such arrangements which may then be put in place by the Trustees.

17.5 The MAC Directors will apply to the DES for consent when planning and before starting any building works.

## **18. PREMISES – GOVERNORS**

- 18.1 The LGB will work with the MAC Directors to develop the 5 year estate management strategy for the academy.
- 18.2 The maintenance of the academy's buildings, premises and facilities is the responsibility of the LGB.
- 18.3 The LGB shall have regard at all times to the provisions of the Academies Financial Handbook and all relevant policies and protocols provided by the DES in matters relating to buildings, premises and facilities.
- 18.4 The LGB is also to have regard to the legal responsibilities of BRCDTR as owners of such buildings, premises and facilities.
- 18.5 The LGB is responsible for ensuring that the academy is compliant with all current regulations and legislation. LGBs may find it useful to refer to the indicative list at section 15 in relation to buildings.
- 18.6 The LGB must retain evidence that all necessary tests and maintenance have been undertaken in accordance with specified regulations or statutory guidance, and by suitably qualified specialists.
- 18.7 The LGB must provide annually to the DES details of the inspections carried out and the results obtained of the necessary tests and maintenance.
- 18.8 The LGB will comply with DES policy (available on the DES website) with regard to the hiring out of any part of the land and buildings used by the academy to any other person or body. The LGB has no power to grant any lease or licence or create any rights for anyone else over any part of the land and buildings used by the academy but may apply to the Directors who would then apply to the DES for consent for such arrangements which may then be put in place by the Trustees.
- 18.9 Monitor the arrangements for the effective supervision of building maintenance and minor works and take up any issues with the MAC Directors.

## **19. HEALTH, SAFETY AND RISK – MAC DIRECTORS**

- 19.1 The MAC Directors will:
- Appoint a risk and audit committee as required by the ESFA.
  - Review risk management and maintain the risk register.
  - Review and maintain any buildings strategy and asset management planning arrangements in accordance with the requirements of the DES.
  - *Adopt a MAC-wide health and safety policy.*
  - *Adopt a MAC-wide lettings policy in accordance with the requirements of the DES.*
  - *Commence or settle any litigation proceedings but only with the prior consent of the DES.*

## **20. HEALTH, SAFETY AND RISK - GOVERNORS**

- 20.1 The LGB will:
- Appoint a Governor responsible for health and safety.

- Review the risk register of the academy and prepare the risk report for the MAC Directors.
- Adopt a health and safety policy (in line with the MAC policy).
- Review the implementation of the health and safety policy and ensure that appropriate risk assessments are being carried out in the academy.
- Conduct site inspections to review any health and safety issues and the security of premises and equipment.

## **21. PREMISES, HEALTH, SAFETY AND RISK – THE PRINCIPAL**

21.1 The Principal will:

- Prepare the risk register for the LGB having regard to the risks identified by the MAC Directors.
- Prepare a health and safety policy for the academy (in line with the MAC policy) for adoption by the LGB.
- Monitor the accident book and agree appropriate actions with the LGB.
- Ensure suitable risk assessments are prepared and appropriate actions taken.
- Review security of premises and equipment.
- Comply with DES policy (available on the DES website) with regard to the hiring out of any part of the land and buildings used by the academy to any other person or body.
- Liaise with the LGB and the MAC Directors on the accessibility plan for the academy.

## **22. STAFF APPOINTMENTS (LEADERSHIP POSITIONS) - DIRECTORS**

22.1 The DES must be informed when the MAC Directors are considering the appointment of the Principal (i.e. Head Teacher or Executive Head Teacher) and any of the following key posts: Head of School, Deputy Principal, Assistant Principal, Head of Religious Education and Lay Chaplain. Similarly advice must be sought first from the DES when the MAC Directors are considering an 'acting' or temporary post for any of these positions.

22.2 For all leadership positions, whether permanent or temporary, the MAC Directors must comply with the "Appointing Leaders Handbook" which is available on the DES website.

22.3 *The consent of the DES must be obtained before appointing any CSEL.*

22.4 The MAC Directors will have responsibility for the appointment, performance management and removal of Principals of all academies within the MAC.

22.5 *The MAC Directors shall make sure that the Principal, the Vice Principal, and Assistant Principals (where there is no Vice Principal post), the Head of Religious Education and any Lay Chaplain are practising Catholics in full communion with the Catholic Church. The Diocesan definition of a practising Catholic can be found on the DES website.*

- 22.6 *The MAC Directors shall ensure that diocesan protocol is followed in respect of the appointment of any other senior post which directly affects the Catholic mission of the MAC and its academies, including but not limited to the CSEL if applicable.*
- 22.7 *For all leadership positions listed above, the MAC Directors shall adopt and use the standard application forms, employment contracts and terms and conditions for the employment of staff as issued by the CES. The MAC will be the employer.*
- 22.8 *Appoint, suspend and dismiss any CSEL or any person in any of the leadership positions listed above, but only with the prior consent of the DES and acting through a committee.*
- 22.9 *Conduct the performance management review of any CSEL.*
- 22.10 *Conduct the performance management review of the Principal with the assistance of the LGB as follows:*
- *Adopt a document that sets out the appraisal process for the Principal and make that document available to the Principal.*
  - *Appoint an external adviser for advice and support on the Principal's appraisal and consult that adviser on setting objectives for, and appraisal of, the Principal.*
  - *Inform the Principal of the standards against which their performance will be assessed.*
  - *Set objectives for the Principal.*
  - *Appraise the performance of the Principal, assessing the performance of their role and responsibilities against the relevant standards and their objectives.*
  - *Assess the Principal's professional development needs and action needed to address them.*
  - *Make a recommendation on the Principal's pay, where relevant.*
  - *Give the Principal a written report of their appraisal which includes the assessments and recommendation above.*
  - *Determine the appraisal period that applies to the Principal.*

### **23. OTHER STAFF – MAC DIRECTORS**

- 23.1 *The MAC Directors must adopt and follow all policies and procedures of the DES in connection with the appointment of staff and their subsequent employment. This should include the use of documentation provided by the CES available on their website. The MAC will be the employer.*
- 23.2 *The MAC Directors will set overall policy for appointment and management of staff, taking into account DES policies and procedures.*
- 23.3 *The MAC Directors may set pay and conditions for staff which differ from the DfE's national pay and conditions documents. Before doing so they must first seek approval from their HR advisor to ensure compliance with the law and inform the DES of their intentions prior to any change being implemented.*
- 23.4 *The performance management of any centrally employed staff or any staff member employed to work in one or more academy in the MAC shall be the responsibility of the MAC Directors in accordance with any protocol provided by the DES.*

23.5 The MAC Directors will:

- *Appoint an HR committee which will work together with the LGBs within the MAC to oversee, manage and set appropriate policies for recruitment, induction, training, CPD, wellbeing, dismissals and other HR processes for all staff within the MAC.*
- *Appoint a pay committee.*
- *Determine appointments to be made across one or more academy in the MAC.*
- *Ensure harmonisation of terms and conditions of employment across the MAC to avoid the risk of employment claims.*
- *Conduct the performance management review of the company secretary and the clerk.*

## **24. OTHER STAFF - GOVERNORS**

24.1 The LGB appoints and manages (in the name of the MAC) all other staff at the academy.

24.2 The LGB must adopt and follow all policies and procedures of the DES in connection with the appointment of staff and their subsequent employment. This may include the use of documentation provided by the CES available on their website.

