Working together
to achieve excellence in education

RIVER LEARNING TRUST

SCHEME OF DELEGATION FOR SCHOOLS

EFFECTIVE DATE: *1st August 2026*

Link to: APPENDIX ONE: FUNCTIONING OF THE LOCAL GOVERNING BODY

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1. **INTRODUCTION**

1.1. *River Learning Trust* is a charitable company and limited by guarantee, (the "Trust"). The Trust has both Members and Trustees.

1.2. The Members of the Trust have ultimate control over the Trust, holding the Trustees to account in pursuing and fulfilling the aims and Objects of the Trust.

1.3. The Members hold specific powers, in accordance with the Articles of Association for the Trust, to appoint and remove Trustees, and to appoint additional Members.

1.4. The operation of the Trust is governed by a Board of Trustees (the "Trustees") who are responsible for, and oversee, the management and administration of the Trust and the academies run by the Trust.

1.5. The Trustees are accountable to the Members and external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education they provide and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.

1.6. In order to discharge these responsibilities, the Trustees appoint people who are more locally based to serve on a board (the "Local Governing Body") which is established to ensure the good governance of the School.

1.7. This Scheme of Delegation explains the ways in which the Trustees fulfil their responsibilities for the leadership and management of the School, the respective roles and responsibilities of the Trustees and the members of the Local Governing Body and the commitments to each other to ensure the success of the School.

1.8. This Scheme of Delegation has been put in place by the Trustees from the Effective Date in accordance with the provisions of the Trust's Articles of Association (the "Articles") and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles.

1.9. The Trust Board reserves the right to limit certain delegations depending on the situation in a given school.

2. MEMBERS AND TRUSTEES' POWERS AND RESPONSIBILITIES

2.1. The Members have overall responsibility and ultimate decision-making authority for all the work of the Trust, including the establishment and oversight of the Board of Trustees.

2.2. The Board of Trustees is responsible for the core governance functions within the Trust which are: setting the strategic direction, holding the Chief Executive of the Trust to account and ensuring financial probity. As charity trustees, they must also ensure that they are complying with charity law requirements.

2.3. The responsibilities of the Trustees are largely exercised through strategic planning, the setting of policy, business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Trustees have

the power to direct change where required.

2.4. The Trustees have a duty to act in the fulfilment of the Trust's Objects.

2.5. Trustees will have regard to the interests of the other academies for which the Trust is responsible in deciding and implementing any policy or exercising any authority in respect of a particular School.

2.6. Article 100 provides for the appointment by the Trustees of committees to whom the Trustees may delegate certain of the functions of the Trustees. In further recognition of the Trustees' power to delegate under Articles 105 and 106, responsibility for the running of a School from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Governing Body of the School.

2.7. The constitution, membership and proceedings of the Local Governing Body are determined by the Trustees. This Scheme of Delegation expresses such matters and acknowledges the authority delegated to the Local Governing Body in order to enable a Local Governing Body to run a school and fulfil the school's mission.

3. CONSTITUTION OF THE LOCAL GOVERNING BODY

3.1. Members of the Local Governing Body

3.1.1. The number of people who shall sit on the Local Governing Body shall be not less than nine but, unless otherwise determined by the Trustees, shall be a maximum of 15.

3.1.2. The Local Governing Body shall have the following members:

3.1.2.1. Between two and five members, appointed under clause 3.2.1;

3.1.2.2. Between one and three staff members, appointed under clause 3.2.2;

3.1.2.3. Between two and five parent members elected or appointed under clause 3.2.5;

3.1.2.4. One local authority member, appointed under clause 3.2.11, is recommended and not required;

3.1.2.5. the Headteacher of the School; and

3.1.2.6. any additional members, if appointed by the Trustees at the request of the Secretary of State of Education (the "Secretary of State") pursuant to clause 102(c) of the Master Funding Agreement entered into between the Trust and the Secretary of State governing the affairs of the Trust.

3.1.3. The Trustees (all or any of them) shall not be entitled to serve on the Local Governing Body as Governors, although they may attend any meetings of the Local Governing Body. Any Trustee attending a meeting of the Local Governing Body shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the Local Governing Body.

3.1.4. The Local Governing Body may appoint up to two Co-opted Governors with the agreement of the Head of Governance and Compliance for a term of no longer than two years. In appointing a Co-opted Governor, the total number of staff members on the LGB must not be more than one third of the total number of governors (including the Headteacher). There is an expectation that any Co-opted Governor will attend governor training.

3.1.5. All persons appointed or elected to the Local Governing Body shall give a written undertaking to the Trustees to uphold the Objects of the Trust as set out in Article 4.

3.2. **APPOINTMENT OF MEMBERS OF THE LOCAL GOVERNING BODY**

3.2.1. The Trustees may appoint between two and five persons to serve on the Local Governing Body, having regard to any recommendations and views of the Local Governing Body in relation to ensuring that the people serving on the Local Governing Body between them have an appropriate range of skills and experience and due attention is given to succession planning. The Local Governing Body approves the appointment of such a Governor subject to ratification by the Trust Board. Governors appointed in this way will be known as 'Community Governors'.

3.2.2. The Trustees may appoint persons who are employed at the School to serve on the Local Governing Body through such process as they may determine, provided that the total number of such persons (including the Headteacher) does not exceed one third of the total number of persons on the Local Governing Body. The positions held by those employed at the School (e.g. teaching and non-teaching) may be taken into account when considering appointments.

3.2.3. Unless the Trustees agree otherwise, in appointing persons to serve on the Local Governing Body who are employed at the School the Local Governing Body shall invite nominations from all staff employed under a contract of employment or a contract for services or otherwise engaged to provide services to the School (excluding the Headteacher) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Body.

3.2.4. The Headteacher shall be treated for all purposes as being an ex officio member of the Local Governing Body.

3.2.5. Subject to clause 3.2.9, the parent members of the Local Governing Body shall be elected by parents/carers of registered pupils at the School and they must be a parent/carer of a pupil at the School at the time when they are elected.

3.2.6. The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent or carer of a registered pupil at the school. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot.

3.2.7. The arrangements made for the election of the parent members of the Local Governing Body shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if they prefer, by having their ballot paper returned to the school by a registered pupil at the School.

3.2.8. Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent or carer of a registered pupil at the School is informed of the vacancy and that it is required to be filled by election, informed that they are entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

3.2.9. The number of parent members of the Local Governing Body required shall be made up by persons appointed by the Trustees if the number of parents or carers standing for election is less than the number of vacancies.

3.2.10. In appointing a person to be a parent member of the Local Governing Body pursuant to clause 3.2.9, the Trustees shall appoint a person who is the parent or carer of a registered pupil at the School; or where it is not reasonably practical to do so, a person who is the parent or carer of a child of compulsory school age.

3.2.11. Any local authority member shall be put forward for appointment by the Trustees by the ward councillors of the wards in the catchment area of the School.

3.3. **Term of office**

3.3.1. The term of office for any person serving on the Local Governing Body shall be up to 4 years, save that this time limit shall not apply to the Headteacher. Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected to the Local Governing Body for one further term.

3.3.2. Subject to remaining eligible to be a governor, any Community governor who has served two consecutive terms of office may be invited to re-join the Local Governing Body of their school after one calendar year from the end of their second term of office. This will be for one term of four years and will be on the basis of a decision by the school's Local Governing Body. The reappointment will be subject to ratification by the Trust Board.

3.4. **Resignation and removal**

3.4.1. A person serving on the Local Governing Body shall cease to hold office if they resign their office by notice to the Local Governing Body (but only if at least three persons will remain in office when the notice of resignation is to take effect), or is disqualified under para 3.5.

3.4.2. A person serving on the Local Governing Body shall cease to hold office if they are removed by the person or persons who appointed them. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Governing Body by a person or persons who appointed them, any failure to uphold the values of the Trust and/or the School or to act in a way which is appropriate in light of this Scheme of Delegation will be taken into account. The Trustees reserve the power and right to remove the entire Local Governing Body. The removal of all Local Governing Body members would only normally occur in the following circumstances:

- where, in the reasonable opinion of the Trustees, a significant budget deficit has arisen and the Local Governing Body has failed to remedy or take appropriate steps to remedy to the Trustees' satisfaction within one Academy term;

- where the Academy is given a grade 4 Ofsted report;
- where either (i) a review of the Academy's governance has been carried out by the Company or any external agency and has highlighted, in the reasonable opinion of the Trustees, areas requiring improvement and the Local Governing Body has failed to address or resolve such significant weaknesses within one Academy term; or (ii) the Local Governing Body has refused to participate in such review of the Academy's governance within one Academy term.

3.4.3. If any person who serves on the Local Governing Body in their capacity as an employee at the School ceases to work at the school then they shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of their work at the School.

3.4.4. Where a person who serves on the Local Governing Body resigns their office or is removed from office, that person or, where they are removed from office, those removing them, shall give written notice thereof to the Local Governing Body who shall inform the Trustees.

3.5. Disqualification of members of the Local Governing Body

3.5.1. No person shall be qualified to serve on the Local Governing Body unless they are aged 18 or over at the date of their election or appointment. No current pupil of the School shall be entitled to serve on the Local Governing Body.

3.5.2. A person serving on the Local Governing Body shall cease to hold office if they become incapable by reason of mental disorder, illness or injury of managing or administering their own affairs.

3.5.3. A person serving on the Local Governing Body shall cease to hold office if they are absent without the permission of the Chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months and the Local Governing Body resolves that their office be vacated.

3.5.4. A person shall be disqualified from serving on the Local Governing Body if:
their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
they are the subject of a bankruptcy restrictions order or an interim order.

3.5.5. A person shall be disqualified from serving on the Local Governing Body at any time when they are subject to a disqualification order or a disqualification undertaking under the Trust Trustees Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

3.5.6. A person serving on the Local Governing Body shall cease to hold office if they would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

3.5.7. A person shall be disqualified from serving on the Local Governing Body if they have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.

3.5.8. A person shall be disqualified from serving on the Local Governing Body at any time when they are:

3.5.8.1. included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or

3.5.8.2. disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or

3.5.8.3. barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).