24.3 The LGB will:

- Adopt and use the standard application forms, contracts and terms and conditions for the employment of staff as issued by the CES.
- Comply with all policies or directives issued by the DES or the MAC Directors from time to time.
- Implement any pay policy set by the MAC Directors.
- Manage any claims and disputes with staff members in accordance with DES advice, policies and protocols and the advice of the MAC Directors and any HR and/or legal advice obtained by the MAC.
- Carry out the performance management of staff based at the academy (except the Principal) and, working with the Principal, put in place procedures for the proper professional and personal development of staff.
- Assist the MAC Directors in the performance management of the Principal.
- Monitor and scrutinise the implementation of the MAC's policies at the academy for HR matters.
- Support the MAC Directors in the appointment process for the Principal as necessary.
- Ensure that there is effective communication between the Principal and the HR and Pay Committees of the MAC Directors.
- Advise and support the MAC Directors to determine the Principal's pay.

## **25. OTHER STAFF – THE PRINCIPAL**

25.1 The Principal will:

- Determine staffing requirements within the academy and within budget.
- Implement the MAC-wide policies and procedures in the academy.
- Work with the LGB in the appointment of teaching and non-teaching staff in the academy (excluding CSELs).
- Suspend or dismiss teaching and non-teaching staff in consultation with the LGB (excluding CSELs).
- Conduct the performance management and pay progression of staff (excluding CSELs) in the academy in line with the academy's pay policy and appraisal policy.

- Approve applications for early retirement, secondment and leave of absence.

## **26. CURRICULUM AND STANDARDS**

- 26.1 The DfE will provide general guidance for academies as to the curriculum to be provided and the standards expected. Where applicable the DES will offer additional support and guidance to academies on these matters through publications on the website, newsletters, training or meetings for Principals and/or MAC Directors and Governors. It is the expectation that when requested Principals, MAC Directors and Governors will attend meetings and training sessions recommended by the DES.

## **27. CURRICULUM AND STANDARDS – MAC DIRECTORS**

- 27.1 The MAC Directors will:

- Appoint an education standards committee.
- *Determine a curriculum policy for the MAC to ensure provision of a balanced and broadly based curriculum. This will include:*
  - ❖ *The curriculum, extra-curricular activities and ethos to prepare pupils for life in modern Britain; and*
  - ❖ *A written policy on relationships and sex education, in accordance with any DES policy and/or CES policy, which shall be taught in accordance with the social and moral teachings of the Catholic church.*
- Determine policy across the MAC on religious education and collective acts of worship in accordance with the Bishops' Conference Curriculum Directory.
- Consider reports received from any CSEL if applicable or in relation to any academy regarding standards.
- Provide the LGB with all necessary advice and support about standards and expected pupil outcomes as and when required.

## **28. CURRICULUM AND STANDARDS - GOVERNORS**

- 28.1 The LGB will:

- Approve the curriculum proposed by the Principal (to the extent that it is consistent with the MAC policy).
- Ensure that the curriculum of the academy, including all the subjects of the National Curriculum, is taught in light of the Gospel values and actively promotes the spiritual and moral development of its pupils.
- Ensure that RE is in accordance with the Bishops Conference Curriculum Directory and the Archbishop's Policy and that it constitutes 10% of the weekly timetable in the academy.
- Ensure that Relationships and Sex Education is taught in accordance with the social and moral teachings of the Catholic Church having regard to the MAC policy and in consultation with the parents of the pupils.
- Ensure effective processes are in place for monitoring the quality assurance of teaching and learning, the curriculum, inclusion and the sharing of good practice across the academy.
- Monitor the KPI figures reported from the Principal relating to standards and report this to the MAC Directors and the DES as and when requested.
- Intervene in a timely manner where standards fall below that which is expected of the academies within the MAC.
- Develop, monitor and approve the academy development plan.



- Ensure that the Principal is complying with the requirement to provide a daily collective act of worship in accordance with the rites, practices, disciplines and liturgical norms of the Catholic church and take action to address any issues as appropriate.
- The LGB shall set and review the curriculum in accordance with legal requirements and current good practice and after first seeking the views of the Directors and the guidance of the DES where appropriate.
- The LGB shall be responsible and accountable for the standards achieved by the academy and the pupils attending the academy. It shall follow any advice and recommendations about standards and performance given by the directors of the DES.

## **29. CURRICULUM AND STANDARDS – THE PRINCIPAL**

29.1 The Principal will:

- Ensure that the Curriculum of the academy, including all the subjects of the National Curriculum, is taught in the light of the Gospel values and actively promotes the spiritual and moral development of its pupils.
- Ensure that RE is in accordance with the Bishops Conference Curriculum Directory and the Archbishop's Policy and that it constitutes 10% of the weekly timetable in the academy.
- Ensure the curriculum is delivered at the academy including compliance with any funding agreement requirements.
- Ensure that RE is in accordance with the teachings, doctrine, discipline and norms of the Catholic church both as a core subject and integrated into other subject areas.
- Make provision for a daily collective act of worship in accordance with the rites, practices, disciplines and liturgical norms of the Catholic church.
- Set targets for pupils achievement and progress and monitor against targets and report the findings to the LGB.
- Report bi-termly KPI figures to the LGB and if applicable to the CSEL relating to standards.
- Prepare a draft academy development plan in conjunction with the LGB.

## **30. SPECIAL EDUCATIONAL NEEDS – MAC DIRECTORS**

30.1 The Directors will:

- *Determine a MAC-wide SEND policy bearing in mind local variance if the MAC spans more than one local authority area.*
- Ensure training of appropriate staff takes place and legal compliance is met.
- Appoint a lead SEND Director.

## **31. SPECIAL EDUCATIONAL NEEDS – GOVERNORS**

31.1 The LGB will:

- Appoint a local governor responsible for SEND and inclusion.
- Review and maintain the academy's SEND policy.
- Provide oversight of the implementation of the policy within the academy and compliance with the legal requirements relating to disability.

## **32. SPECIAL EDUCATIONAL NEEDS – THE PRINCIPAL**

32.1 The Principal will:

- Designate a teacher to be responsible for coordinating SEND provision.
- Liaise with the local authority in respect of pupils who have, or might have, Special Educational Needs.
- Make provision for pupils with Special Educational Needs with or without a Statement of Special Educational Needs or an Education, Health and Care Plan.
- Ensure compliance with the legal requirements relating to disability within the academy.

## **33. SAFEGUARDING – MAC DIRECTORS**

33.1 The MAC Directors will:

- *Adopt a MAC-wide Safeguarding and Child Protection Policy bearing in mind local variance if the MAC spans more than one local authority area.*
- *Adopt a MAC-wide policy regarding School Trips.*
- Ensure up to date training is provided and legal compliance issues are met.
- Ensure the Single Central Record is maintained for all MAC based and cross school appointments.
- Ensure that all MAC Directors and Governors receive safeguarding training.
- Ensure that at least one Director on any recruitment panel has completed safer recruitment training.
- Monitor safeguarding practice across the MAC and take appropriate action where safeguarding practice is falling below the standards expected.

## **34. SAFEGUARDING - GOVERNORS**

34.1 The LGB will:

- Appoint a designated governor for safeguarding.
- Ensure that at least one governor on any recruitment panel has up to date safer recruitment training.
- Review and maintain a safeguarding and child protection policy for the academy (consistent with the MAC policy).
- Ensure the completion of the single central record and its regular updating.

## **35. SAFEGUARDING – THE PRINCIPAL**

35.1 The Principal will:

- Appoint a designated teacher to support looked after children and to ensure the role is compliant with statutory guidance.
- Appoint a designated safeguarding lead and clearly identify them and all other qualified safeguarding staff.
- Maintain the single central record.
- Ensure that the MAC-wide policy for off-site is complied with.
- Ensure compliance with all relevant regulations, for example, risk assessments, health and safety, etc.