3.5.9. A person shall be disqualified from serving on the Local Governing Body if they are a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.

3.5.10. A person shall be disqualified from serving on the Local Governing Body where they have, 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 a person has been convicted of any offence which falls under section 72 of the Charities Act 1993.

3.5.11. A person shall be disqualified from serving on the Local Governing Body if they have not provided to the Chair of the Local Governing Body a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the Chair or the Headteacher 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.

3.5.12. Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body; and they were, or were proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Governing Body who shall inform the Trustees.

3.5.13. This clause 3.5 and paragraph 2 of the Appendix shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body.

4. DELEGATED POWERS

4.1. General Provisions

4.1.1. Subject to provisions of the Companies Act 2006, the Articles and any directions given by the Members of the Trust following a special resolution, the management of the business of the School shall be delegated by the Trustees to the Local Governing Body who may exercise all the powers of the Trust in so far as they relate to the School, in accordance with the terms of the Scheme of Delegation. No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing Body which would have been valid if that alteration had not been made or that direction had not been given.

4.1.2. In general terms, the responsibility of the Trustees in so far as the business of the School is concerned is to determine the policy and procedures of the School and to consider and respond to strategic issues. Whilst the Trustees are free to decide what constitutes a strategic issue, having regard to all the circumstances, unless a matter is identified as a strategic issue and/or is identified as being the responsibility of the Trustees under this Scheme of Delegation, the responsibility for such matter will be that of the Local Governing Body.

4.1.3. Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Governing Body and without detracting from the generality of the powers delegated, the Local Governing Body shall have the following powers, namely:

4.1.3.1. to expend certain funds of the Trust as permitted by clause 4.3 in such manner as the Local Governing Body shall consider most beneficial for the achievement of the Objects in so far as it relates to the school, and

4.1.3.2. to enter into contracts on behalf of the Trust in so far as they relate to the School and are permitted by the Trustees.

4.1.4. In the exercise of its powers and functions, the Local Governing Body shall consider any advice and guidance given by the Headteacher and any other executive officer as well as the Trustees and members of the Central Team.

4.1.5. Any bank account in which any money of the Trust in so far as it relates to the School is deposited shall be operated by the Local Governing Body in the name of the Trust. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories from the trust Senior Leadership Team in accordance with the trust single central banking mandate. Online payments shall follow the limits set in the Financial regulations.

4.2 Ethos and Values

4.2.1 The Members and Trustees shall be responsible for setting the ethos, values and vision for the Trust. The Local Governing Body shall be responsible for determination of the School's ethos and mission statement in the context of those of the Trust.

4.2.2 The Trust is a community united by the principles summarised below, which the work of the Local Governing Body is expected to advance and all members of the Local Governing Body are required to uphold.

Commitment to excellence: striving for the best educational experience
Everyone Learning: creating and taking opportunities that enhance lives
Respectful Relationships: acting with care, integrity, and fairness in all we do.

4.2.3 The Local Governing Body shall ensure that the School is conducted in accordance with its ethos and values.

4.2.4 At all times, the Trustees and the Local Governing Body shall ensure that the School is conducted in accordance with the Objects of the Trust, upholding the principles of the Trust and the terms of the Trust governing the use of the land which is used for the purposes of the School and any agreement entered into with the Secretary of State for the funding of the School.

4.3 Finance

4.3.1. In acknowledgement of the receipt by the Trustees of funds in relation to the School; provided by the Secretary of State, donated to the Trust and generated from the activities of the Trust, the Trustees delegate to the Local Governing Body the responsibility to manage and expend all monies received on account of the School for the purposes of the School in line with the Financial procedures of the Trust and within the budget delegated by the Trustees. The Local Governing Body acknowledges the support provided by the Trustees and that certain costs will be incurred by it in undertaking its functions and meeting its responsibilities.

4.3.2. Whilst the Local Governing Body shall have the power to enter into contracts on behalf of the Trust in so far as they relate to the School pursuant to clause 4.1.3, the Local Governing Body shall first obtain the written consent of the Trustees to any contracts or expenditure for any single matter to an amount in line with the details provided in the Financial procedures of the Trust. This provision does not relate to entering into staff contracts.

4.3.3. The accounts of the Trust shall be the responsibility of the Trustees but the Local Governing Body shall present such information about the finances of the School as often and in such format as the Trustees shall reasonably require.

4.3.4. The Local Governing Body shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the Academy Trust Handbook and the Master and Supplementary Funding Agreements are observed at all times, as well as any requirements and recommendations of the Trustees and the Secretary of State.

4.3.5. The Trustees determine the proportion of the overall Trust budget (which is based on funding allocated to each school by the ESFA) to be delegated to its Schools in consultation with them.

4.3.6. The Local Governing Body shall submit to the Trustees the school annual budget for approval, which without use of carry forward must not be a deficit budget, at the time notified to it by the Trustees and will have regard to any views of the Trustees as to the appropriateness of such budget. The Local Governing Body shall inform the Trustees of any need for significant unplanned expenditure and will discuss with the Trustees (and others as the Trustees shall require) options for identifying available funding.

4.3.7. The Local Governing Body shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Trust in so far as these relate to the School. The Trust shall put in place a system of internal audit in order to ensure consistent financial risk management procedures are being adopted across all Schools.

4.3.8. The Trustees acknowledge the Local Governing Body's right and intention to use any voluntary (i.e. non grant) funds (including any restricted funds) raised by the Local Governing Body for the purposes for which they have been raised and otherwise solely at the discretion of the Local Governing Body provided this is within the Objects of the Trust. Proper accounts will be kept by the Local Governing Body showing the receipt and use of such funds and the extent to which such funds are restricted, in the light of the obligation on the Trust to note these funds separately in the accounts of the Trust.

4.3.9. Whilst the undertaking of any activities which would be described as part of the School's "extended schools agenda" or any activities designed to generate business income, would be the responsibility of the Local Governing Body, this shall only be undertaken in a manner consistent with any policy set by the Trustees and having regard to the viability of such activities, the impact on the School's activities and any financial implications, such as the threat of taxation in light of the Trust's charitable Objects and any threat to funding provided by the Secretary of State.

4.4. Staffing and Appraisal

4.4.1. Headteacher

4.4.1.1. The Local Governing Body shall appoint the Headteacher by selection panel. The selection panel must include at least one Trustee or nominated representative. The Trustees and the Local Governing Body shall delegate such powers and functions as they consider are required to the Headteacher for the internal organisation, management and control of the School (including the implementation of all policies approved by the Trustees and the Local Governing Body and the direction of the teaching and curriculum at the School).

4.4.1.2 The Local Governing Body shall carry out the performance management/appraisal of the Headteacher with the assistance of a member of the central education team.

4.4.2. Other Staff

4.4.2.1. The Local Governing Body shall be responsible for the appointment and management of all other staff employed at the School although this responsibility will be delegated to the Headteacher. In carrying out this responsibility the the Local Governing Body shall ensure the school:

4.4.2.1.1. complies with all policies dealing with staff issued by the Trustees from time to time;

4.4.2.1.2. takes account of any pay terms set by the Trustees;

4.4.2.1.3. adopts any standard contracts or terms and conditions for the employment of staff issued by the Trustees;

4.4.2.1.4. manages any claims and disputes with staff members having regard to any advice and recommendations given by the Trustees.

4.4.2.1.5. The Local Governing Body shall delegate responsibility for the performance management/appraisal of all staff, apart from the Headteacher, to the Headteacher and shall ensure that procedures are put in place for the proper professional and personal development of staff.

4.4.2.1.6. The Local Governing Body shall establish a Pay committee which shall be responsible for all decisions in respect of staff pay and in so doing shall ensure that they are made in accordance with the pay policy of the Trust.

4.4.2.1.7. Decisions regarding any employment tribunal claim received are the responsibility of Trustees and not the Local Governing Body; from the point at which the school or Trust has been notified of the employment tribunal claim. Any decision making including in relation to settlement, shall be taken following support and advice from the Central Team, and in liaison with the Headteacher and the Chair of Governors.

4.5. Curriculum and Standards

4.5.1. The Local Governing Body shall be responsible for overseeing the setting and review of the curriculum and ensuring that in line with Trustees' obligations to the Secretary of State it is broad and balanced.

4.5.2. The Local Governing Body shall be responsible for holding the Headteacher to account for the standards achieved by the school and the pupils attending the school.

4.6. Admissions and School Organisation

4.6.1. The Local Governing Body shall be responsible for the annual determination of the School's admissions policy provided that no change will be made to the admissions criteria without the written consent of the Trustees.

4.6.2. The Local Governing Body shall be responsible for the establishment of a school admissions committee

4.6.3. Any decision to expand the School shall be that of the Trustees but they shall have regard to the views of the Local Governing Body.

4.7. Premises

4.7.1. Subject to and without prejudice to clauses 4.1.3.2 and 4.7.4, ensuring the maintenance of the buildings and facilities used in respect of the School is the responsibility of the Local Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Trustees (and/or any others) as owners of such buildings and facilities.

4.7.2 The Local Governing Body shall consider a 5-year plan which will ensure the suitability of buildings and facilities in light of long term curriculum needs, in order to meet the Local Governing Body's responsibility to help ensure the buildings and facilities are maintained to a safe and suitable standard and that they remain fit for purpose, to support effective teaching and learning, within the limitation of available capital budgets.

4.7.3. The responsibility for any disposals or acquisitions of land to be used by the School will be that of the Trustees.

4.7.4. Insuring the land and buildings used by the School will be the responsibility of the Trustees who shall recover the cost from the budget delegated to the Local Governing Body.

5. GOVERNANCE AND OPERATIONS

5.1. The Local Governing Body shall comply with the obligations set out in this Scheme of Delegation and associated appendices which deal with the operation of the Local Governing Body.

5.2. The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Trustees' but the Local Governing Body shall do all such things as the Trustees may specify as being necessary to ensure that the Trust is meeting its legal obligations.

5.3. The Local Governing Body shall comply with all policies and procedures adopted by the Trustees and communicated to it.

5.4. Both the Trustees and all members of the Local Governing Body have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Trust and the School and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.