## **36. BEHAVIOUR – MAC DIRECTORS**

36.1 The MAC Directors will:

- *Adopt a MAC-wide behaviour policy that incorporates an exclusions policy and reflects the Catholic ethos, character and values of the MAC.*
- *Review the use of exclusions across the MAC and investigate inconsistencies.*

## **37. BEHAVIOUR - GOVERNORS**

37.1 The LGB will:

- Assist the Principal in preparing a behaviour policy for the academy in line with the MAC policy.
- Convene a committee to review any exclusion of a pupil.
- Review the overall pattern of exclusions at the academy and report this to the MAC Directors.

## **38. BEHAVIOUR – THE PRINCIPAL**

38.1 The Principal will:

- Prepare a behaviour policy with the LGB for the academy.
- Exclude a pupil for a fixed term or permanently as appropriate.

## **39. ADMISSIONS**

39.1 The DES will issue instructions and guidance about admissions and admission policies to academies in the Archdiocese of Birmingham.

39.2 In accordance with The School Admissions Code the MAC Directors are the Admissions Authority for each academy within the MAC.

39.3 Any decision to expand an academy shall be that of the MAC Directors, after first receiving written consent from the DES. Before such decision is taken MAC Directors shall have regard to the views of all the academies within the MAC and of the LGB and Principal of the relevant academy. In certain circumstances the consent of the Secretary of State for Education must also be sought.

## **40. ADMISSIONS – MAC DIRECTORS**

40.1 The MAC Directors will:

- Delegate the day to day responsibility for admissions within each academy to the LGB for that academy and to provide to the DES with a copy of the minutes of the meeting confirming that delegation has taken place.

## **41. ADMISSIONS - GOVERNORS**

41.1 The LGB will:

- Following delegation from the MAC Directors, the Governors shall undertake consultation, publish and determine admission arrangements as required in accordance with the School Admissions Code and must follow the protocols and guidance provided by the DES.

- Appoint an admissions sub-committee which will consider all applications for admission to the academy and decide whether or not a place can be offered.
- Ensure that parents are notified of the outcome of that application in line with the School Admissions Code including advising parents of the right to appeal should their application be unsuccessful.
- Organise any appeal hearings as required in accordance with the School Admission Appeals Code and following the protocols and guidance provided by the DES.
- Contribute to the development of the academy prospectus (if there is one).

## **42. ADMISSIONS – THE PRINCIPAL**

42.1 The Principal will:

- Provide advice and guidance to the LGB as to the requirements under the School Admissions Code and the School Admission Appeals Code.
- On receipt of any application for admission to the academy, notify the Governors so that the sub-committee can consider that application.
- Participate in local admissions forum if one exists and if requested to attend.
- Ensure compliance with the local authority's fair access protocol.
- Ensure effective arrangements are in place for pupil recruitment.

## **43. OTHER PUPIL RELATED MATTERS – MAC DIRECTORS**

43.1 The MAC Directors will:

- *Adopt a MAC complaints policy using the recommended format provided by the DES and available on the DES website and consider reports from all academies to assess the level of complaints across the MAC.*
- *Notify the DES of any complaints or issues that could bring into disrepute the Catholic character of the MAC and/or the academies within it.*
- Review data provided by all academies relating to pupil premium and sports premium and take action to address any issues as appropriate.
- Set the dates of terms and holidays for all academies within the MAC ensuring that each academy is open to pupils for 380 sessions in any academic year.

## **44. OTHER PUPIL RELATED MATTERS - GOVERNORS**

44.1 The LGB will:

- Support and advise the Principal to determine KPIs.
- Review pupil attendance and absence and report the findings to the MAC Directors.
- Appoint a Governor responsible for statutory grants including pupil premium and sports premium.
- Monitor the impact of the pupil premium and sports premium in the academy and advise the MAC Directors or the CSEL if applicable.
- Adopt and follow an academy complaints policy using the recommended format provided by DES and available on the DES website.
- Immediately notify the MAC Directors of any complaints or issues that could bring into disrepute the Catholic character of the academy.
- Immediately notify the MAC Directors of any complaints or issues that result in a formal complaints panel being convened to hear the complaint.
- Notify the MAC Directors at least termly of any formal complaints received by the LGB under the complaints policy.

- Ensure effective arrangements are in place for pupil support and representation at the academy.
- Support the MAC Directors and the Principal in the extended school provision in the academy.
- Set the times of the academy sessions.

## **45. OTHER PUPIL RELATED MATTERS – THE PRINCIPAL**

45.1 The Principal will:

- Maintain a register of pupil attendance in line with DfE requirements and report to the LGB on pupil attendance and absence.
- Determine key priorities and KPIs against which progress towards achieving this vision can be measured.
- Review and maintain home-academy agreements, if appropriate, which should reflect support for the academy's Catholic character.
- Provide guidance to the LGB in setting the times of the academy sessions.
- Comply with the dates of terms and holidays set by the MAC Directors.
- Ensure effective deployment of the pupil premium and sports premium and monitor the impact of each, reporting any issues to the LGB.
- Comply with the academy complaints policy set by the LGB and deal with complaints at the relevant stage.

## **46. BUSINESS ACTIVITIES**

46.1 The DES will offer advice and guidance about any activities designed to generate business income which is based on school premises, for all academies in the Archdiocese of Birmingham.

46.2 Any activities designed to generate business income are the responsibility of the LGB, to be undertaken in consultation with MAC Directors and in accordance with any advice or guidance received from the DES. The LGB should consider how viable those activities are, and their impact on the core work of the academy. If there are any potential financial implications, such as the threat of taxation in light of the MAC's charitable status or any threat to funding provided by the Secretary of State, then the LGB must take no further action and must immediately inform the MAC Directors and the DES.

46.3 The DES will consider any applications for consent for the lease or licence or grant of rights over any part of the land and buildings used by the academy in accordance with the policy available on the DES website. The consent of the Secretary of State for Education or the local authority may be required in some cases.

## **47. INFORMATION MANAGEMENT AND COMMUNICATION – MAC DIRECTORS**

47.1 The MAC Directors will:

- Adopt data protection and freedom of information policies and procedures to comply with legislation relating to data protection and freedom of information across the MAC.
- Develop and implement an integrated ICT policy to ensure compatibility of systems across all the academies in the MAC to facilitate maximum efficiency and cohesiveness.
- Develop and implement a policy to establish effective communication by each academy with all stakeholders including pupils, parents or carers, staff, parish priests

and other clergy, the DES and the wider community including any local parent teacher association.

- Maintain accurate and secure records for any CSEL.
- Ensure that if registration with the Information Commissioner's Office is required for the MAC that registration is in place and up to date.
- Ensure that registration with the Information Commissioner's Office is in place and up to date for each academy.
- Develop and maintain a website for the MAC and ensure information required by statute, Funding Agreements and Academies Financial Handbook is published.

## **48. INFORMATION MANAGEMENT AND COMMUNICATION – GOVERNORS**

48.1 The LGB will work with the Principal of the academy to:

- Ensure the effective implementation in the academy of the data protection and freedom of information policies set by the MAC Directors.
- Ensure systems in place at the academy are in line with the MAC's policy for effective communication.
- Ensure that the academy is registered with the Information Commissioner's Office and the registration is up to date.
- Develop and maintain a website for the academy.