5.5. The Local Governing Body will review the policies and practices specific to its school on a regular basis, having regard to recommendations made by the Trustees from time to time, and ensure the school adheres to those policies and procedures adopted by the Trustees.

5.6. The Local Governing Body shall provide such data and information regarding the business of the School and the pupils attending the School as the Trustees may require from time to time.

5.7. The Local Governing Body shall submit to any inspections by the Trustees and any inspections pursuant to section 48 of the Education Act 2005.

6. ANNUAL REVIEW

6.1. This Scheme of Delegation shall operate from the Effective Date.

6.2. This Scheme may be terminated by the Trustees at any time by giving notice in writing to an LGB.

6.3. Notwithstanding this being the first Scheme of Delegation to apply in respect of a school, the Trustees will have the absolute discretion to

review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.

6.4. In considering any material changes to this Scheme of Delegation the Trustees will have regard to and give due consideration of any views of the Trust's Local Governing Bodies.

7. INTERVENTION AND REMOVAL OF DELEGATED RESPONSIBILITY

7.1. The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Trustees in the event that intervention is either formally threatened or is carried out by the Secretary of State and the Trustees expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation in such circumstances.

7.2. Notwithstanding the above, the Trustees and the Local Governing Body acknowledge the value of maintaining a good working relationship particularly in light of the levels of delegated responsibility within the Trust and the impact this may have on the ability of the Trustees to react when standards are falling and/or there is evidence of financial imprudence exposing the Local Governing Body and possibly more widely the Trust itself to a threat of intervention. The Trustees and the Local Governing Body in such circumstances make the following commitments to each other:

7.2.1. to discuss openly any situation which may in the opinion of either potentially lead to a threat of intervention by the Secretary of State;

7.2.2. to use all reasonable endeavours to agree the measures to be taken to improve standards and the performance of a given school and to support each other in the implementation of those measures.

APPENDIX ONE: FUNCTIONING OF THE LOCAL GOVERNING BODY

1. CHAIR, VICE-CHAIR AND CLERK OF THE LOCAL GOVERNING BODY

1.1 The members of the Local Governing Body shall each school year elect a Chair and a Vice-Chair from among their number to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph 1.3. Neither a person who is employed by the Trust (whether or not at the School) nor a person who is at the time of election already a Trustee of the Trust shall be eligible for election as Chair or Vice-Chair. A Local Governing Body may appoint two Co-Chairs to jointly carry out the duties of the Chair; references to a Chair in this Scheme of Delegation shall therefore also apply to Co-Chairs.

1.2 Subject to paragraph 1.4, the Chair or Vice-Chair shall hold office as such until their successor has been elected in accordance with this clause 1.

1.3 The Chair or Vice-Chair may at any time resign their office by giving notice in writing to the Local Governing Body. The Chair or Vice-Chair shall cease to hold office if:

1.3.1 they cease to serve on the Local Governing Body;

1.3.2 they are employed by the Trust whether or not at the School;

1.3.3 they are removed from office in accordance with the Scheme of Delegation; or

1.3.4 in the case of the Vice-Chair, they are elected in accordance with this Scheme of Delegation to fill a vacancy in the office of Chair.

1.4 Where by reason of any of the matters referred to in paragraph 1.3, a vacancy arises in the office of Chair or Vice-Chair, the members of the Local Governing Body shall at its next meeting elect one of their number to fill that vacancy.

1.5 Where the Chair is absent from any meeting or there is at the time a vacancy in the office of the Chair, the Vice-Chair shall act as the Chair for the purposes of the meeting.

1.6 Where in the circumstances referred to in paragraph 1.5 the Vice-Chair is also absent from the meeting or there is at the time a vacancy in the office of Vice-Chair, the members of the Local Governing Body shall elect one of their number to act as Chair for the purposes of that meeting, provided that the person elected shall not be a person who is employed by the Trust whether or not at the School nor a Trustee.

1.7 The clerk shall act as Chair during that part of any meeting at which the Chair is elected.

1.8 Any election of the Chair or Vice-Chair which is contested shall be held by secret ballot.

1.9 The Chair or Vice-Chair may only be removed from their elected office by the Trustees at any time or by the Local Governing Body in accordance with this Scheme of Delegation.

1.10 A resolution to remove the Chair or Vice-Chair from office which is passed at a meeting of the Local Governing Body shall not have effect unless:

1.10.1 it is confirmed by a resolution passed at a second meeting of the Local Governing Body held not less than fourteen days after the first meeting; and

1.10.2 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.

1.11 Before a resolution is passed by the Local Governing Body at the relevant meeting as to whether to confirm the previous resolution to remove the Chair or Vice-Chair from office, the person or persons proposing their removal shall at that meeting state their reasons for doing so and the Chair or Vice-Chair shall be given an opportunity to make a statement in response.

1.12 The governing body shall appoint the clerk to the governing body. The clerk to the governing body must not be: a governor, an associate member of the governing body or the Headteacher of the school. [In an emergency a governor (not the headteacher) may clerk for that meeting only.] The governing body may remove a clerk from office by resolution.

2. CONFLICTS OF INTEREST

2.1 Any member of the Local Governing Body who has or can have any direct or indirect duty or personal interest (including but not limited to any personal financial interest) which conflicts or may conflict with their duties as a member of the Local Governing Body shall disclose that fact to the Local Governing Body as soon as they become aware of it. A person must absent themselves from any discussions of the Local Governing Body in which it is possible that a conflict will arise between their duty to act solely in the interests of the School and any duty or personal interest (including but not limited to any personal financial interest).

2.2 For the purpose of paragraph 2.1, a person has a personal financial interest if they are in the employment of the Trust or is in receipt of remuneration or the provision of any other benefit directly from the Trust or in some other way is linked to the Trust or the School.

2.3 In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.

2.4 Any disagreement between the members of the Local Governing Body and the Headteacher or any subcommittee of the Local Governing Body shall be referred to the Trustees for their determination.

3. THE MINUTES

3.1 The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up and kept in the school in a place designated as appropriate for storage; and shall be signed (subject to the approval of the members of the Local Governing Body) at the next subsequent meeting by the person acting as Chair thereof or signed electronically outside of the meeting. The minutes shall include a record of:

3.1.1 all appointments to office (Chair/Vice Chair) made by the Local Governing Body; and

3.1.2 all proceedings at meetings of the Local Governing Body and of committees of the Local Governing Body including the names of all persons present at each such meeting.

3.2 The clerk shall ensure that copies of minutes of all meetings of the Local Governing Body shall be made available to the Trustees as soon as reasonably practicable after those minutes are approved.

4. COMMITTEES

4.1 Subject to this Scheme of Delegation, the Local Governing Body shall be required to form such subcommittees as are set out by the Trust and in accordance with the terms of reference agreed by the Trust. The terms of reference of any subcommittee shall be reviewed regularly by the Trustees. A Local Governing Body may eschew subcommittees (except for an Admissions Committee and Pay Committee) if local governors agree that they will work more effectively without them.

4.2 The Local Governing Body may, in order to carry out a specific task, establish any further subcommittees as it considers necessary. The constitution, membership and proceedings of any such subcommittee shall be determined by the Local Governing Body but having regard to any views of the Trustees. The establishment, terms of reference, constitution and membership of any such subcommittee shall be reviewed at least once in every twelve months.

5. DELEGATION

5.1 Provided such power or function has been delegated to the Local Governing Body, the Local Governing Body may further delegate to any person serving on the Local Governing Body, subcommittee, the Headteacher or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions either the Trustees or the Local Governing Body may impose and may be revoked or altered.

5.2 Where any power or function of the Trustees or the Local Governing Body is exercised by any subcommittee, any Trustee or member of the Local Governing Body, the Headteacher or any other holder of an executive office, that person or subcommittee shall report to the Local Governing Body in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Governing Body immediately following the taking of the action or the making of the decision.

6. MEETINGS OF THE LOCAL GOVERNING BODY

6.1 Subject to this Scheme of Delegation, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit.

6.2 The Local Governing Body shall meet at least four times in every school year. Meetings of the Local Governing Body shall be convened by the clerk to the Local Governing Body. In exercising their functions under this Scheme of Delegation the clerk shall comply with any direction:

6.2.1 given by the Trustees or the Local Governing Body; or

6.2.2 given by the Chair of the Local Governing Body or, in their absence or where there is a vacancy in the office of Chair, the Vice-Chair of the Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.

6.3 Any three members of the Local Governing Body may, by notice in writing given to the clerk, requisition a meeting of the Local Governing Body; and it shall be the duty of the clerk to convene such a meeting as soon as is reasonably practicable.

6.4 Each member of the Local Governing Body shall be given at least seven clear days before the date of a meeting:

6.4.1 notice in writing thereof sent to the address or email address provided by each member; and

6.4.2 a copy of the agenda for the meeting;

provided that where the Chair or, in their absence or where there is a vacancy in the office of Chair, the Vice-Chair, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as they direct.

6.5 The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.

6.6 A meeting of the Local Governing Body shall be terminated forthwith if:

6.6.1 the members of the Local Governing Body so resolve; or

6.6.2 the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph

6.11, subject to paragraph 6.13.

6.7 Where in accordance with paragraph 6.7 a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.

6.8 Where the Local Governing Body resolves in accordance with paragraph 6.7 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the clerk to convene a meeting accordingly.

6.9 The Chair (or the Vice-Chair if the Chair is absent) may take urgent action in circumstances where a delay may be seriously detrimental to the interests of: the school; any pupil at the school (or their parent or carer); any person who works at the school. The following good practice guidance is adopted: A meeting can be called in less than 7 days in an emergency and therefore 'delay' should be interpreted as anything that cannot wait until such a meeting could be called. Emergency action should only be used in extreme circumstances.

6.10 Subject to paragraph 6.13, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three of the members of the Local Governing Body, or, where greater, any one third (rounded up to a whole number) of the total number of persons holding office on the Local Governing Body at the date of the meeting. If the Trustees have appointed any additional members of the Local Governing Body pursuant to clause 3.1.2.6 of this Scheme of Delegation then the quorum must take into account such persons.

6.11 The Local Governing Body may act notwithstanding any vacancies on its board, but, if the number of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.