## **49. INFORMATION MANAGEMENT AND COMMUNICATION – THE PRINCIPAL**

49.1 The Principal will:

- Maintain and keep up to date the academy's website to ensure that it always contains the information required by the DfE.
- Maintain accurate and secure staff records for the academy.
- Ensure the effective implementation in the academy of the data protection and freedom of information policies set by the MAC Directors.
- Ensure systems in place at the academy are in line with the MAC's policy for effective communication.

## **50. INTERVENTION**

50.1 If in the view of the MAC Directors one of the following situations arises, then the MAC Directors may resolve to remove from the LGB some or all of the powers which would otherwise be delegated by this Scheme of Delegation:

- Standards and performance are low and likely to remain so without intervention.
- There has been a serious breakdown in management or in the way the academy is run which means that standards of performance have dropped or that there is a breach of MAC or DES policies and procedures.
- The safety of pupils and/or staff is threatened.
- Safeguarding procedures are inadequate.
- The DES informs the MAC Directors that it considers that the Catholic ethos of the academy is at risk.

50.2 The LGB shall work closely with and shall promptly implement any advice or recommendations made by the MAC Directors in the event that intervention is either threatened or is carried out by the Secretary of State for Education and the MAC Directors have the absolute right to review or remove any power or responsibility conferred on the

LGB under this Scheme of Delegation in those circumstances.

## **51. EMERGENCIES**

An emergency is a situation that arises where a delay in a decision would be likely to be seriously detrimental to the interests of the school, any pupil or parent or any employee. In those circumstances, the Principal should make the Chair of Governors aware of the emergency as soon as possible. The Chair of Governors will, in consultation with the Principal, take such action as is reasonably necessary in the circumstances. The Chair of Governors will then notify the Chair of the MAC Directors, as soon as possible, of both the emergency and the action taken.

## **PART TWO**

### **SUMMARY OF HOW THE MAC DIRECTORS OPERATE**

**(Full description is in the MAC Articles as referred to in each section)**

#### **52. AIMS (Articles clauses 4 and 5)**

- 52.1 The MAC Directors are to advance the Catholic religion in the Archdiocese by establishing running and developing Catholic academies. Those academies are subject to the absolute control of the Archbishop, which he exercises through the DES.
- 52.2 The academies are to be run in accordance with the teachings of the Catholic Church, and to serve as witness to the Catholic Faith in our Lord Jesus Christ.
- 52.3 The MAC Directors can, at their discretion, arrange such use of the school premises and facilities by the wider local community as is compatible with the Catholic Faith.
- 52.4 The MAC Directors are to ensure that a broad and balanced curriculum is provided for the academies in accordance with the teachings of the Catholic Church.

#### **53. POWERS (Articles clause 5C and 93 – 96)**

- 53.1 To operate bank accounts in the name of the MAC.
- 53.2 To enter into contracts on behalf of the MAC.
- 53.3 To carry out fundraising for charitable causes and/or the academies in accordance with the mission of the Catholic Church.
- 53.4 No employee of the MAC can be appointed as a MAC Director.
- 53.5 To employ staff and operate a pension scheme.
- 53.6 To establish manage and develop academies.
- 53.7 To borrow and invest money.
- 53.8 Do such other lawful things which are necessary to achieve the aims.

#### **54. MAC DIRECTORS (Article clauses 50 – 67)**

- 54.1 There must be at least 3 MAC Directors in post at all times.
- 54.2 All Foundation Directors must before being appointed, give an undertaking to the Archbishop by completing the necessary application form for the role of Foundation Director which is available on the DES website.
- 54.3 All MAC Directors who are not Foundation Directors must, before they commence any MAC Director duties, sign and return to the DES the Undertaking to the Archbishop which is available on the DES website.



- 54.4 The first MAC Directors are listed when the MAC is formed. After that MAC Directors are appointed or elected.
- 54.5 At least three MAC Directors will be appointed by the Archbishop. They are called Foundation Directors. The number of Foundation Directors in post on the Board must always be greater than the number of all other Directors in post, by at least two. Foundation Directors can also be removed or suspended at any time by the Archbishop without reason being given. Foundation Directors are appointed for a term of office of four years.
- 54.6 Some Directors may be appointed as Parent Directors. This will be rare and only where there is not provision for at least two Parent Governors on each LGB. The procedure for appointing or electing Parent Directors is set out in detail in the MAC Articles. The term of office for Parent Directors will be four years or, if earlier, until the end of the school term during which he or she ceases to be a parent of a registered pupil at an academy with the MAC, whichever occurs first.
- 54.7 Some MAC Directors may be co-opted by such of the existing MAC Directors who have not themselves been co-opted. Before co-opting a Director, the existing MAC Directors must ensure that after such co-option, there will still be a majority of at least two Foundation Directors in post. The DES must be consulted prior to of the co-option of any Directors. The term of office for Co-Opted Directors will be one year.
- 54.8 A Director can resign at any time so long as at least three MAC Directors remain after that resignation
- 54.9 A MAC Director can be removed by the person or persons who appointed him or her or by the MAC Members.
- 54.10 Where academic standards or the Catholic life in an academy are judged by the DES to have fallen unacceptably low, the Archbishop may stipulate that up to four additional Directors, who will all be either officers of the DES or DES Associates, will be appointed.

## **55. DISQUALIFICATION AS A DIRECTOR (Article clauses 68 – 80)**

- 55.1 A MAC Director is disqualified automatically if he or she:
- Is not yet 16.
  - Becomes incapable because of illness or injury of managing his or her own affairs.
  - Has not given the necessary Undertaking to the Archbishop before they commence any MAC Director duties.
  - Cannot provide a Disclosure and Barring Service certificate at an enhanced disclosure level which is clear or, in the opinion of the DES, contains no information which confirms the unsuitability of that person to be a MAC Director.
- 55.2 The Articles contain a lot of detail about disqualification for other reasons. If any of the following comes to light, then the detail in the Articles should be checked:-
- A MAC Director has been convicted of any offence involving dishonesty or deception.
  - A MAC Director has been convicted of another crime which is not a “spent” crime or for which the maximum sentence is a fine or a lesser sentence.
  - A MAC Director has been made bankrupt.

- A MAC Director has made a composition or arrangement with, or granted a trust deed for, creditors and has not been discharged in respect of it.
- A MAC Director has been removed from the office of charity trustee or trustee for a charity by an order made on the ground of any misconduct or mismanagement in the administration of the charity.
- A MAC Director has been disqualified from acting as a company director.

**56. CLERK**  
**(Articles clause 81)**

- 56.1 The MAC Directors shall employ and pay a Clerk, who must not be a MAC Director or the Principal of an academy within the MAC.
- 56.2 The Clerk can be, but does not have to be, the company secretary of the MAC.
- 56.3 The Clerk should attend any training or obtain any qualification which is required by the DES within 6 months of appointment.

**57. CHAIR**  
**(Articles clauses 82 – 92)**

- 57.1 The MAC Directors elect each school year a Chair and Vice Chair from among the Foundation Directors. ~~No MAC employee can be a Chair or Vice Chair.~~ No one person can hold both positions.
- 57.2 The Chair or Vice Chair may hold office for a period of up to 3 years which should be stated when they are appointed.
- 57.3 The Chair and Vice Chair can resign at any time. Either ceases to hold office if he or she ceases to be a Foundation Director, or is employed by the MAC or is removed from office as set out in the Articles. In any of those circumstances, the MAC Directors will elect a new Chair or Vice Chair at their next meeting.
- 57.4 The MAC Directors can remove a Chair or Vice Chair by following the procedure in the Articles, which include giving reasons for the decision and giving a right to respond.