6.12 The quorum for the purposes of:

6.12.1 appointing a parent member;

6.12.2 any vote on the removal of a person in accordance with this Scheme of Delegation;

6.12.3 any vote on the removal of the Chair of the Local Governing Body;

shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters, to include, or in addition to, a Trustee.

6.13 Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.

6.14 Subject to paragraphs 6.11 – 6.13, where there is an equal division of votes, the chair of the meeting shall have a casting vote in addition to any other vote they may have.

6.15 The proceedings of the Local Governing Body shall not be invalidated by

6.15.1 any vacancy on the Local Governing Body; or

6.15.2 any defect in the election, appointment or nomination of any person serving on the Local Governing Body.

6.16 A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Body or of a subcommittee of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body or (as the case may be) a subcommittee of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an electronic communication by or on behalf

of the Local Governing Body indicating their agreement to the form of resolution providing that the member has previously notified the Local Governing Body in writing of the email address or addresses which the member will use.

6.17 Subject to paragraph 6.19 the Local Governing Body shall ensure that a copy of:

6.17.1 the agenda for every meeting of the Local Governing Body;

6.17.2 the draft minutes of every such meeting, if they have been approved by the person acting as Chair of that meeting;

6.17.3 the signed minutes of every such meeting; and

6.17.4 any report, document or other paper considered at any such meeting,

are, as soon as is reasonably practicable, made available at the School to persons wishing to inspect them.

6.18 There may be excluded from any item required to be made available pursuant to paragraph 6.18, any material relating to:

6.18.1 a named teacher or other person employed, or proposed to be employed, at the School;

6.18.2 a named pupil at, or candidate for admission to, the School; and

6.18.3 any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential.

6.19 Any member of the Local Governing Body shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that:

6.19.1 they have given notice of their intention to do so detailing the telephone number on which they can be reached and/or appropriate details

of the video conference suite from which they shall be taking part at the time of the meeting at least 48 hours before the meeting; and

6.19.2 the Local Governing Body has access to the appropriate equipment if after all reasonable efforts it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

7. NOTICES

7.1 Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Governing Body) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In this scheme, "Address" in relation to electronic communications, includes a number or address used for the purposes of such communications.

7.2 A member of the Local Governing Body present, either in person or by proxy, at any meeting of the Local Governing Body shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.

7.3 Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

8. INDEMNITY

8.1 Subject to the provisions of the Companies Act 2006 every member of the Local Governing Body or other officer or auditor of the Trust acting in relation to a School shall be indemnified out of the assets of the Trust against any liability incurred by them in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which they are acquitted or in connection with any

application in which relief is granted to them by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Trust.

The River Learning Trust Scheme of Delegation **APPENDIX TWO: LEVELS OF DELEGATION**

Level 1: The Trust Board **Level 2:** The Local Governing Body **Level 3:** The Headteacher

The Trust Board may further delegate some of its responsibilities to Trust Board committees. The full LGB may delegate some of its responsibilities to LGB committees subject to Terms of Reference approved by the Trust and with the approval of the Trust Board.

In carrying out its responsibilities the Local Governing Body will receive advice and guidance from the Central Team.

Core Function

Activity	**1**	**2**	**3**
Establish the values, vision and strategic direction of The Trust	√		
Ensure the quality of education provision and oversee standards and outcomes across the Trust	√		
Manage the Trust's finance and property	√		
Ensure that the Trust complies with charity and company law	√		
Operate the Trust in accordance with the Funding Agreement that has been signed with the Secretary of State	√		
Carry out due diligence and make decisions regarding further schools joining the Trust	√		
Set the school's vision, ethos and strategic direction within the values, vision and strategic direction of the Trust		√	

Maintain the effective operation and membership of the LGB		√	
Oversee the educational performance of the school		√	
Oversee the financial performance of the school		√	
Ensure the school has appropriate policies and procedures in place, including safeguarding and health and safety		√	
Ensure the successful implementation of policies and procedures, including safeguarding and health and safety			√
Appointment of the Headteacher and conduct of their annual performance appraisal		√	
Meet as a Local Governing Body at least 4 times every school year – formal minuted meetings, following a determined schedule of business, of which papers and minutes are available to the Trust		√	
Attend Trust committees and events to represent their individual school and contribute to the development of the Trust		√	√

Finance

Activity	**1**	**2**	**3**
Determine the proportion of the overall Academy budget (which is based on funding allocated to each school by the ESFA) to be delegated to individual Schools in consultation with schools	√		
Approve the first formal budget plan each financial year	√		

Monitor monthly Trust expenditure	√		
Develop and establish financial decision levels and limits	√		
Trust procurement / contracting (cleaning, catering, photocopying)	√		
Establish charging and remissions policy guidelines	√		
Appoint the External and Internal Audit services	√		
Write off debts	√		
Determine and evaluate levels of risk	√	√	√
Develop and establish Trust Business Development and Business Continuity Plans	√	√	√
Develop, establish and monitor Trust Financial Procedures	√		
Develop and propose the individual school budget		√	
Monitor school expenditure 6 times per year at Resources Committees and/or full LGB meetings		√	
Implement a charging and remissions policy in line with the Trust's overarching policy guidelines		√	
Enter into contracts up to the limits of delegation and within an agreed budget	√	√	√
Make payments within agreed financial limits	√	√	√
Fundraising and income generation at a school level (as defined in the scheme of delegation 4.3.8)		√	