**58. CONFLICTS OF INTEREST**  
**(Articles clauses 6.3 to 6.9 and 97-98)**

- 58.1 No MAC Director can be employed by the MAC.
- 58.2 Generally, MAC Directors, their relatives and companies in which they are active may not:
- Sell anything to the MAC.
  - Buy anything from the MAC.
  - Obtain any benefit from the MAC.
- 58.3 There are some exceptions to this rule. The exceptions apply where all of the following have been complied with:
- The MAC Director who is to benefit is absent from the part of the meeting of the MAC Directors where any of the following are discussed:
    - ❖ The level of payment (which must always be reasonable);
    - ❖ The terms of the contract;
    - ❖ The performance of the contract;
    - ❖ The possibility of any further contract;
    - ❖ Any other matter relating to any benefit to that MAC Director.

- That MAC Director who is to benefit does not vote on the matter.
- That MAC Director who is to benefit is not counted when working out whether a quorum of MAC Directors is present at the meeting.
- The other MAC Directors have satisfied themselves the MAC benefits from contracting with that MAC Director rather than with a person who is not connected with the MAC, taking into account the fact that that MAC Director will not be able to be part of the decision making process going forward in relation to that contract or anything to do with it.
- The other MAC Directors have recorded the reasons for their decision in the minutes.
- A majority of MAC Directors must receive no benefit from the MAC.

58.4 MAC Directors can in accordance with the policy for expenses for MAC Directors set by the MAC Directors be reimbursed for reasonable expenses when acting on behalf of the MAC.

58.5 MAC Directors can benefit from company directors' indemnity insurance paid for by the MAC.

## **59. MAC MEMBERS AND GENERAL MEETINGS (Articles clauses 19-44)**

59.1 As well as the MAC Directors, the MAC Members are also concerned with the running of the MAC. MAC Members hold the MAC Directors to account.

59.2 The first MAC Members are known as Founder Members and are listed when the MAC is formed. After that MAC Members are appointed and can be removed by the Archbishop. There must always be at least three MAC Members. MAC Members cannot be employees of the MAC.

59.3 Only MAC Directors can call a General Meeting of the MAC but the MAC Members can require the MAC Directors to call a General Meeting. At General Meetings only the MAC Members can vote. A General Meeting is valid if two MAC Members are present. The MAC does not need to have Annual General Meetings. The Chair of the MAC Directors can attend and speak at any General Meeting.

59.4 A General Meeting will not need to be held very often. It may need to be held annually so that the MAC Members can approve the signed and audited accounts. Otherwise a General Meeting would only be needed if a MAC Director is to be removed by a MAC Members' Ordinary Resolution (a simple majority). If a change to the Articles is proposed, a Special Resolution of the MAC Members is needed (75% majority) together with the written consent of the Archbishop, through the DES, and of BRCDTR.

## **60. BOARD MEETINGS AND DECISION MAKING (Articles clauses 108-126)**

60.1 There must be at least three meetings of the MAC Directors in each school year. These are called Board Meetings and are normally called by the Clerk with at least 7 days clear notice but can be called with shorter notice if the Chair thinks it necessary because there are urgent matters to be discussed. Any three MAC Directors can require the Clerk to call a Board Meeting. The Clerk when calling a Board Meeting should send out a copy agenda to each MAC Director.

60.2 There must be at least three MAC Directors for a Board Meeting to be valid. If there are more than nine MAC Directors then that minimum number rises to be one third of the total number of MAC Directors (rounded up to a whole number).

- 60.3 At meetings each MAC Director has one vote and decisions are made by simple majority. The Chair has a casting vote if there is an equal division, even if the Chair has already voted.
- 60.4 MAC Directors can participate in Board Meetings by telephone or video conference if the appropriate arrangements can be made. MAC Directors cannot vote by email or appoint proxies to attend in their place.
- 60.5 After Board Meetings, the MAC Directors should make sure that a copy of the agenda, the signed minutes and any papers considered are available at every academy for anyone wishing to look at them. Any confidential information can however be taken out.
- 60.6 Under exceptional circumstances decisions can be made by the MAC Directors outside Board Meetings by passing a written resolution signed by all the MAC Directors or all the members of the relevant committee.

## **61. DELEGATION** **(Articles clauses 100-107)**

- 61.1 The MAC Directors may appoint a LGB for each academy. If the MAC Directors wish to appoint a single LGB for a number of academies, they must first consult with the DES.
- 61.2 The MAC Directors may decide how any committee (other than an LGB) is to be set up and who is to be on it as well as how it is to function and report.
- 61.3 On any MAC committees individuals who are not MAC Directors can be appointed but (with the exception of LGBs, which are technically committees of the MAC Directors) the majority of the committee members must be MAC Directors.
- 61.4 The MAC Directors delegate powers to an LGB by their adoption of this Scheme of Delegation.
- 61.5 The MAC Directors cannot delegate to a committee or any other body:
- The preservation and development of the educational character and mission of the MAC and its academies.
  - Approval of the MAC budget.
  - Responsibility for ensuring the solvency of the MAC and its academies.
  - Appointment of the Clerk.
  - Modification of the Articles.
- 61.6 The only body to which the MAC Directors can delegate the appointment of a senior Catholic post or the approval of the budget for one or more academies is the LGB but even then only under exceptional circumstances and after involving the DES.
- 61.7 The MAC Directors can only delegate consideration of a case for dismissal or the power to determine an appeal in relation to the holder of a senior Catholic post to a committee of MAC Directors or to the LGB and after involving the DES.
- 61.8 Subject to those restrictions referred to in the last clauses, including approval by the DES, MAC Directors can delegate powers to a single MAC Director, to any committee, including an LGB and to a CSEL if applicable such powers as they think desirable. That delegation should be in writing, and the MAC Directors can impose conditions if they wish to do so,

which can be changed or withdrawn. Those given such delegated power must report back to the next Board Meeting of the MAC Directors after the power has been exercised.

- 61.9 The MAC Directors should review the terms of reference, constitution and membership of any committee at least once every academic year.
- 61.10 Before appointing any CSEL the Directors must obtain the approval of the Archbishop through the DES.

## **PART THREE**

### **AIMS OF THE GOVERNORS AND HOW THE LGB OPERATES**

#### **62. AIMS**

- 62.1 The Governors' main aims are to:
- Monitor what happens at the academy in order to make sure that the academy provides an excellent Catholic education to all its pupils.
  - Make sure that the academy follows any and all guidance from the DES to secure, protect and improve the provision of Catholic education and the Catholic ethos.
  - Ensure that policies put in place by the MAC Directors for the MAC are put into practice in the academy.
  - Act as a critical friend to the Principal.
  - Give the Principal of the academy support in the recruitment, selection, grievance, disciplinary and exclusion processes as appropriate.
  - Develop and maintain the building and estate management plan.
  - Develop links with the parish or parishes near the academy and with the wider community.
  - Manage admissions to the academy on behalf of the MAC Directors, who are the admissions authority.
  - Develop the School Development Plan in conjunction with the Principal.
  - Ensure the School Development Plan is put into practice.

#### **63. GOVERNORS**

- 63.1 Members of the LGB are called Governors.
- 63.2 There must always be at least three Governors in post at all times.
- 63.3 The LGB shall have the following Governors:
- At least six Foundation Governors appointed by the Archbishop or as many more Foundation Governors as are necessary to make sure that the number of Foundation Governors in post always exceeds the number of all other Governors in post (including any Directors) by at least two.
  - One of the Foundation Governor positions must be made available to a Priest. In a Primary School, this will normally be the priest of the parish that the school serves. In a Secondary School, this will normally be the priest of one of the parishes of the feeder schools.
  - One member of staff (teaching or non-teaching) of the academy. Unless the MAC Directors agree otherwise, the LGB should invite nominations from all staff employed under a contract of employment (except the Principal) or a contract for services. If more than one person is nominated the LGB should hold an election by secret ballot of all staff. The first Staff Governor will be the person who filled that role on the governing body of the VA school before it closed and he or she will serve on the LGB for the remainder of the term of office which they started at the VA school. In respect of existing Staff Representatives at an existing academy, on adoption of this Scheme of Delegation by the MAC Directors either the Staff Representatives agree who should continue as the Staff Governor or, if they cannot agree, the Staff Governor should be elected as set out above.
  - Two Parent Governors. Unless the MAC Directors agree otherwise, the LGB should invite nominations from all parents of pupils registered at the academy. However, any parent who is an elected member of the local authority or employed to work at the academy for more than 500 hours in any twelve consecutive months is not

eligible to be a Parent Governor. If more nominations are received than posts vacant the LGB should hold an election by secret ballot of all parents of pupils registered at the academy. The first Parent Governors will be those who filled that role on the governing body of the VA school before it closed and they will serve on the LGB for the remainder of the term of office which they started at the VA school. The same principle will apply to the existing Parent Representatives at an existing academy on the adoption of this Scheme of Delegation by the MAC Directors.

- The Principal, who is always a Governor.
- 63.4 So long as there is still a majority of two Foundation Governors in post, the LGB may co-opt up to two Governors. A Co-opted Governor is a person who is to serve as a Governor who has not been either elected or appointed. A member of staff may not be co-opted if that would make the number of Staff Governors exceed one third of the number of Governors.
- 63.5 Additional Governors may also be appointed by the MAC Directors at the request of the Secretary of State of Education.
- 63.6 All Foundation Governors must before being appointed, give an Undertaking to the Archbishop by completing the necessary application form for the role of Foundation Governor which is available on the DES website.
- 63.7 All Governors who are not Foundation Governors must, before they commence any Governor duties, sign and return to the DES the Undertaking to the Archbishop which is available on the DES website.
- 63.8 Any MAC Director shall be entitled:
- To serve on the LGB and/or
  - To attend any meetings of the LGB and its committees
- Where a MAC Director attends a meeting of the LGB, that MAC Director shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the LGB.

## **64. TERM OF OFFICE**

- 64.1 The term of office of all Governors on the LGB will be four years. This does not apply to the Principal who serves for as long as he or she is in post, or to anyone who is a Co-opted Governor whose term of office will be for one year. Any Governor, so long as he or she remains eligible to serve, can be re-appointed or re-elected for further terms, but nobody can be reappointed for more than three terms of four years in a row (or in the case of a Co-opted Governor three terms of one year in a row) without the consent of the Archbishop.

## **65. RESIGNATION, SUSPENSION, REMOVAL AND TERMINATION OF OFFICE**

- 65.1 A Governor may resign by written notice to the LGB but that notice of resignation will not be effective if it would leave less than three Governors on the LGB. On receipt of the notice of resignation, the LGB will inform the MAC Directors and the DES of the resignation.
- 65.2 A Governor can be suspended or removed by the person or persons who appointed him or her. No reasons need to be given for that suspension or removal. A person (except a

Foundation Governor) may also be suspended or removed by the MAC Directors but only after the MAC Directors have given due regard to any representations made by the LGB.

- 65.3 A Staff Governor shall cease to be a Governor when he or she leaves the academy.
- 65.4 A Parent Governor shall cease to be a Governor at the end of the school term during which he or she ceases to be a parent of a registered pupil at the academy.
- 65.5 Where a person is suspended or removed from office, the person suspending or removing him or her must inform the LGB. In either case the LGB must inform the MAC Directors and the DES accordingly.

## **66. DISQUALIFICATION OF GOVERNORS**

- 66.1 Nobody who is under 18 can be a Governor. No current pupil of the academy can be a Governor.
- 66.2 Any Governor will cease to be a Governor if he or she becomes incapable of managing his or her own affairs.
- 66.3 Any Governor will cease to be a Governor if he or she is absent without the permission of the chair of the LGB from all of its meetings for six months and the LGB passes a resolution that that person should no longer be a Governor.
- 66.4 A person shall be disqualified from being a Governor if:
- An application for a bankruptcy order or a petition for a bankruptcy order or a bankruptcy order is made against him or her.
  - He or she would be disqualified from acting as a company director or as a charity trustee.
  - He or she has been removed as trustee for a charity by an order made by the Charity Commission or the High Court.
  - He or she is included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999.
  - He or she is disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000.
  - He or she is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).
  - A direction has been made against him or her under section 142 of the Education Act 2002 or he or she is subject to any prohibition or restriction which takes effect as if contained in such a direction
  - He or she has, at any time, 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 the offence would disqualify him or her from acting as a charity trustee.
- 66.5 A person shall be disqualified from being a Governor if he or she has not provided to the Chair of the LGB an enhanced Disclosure and Barring Service check and/or or such other check as may be required from Governors from time to time by the DES. If the result of that check discloses any information which would in the opinion of either the Chair of the LGB or the Principal 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.

- 66.6 Where a person becomes disqualified from being a Governor and he or she was serving or was proposed to serve, he or she shall immediately inform the LGB who shall inform the MAC Directors and the DES. This provision also applies to any member of any committee of the LGB who is not a Governor.

## **67. CHAIR AND VICE CHAIR**

- 67.1 The Governors shall each school year, at their first meeting, elect a Chair and a Vice-Chair from amongst the Foundation Governors to serve until a successor is elected or a vacancy occurs.
- 67.2 No person who is employed by the MAC or the academy, may be elected Chair or Vice-Chair.
- 67.3 The Chair or Vice-Chair may at any time resign his or her office by giving notice in writing to the LGB who will inform the MAC Directors and the DES.
- 67.4 The Chair or Vice-Chair shall cease to hold office if he or she:
- Ceases to serve on the LGB.
  - Is employed by the MAC.
  - Is removed from office in accordance with this Scheme of Delegation.
  - In the case of the Vice-Chair, is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of Chair.
- 67.5 Where a vacancy arises in the office of Chair or Vice-Chair, the Governors shall at their next meeting elect one of the Foundation Governors to fill that vacancy.
- 67.6 Where the Chair is absent from any meeting or there is no Chair, the Vice-Chair or his nominee shall chair that meeting. If the Vice Chair is absent from any meeting or there is no Vice-Chair the Governors shall elect one of their number to act as a Chair for that meeting, but the Governors cannot elect a MAC Director or anyone who is employed by the MAC.
- 67.7 If a MAC Director is present at the meeting, he or she shall act as Chair during that part of any meeting at which the Chair is elected.
- 67.8 Any election of the Chair or Vice-Chair which is contested shall be held by secret ballot.
- 67.9 The Chair or Vice-Chair may be removed from that office by the MAC Directors at any time. The Chair or Vice-Chair may be removed from that office by the LGB as set out in the next clause.
- 67.10 A resolution to remove the Chair or Vice-Chair from that office which is passed at a meeting of the LGB shall not have effect unless:
- It is confirmed by a resolution passed at a second meeting of the LGB held not less than fourteen days after the first meeting. At that second meeting the person or persons proposing his or her removal shall state their reasons for doing so and the Chair or Vice-Chair shall be given an opportunity to make a statement in response.
  - The matter of the Chair's or Vice-Chair's removal from office is specified as an item of business on the agenda for each of those meetings.