Implementation of Trust Financial Procedures at school level			√

Staffing and Appraisal

Activity	**1**	**2**	**3**
Develop and establish a pay policy	√		
Develop and establish an appraisal policy	√		
Appointment/Dismissal of Chief Executive and Trust Senior Staff	√		
Establish disciplinary/capability procedures	√		
Appointment/Dismissal of Headteacher must involve 1 Trustee or nominated representative on the selection/dismissal panel		√	
Deputy Headteacher appointments		√	√
Dismissal of staff (*see disciplinary policy)	√*		
Appraisal of Headteacher (with support from Central Team)		√	
Performance related pay and pay discretions decisions following consideration of the recommendations of pay reviewers and the advice of the head teacher, within the context of the Trust pay policy		√	
Suspension/Ending of suspension of Headteacher (following support and advice from Central Team)		√	

Determining dismissal payments/settlement agreements, early retirement within overall school budget and Financial procedure - *Chair of Governors action in agreement with Chief Executive, following support and advice from Central Team	√*	√*	
Decisions relating to any case which has progressed to an Employment Tribunal (following support and advice from Central Team and liaison with Headteacher and Chair of Governors)	√		
Restructures at school level (following support and advice from Central Team)		√	√
To implement Trust pay and appraisal policies			√
Appoint other teachers within staff complement			√
Appoint support staff within staff complement			√
Appoint temporary staff outside staff complement within overall school budget			√
Suspend/end suspension of staff (following support and advice from Central Team)			√
Appraisal of all other school staff			√

Curriculum and Standards

Activity	**1**	**2**	**3**
Ensure the quality of education provision and oversee standards and outcomes across the Trust	√		
Develop and establish Trust self-evaluation processes and an educational development plan	√		

Establish targets for school performance/Trust-wide performance expectations	√		
Ensure the school has appropriate statutory and recommended policies (including curriculum, behaviour, attendance, exclusions, teaching and learning), monitoring their implementation		√	
Ensure the school has appropriate self-evaluation processes and Improvement plans and monitor their implementation		√	
Accountability for standards of teaching, quality and school performance (staff and pupils)	√	√	√
Review the use of exclusions and suspensions and whether or not to confirm permanent exclusion		√	
Propose targets for school performance		√	√
Implement appropriate statutory and recommended policies (including curriculum, behaviour, attendance, exclusions, teaching and learning)			√
Implement self-evaluation processes and Improvement plans			√

Admissions and School organisation

Activity	**1**	**2**	**3**
Determine admission arrangements on an annual basis for schools within the Trust and sign off any changes to PAN and Admissions	√		
Develop and propose admission arrangements (with support and advice from Central Team)		√	
Establish an admissions committee	√	√	

Establish times of school sessions and Term dates (based on proposal by Headteacher and with support and advice from Central Team)		√	

Premises, Health and Safety, Safeguarding and IT

Activity	**1**	**2**	**3**
Buildings and personal liability insurance	√		
Develop and establish Trust premises (all schools) strategic planning	√		
Develop and establish a Trust health and safety policy and Trust procedures	√		
Develop and establish a Trust safeguarding policy and Trust procedures	√		
Develop and establish Trust IT (all schools) strategic planning	√		
Applications for new buildings and planning permission	√		
Sale, leasing and sub-letting agreements	√		
Create estate management plan (in consultation with schools)	√		
Review and monitor safeguarding audits and action plan		√	
Review and monitor school-based health and safety audits and action plan		√	
Propose school strategic premises plans (including new buildings, leases, sub-lettings proposals)		√	√

Propose school strategic IT plans (with advice and support from Central Team)		√	√
Establish school specific insurance as required		√	√
Monitor implementation of school building maintenance plan		√	
Implementation of health and safety audit and action plan			√
Implementation of the safeguarding audit and action plan			√

Governance and Policies

Activity	**1**	**2**	**3**
Develop and establish Governance arrangements for the Trust including standing orders and schemes of delegation for LGBs	√		
Develop and establish procedures for the establishment or dissolution of Local Governing Bodies	√		
Ratify the appointment or removal of Governors to or from LGBs	√		
Quality assure, evaluate and develop the quality of Governance across the Trust	√		
Ratification of delegation of responsibilities to LGB committees, working groups or individuals	√		
Determine which policies are mandatory for all schools	√		
Ensure that statutory policies are in place	√	√	

Create a Register of Pecuniary and Business Interests	√	√	
Propose delegation of responsibilities to working groups or individuals, including Terms of Reference		√	
Propose the appointment and removal of Governors including the Chair of governors		√	
Appoint or remove Clerk to the Local Governing Body		√	
Evaluate the quality of governance at school level, determine development needs and arrange appropriate training (with support from Central Team)		√	
Make available to the Trust copies of school policies		√	
Ensure publication of statutory information on the school website		√	√