- After the first meeting the LGB must inform the MAC Directors and the DES of the resolution to remove the Chair or Vice-Chair and provide them with the details of the second meeting.

## **68. CONFLICTS OF INTEREST**

- 68.1 Any Governor who has any direct or indirect duty or personal interest which conflicts or may conflict with his duties as a Governor must inform the LGB as soon as he or she becomes aware of it. Examples of conflicting interests or duties are:
- Being employed by the MAC (other than the Principal and the Staff Governor).
  - Receiving any money from the MAC or the academy.
  - Receiving any other benefit from the MAC or the academy.
- 68.2 A Governor must leave any LGB meeting or committee meeting when any issue is discussed in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the MAC or the academy and any personal duty or interest. That Governor should be called back only once the decision has been made by the Governors.
- 68.3 Any disagreement between the Governors and the Principal or any committee of the LGB shall be referred to the MAC Directors for them to decide.

## **69. MINUTES**

- 69.1 The Clerk to the LGB will prepare and keep minutes of the meetings of the full LGB. The Clerk or a nominated Governor will prepare and keep minutes of other meetings. The minutes of the previous meeting must be considered at the beginning of each meeting, and once agreed by the Governors shall be signed by the Chair. The minutes shall include a record of all decisions and where appropriate reasons for those decisions made and should include the names of all persons present at such meetings.
- 69.2 The Chair shall ensure that copies of minutes of all meetings of the LGB (and such of the committees as the MAC Directors shall from time to time notify) shall be provided to the MAC Directors, (and the DES if so requested) as soon as reasonably practicable after those minutes are approved.

## **70. COMMITTEES AND DELEGATION**

- 70.1 The LGB may set up committees. The LGB will decide how the committee is to organise itself, who is to be on it and what it is to do, but must take into account any views of the MAC Directors. Those matters should be reviewed every year.
- 70.2 A majority of the members of any committee must be Governors or MAC Directors, but the remaining members need not be. The LGB can give voting rights to committee members who are not Governors or MAC Directors if the LGB wishes to do so. A committee cannot take a vote on any matter unless the majority of members of the committee present is either a Governor or a MAC Director.
- 70.3 The LGB may ask any Governor or any person serving on a committee of the LGB or the Principal to exercise any of the LGB's powers or functions as the LGB thinks is desirable. Any such request can be made subject to any conditions either the MAC Directors or the LGB may impose, and may be revoked or altered.
- 70.4 Where any power or function of the MAC Directors or the LGB is exercised by any Governor, a committee of the LGB or the Principal, that person or committee shall report

to the LGB in respect of any action taken or decision made with respect to the exercise of that power or function at the next meeting of the LGB after taking the action or making the decision.

## **71. MEETINGS OF THE LGB**

- 71.1 The Governors must organise the LGB as set out in this Scheme of Delegation, but otherwise can organise their proceedings as the Governors think fit.
- 71.2 The LGB shall meet at least three times in every school year.
- 71.3 Any three Governors can ask the clerk to call a meeting of the LGB and the clerk will then arrange for a meeting to be held as soon as can be arranged.
- 71.4 A meeting shall not be invalidated because a Governor has not received written notice of the meeting or a copy of the agenda.
- 71.5 If at a meeting it is proposed to cancel or vary a resolution carried at a previous meeting of the LGB then that proposal can only be considered if it is a specific item of business on the agenda for that meeting.
- 71.6 A meeting of the LGB must be adjourned if the number of Governors present falls below the number needed for a meeting to be valid as set out in the next clause or if the Governors resolve to adjourn the meeting.
- 71.7 The minimum number of Governors who must be present for the meeting is one third of the number of Governors in post at the date of the meeting (rounded up to the nearest whole number) or three, whichever is greater.
- 71.8 If at the LGB meeting any of the following is on the agenda:
- Appointing a Parent Governor.
  - The removal of a Governor in accordance with this Scheme of Delegation.
  - The removal of the Chair of the LGB
- then the minimum number of Governors who must be present for the meeting to be valid is two-thirds (rounded up to the nearest whole number) of the total number of Governors in post at the date of the meeting.
- 71.9 If a meeting of the LGB is called but does not take place, another meeting must be called by the Clerk to take place within one week of the meeting which was due to take place.
- 71.10 If the LGB resolves during a meeting to adjourn that meeting before all the items of business on the agenda have been disposed of, the Governors shall before adjourning set the time and date for a further meeting to complete the consideration of those items, and they shall direct the Clerk to call a meeting accordingly.
- 71.11 The LGB can continue to operate even when it has vacancies, but, if the number of Governors is less than minimum number of Governors who must be present for the meeting to be valid, all that the continuing Governors can do is:
- Call a meeting of the LGB.
  - Appoint other Governors.
  - Ask the Archbishop, through the DES to appoint Foundation Governors.
- 71.12 Every question to be decided at a meeting of the LGB shall be decided by a majority of the votes of the persons present and entitled to vote on the question. Every Governor shall have one vote.

- 71.13 Where there is an equal division of votes, the Chair of the meeting shall have a casting vote in addition to any other vote he or she may have.
- 71.14 The proceedings of the LGB shall not be invalidated by either:
- Any vacancy on the LGB.
  - Any defect in the election, appointment or nomination of any Governor.
- 71.15 A resolution in writing, signed by all the Governors or all of the persons entitled to receive notice of a committee meeting of the LGB, shall be valid and effective as if it had been passed at a meeting of the LGB or the relevant committee. Such a resolution may consist of several documents in the same form, each signed by one or more of the Governors or members of the relevant committee. It may include an electronic communication by or on behalf of a Governor or member of the committee indicating his or her agreement to the form of resolution. For this to be effective, the Governor or member of the relevant committee has to have provided in writing the email address or addresses which the Governor or member of the relevant committee will use.
- 71.16 The LGB shall make sure that a copy of the following are, as soon as can be arranged, made available at the academy to anyone who wants to look at them. Any references to names or other matters which the LGB considers confidential can be excluded from the information made available at the academy:
- The agenda for every meeting of the LGB.
  - The draft minutes of every such meeting, if they have been approved by the person acting as Chair of that meeting.
  - The signed minutes of every such meeting.
  - Any report, document or other paper considered at any such meeting.
- 71.17 Any Governor shall be able to participate in meetings of the LGB by telephone or video conference if both:
- He or she has given notice of his or her intention to do with full contact details at least 48 hours before the meeting.
  - The LGB has access to the appropriate equipment.
- If after all reasonable efforts it does not prove possible for the relevant Governor to participate by telephone or video conference the LGB meeting may still proceed with its business provided it has the minimum number of Governors present for the meeting to be valid.

## **72. CLERK**

- 72.1 The LGB must appoint a Clerk, who must not be a Governor, and may remove the Clerk from office at any time.
- 72.2 In the absence of the Clerk from an LGB meeting, the LGB may appoint any one of the Governors to act as Clerk for the purposes of that meeting.
- 72.3 The Clerk must:
- Call and arrange meetings of the LGB.
  - Attend meetings of the LGB and take a note of the proceedings of the meeting.
  - Perform any other functions determined by the LGB.
- 72.4 In carrying out his or her role the Clerk must do as requested by:
- The MAC Directors.
  - The LGB.

- The Chair of the LGB or, in his or her absence or where there is no Chair, the Vice-Chair.

If there is any inconsistency between directions given, the Clerk must follow those given by the MAC Directors and then those given by the LGB before those given by the Chair or Vice-Chair.

72.5 The Clerk will inform all Governors about any meeting at least a week before the date of that meeting by sending to each Governor at his or her last email or postal address provided:

- Notice of the meeting, all reports or other papers to be considered at the meeting.
- A copy of the agenda for the meeting.

72.6 If the Chair (or if there is no Chair, the Vice-Chair) considers that there are matters which need urgent consideration, the written notice and the copy agenda can be sent out with on such shorter amount of notice as the Chair (or if none, the Vice-Chair) thinks fit.

### **73. NOTICES**

73.1 Any notice to be given under this Scheme of Delegation shall be in writing or shall be given using electronic communications. It must be sent to the latest postal or email address which has been provided.

73.2 In addition a notice may be given by the LGB to Governors personally or by leaving it at the Governor's last notified address.

73.3 A Governor who is present at any meeting of the LGB is presumed to have received notice of the meeting and of the purposes for which it was called.

73.4 A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

## **PART 4 – THE ROLE OF THE CSEL**

**Accountable to:** The Board of Directors (typically through the Chair of the Board of Directors). The remuneration Committee (or equivalent) of the Board is accountable for the performance management, remuneration (pay and other benefits) of the postholder.

**Responsible for:** Performance of ALL academies and staff within the MAC.

The CSEL of the MAC, working closely with the MAC Directors, will provide visible strategic leadership across the MAC and systems leadership across the Diocese and beyond to drive achievement of high standards in all areas of the MAC's work, particularly by ensuring the provision of sustainable, outstanding and inclusive education and financial performance while preserving and developing the MAC's Catholic character.

### **1. STRATEGY, INNOVATION AND SYSTEMS LEADERSHIP**

- 1.1 Providing Christ-centered, strategic leadership to the MAC, role modelling its Catholic vision and values while inspiring and empowering others to share in achieving them.
- 1.2 Supporting the MAC Director's development of a robust strategic vision for the MAC, including engaging with other schools, academies and MACs to grow at a progressive and sustainable rate and to merge with others where, in liaison with the DES, it is deemed appropriate.
- 1.3 Holding to account on behalf of the MAC Director's the MAC's Senior Executive Management Team, eg Principals/Heads of School, the Chief Operating Officer/Business Director, Chief Finance Officer and other senior professional and administrative service staff, and providing leadership and direction to them in delivering agreed strategies, improvement plans and programmes, developing and implementing a workforce strategy incorporating effective deployment of staff across the MAC, performance management, succession planning and developing future Catholic leaders.
- 1.4 Working in close co-operation with the Chair of the MAC Directors and other MAC Directors to ensure that the MAC's strategic priorities, as agreed with the MAC Directors, are fully aligned with the MAC's values and its distinctive Catholic character and are effectively delivered through the MAC's operational plans and programmes.
- 1.5 Ensuring an effective strategy for building educational and leadership capacity ahead of need, working in particular to grow systems leadership within senior and middle leaders across the MAC and increasing the MAC's capacity to improve and to provide support to others.
- 1.6 Providing a critical interface between MAC Directors, the Company Secretary/Governance officer/Clerk, LGB, Governors and Senior Executive Management Team members within the MAC to ensure that protocols and processes exist to promote effective joint working and ease of communication.

### **2. SUSTAINED HIGH PERFORMANCE AND STANDARDS**

- 2.1 Ensuring that the capacity of the organisation is consistent with the requirement to deliver high quality Catholic education provision and related services in an efficient and effective

manner and retaining ultimate accountability for the related educational standards and outcomes for pupils.

- 2.2 Promoting an attitude and culture which values innovation and creativity.
- 2.3 Ensuring that rigorous performance management systems exist throughout the MAC designed to monitor and review the overall effectiveness of its provision and services and promoting continuous improvement across all areas.
- 2.4 Championing individual and collective learning, development and continuous improvement within the organisation.

### **3. COLLABORATION, PARTNERSHIPS AND EXTERNAL ENGAGEMENT AND COMMUNICATIONS**

- 3.1 Acting as the driving force for the ongoing development of the Catholic Life of the MAC, role modelling what systems leadership means within Catholic education.
- 3.2 In close co-operation with the MAC Directors, to provide leadership in developing and sustaining partnership working at a local, regional and national level, to ensure the best for the pupils with the MAC (and beyond).
- 3.3 Ensuring the full organisational strengths and resources of the MAC are deployed to the maximum beneficial effect when working with partners to deliver sustained improvement.
- 3.4 Developing and maintaining effective relationships with key partners/stakeholders on behalf of the MAC including, but not exclusive to: The Regional School Commissioner (RSC), Department for Education (DfE), Education and Skills Funding Agency (ESFA), the Foundation Member of the MAC, the Birmingham Diocesan Education Service/Catholic Education Service, local authorities, Trade Unions, local Teaching Schools, other MACs/MATs, Directors, school leaders, Local Academy Committees/Local Governing Bodies, local parishes and parents/carers.
- 3.5 Developing programmes of local and regional engagement and communication within the MAC and its diverse communities, designed to deepen the MAC's own understanding of those it exists to serve and to enhance its provision; being sensitive to the individual ethos and needs of each of the MAC's academies.
- 3.6 Acting as the prime spokesperson for the MAC, developing and maintaining the MAC's communications and incident management strategies, and proactively ensuring communication and engagement through range of media – press, publications, websites, fundraising, social media etc – is consistent with the mission, vision and values of the MAC.

#### **4. ROBUST AND EFFECTIVE GOVERNANCE AND ASSURANCE**

- 4.1 Ensuring that the MAC's financial viability and educational outcomes for pupils are secure, firmly based on accurate analysis and reporting, and is able to meet needs of the MAC and its academies.
- 4.2 Ensuring an effective culture of managing risk and taking opportunities exists at both operational and strategic levels across the MAC.
- 4.3 Holding overall management responsibility for the governance of the MAC, ensuring appropriate systems, frameworks and training and development is in place to support this.

#### **5. ACCOUNTABILITIES: SAFEGUARDING, INCLUSION AND COMPLIANCE**

- 5.1 Acting as the MAC's Accounting Officer and as such be accountable for the overall education standards, financial health and probity of the MAC (including reporting requirement of all relevant bodies). This aspect of the role includes a "personal responsibility to Parliament, and to the ESFA's Accounting Officer, for the financial resources under the trust's control as well as to Ofsted for the educational standards of the MAC. Accounting Officers must be able to assure Parliament, and the public, of high standards of probity in the management of public funds, particularly: value for money, regularity, and propriety" as set out in the Financial Handbook.
- 5.2 The postholder is also directly responsible on behalf of the MAC Directors for ensuring compliance with other externally imposed legislative/statutory and regulatory requirements and developing and maintaining quality assurance systems to monitor and evaluate the effectiveness of the MAC and the academies within it; including but not exclusive to the following areas:
  - Safeguarding and Child Protection
  - Canon Law, the teachings of the Catholic Church and the Trust Deed of the Diocese of Birmingham
  - Health and Safety
  - Data Protection and Copyright (GDPR)
  - Emergency Planning and Business Continuity
  - Equal Opportunities, Diversity and Inclusion
- 5.3 Keeping at the heart of all decision-making and strategic and operational planning, the pupils in the MAC, their safeguarding, wellbeing, and development of the whole child.

#### **6. PERSONAL FLEXIBILITY AND RESILIENCE**

- 6.1 The needs and requirements of the role of the CSEL necessarily change and evolve over time. This job description provides an outline of current priorities. The postholder will be required to undertaking other duties and responsibilities considered appropriate to the role.