

LOCAL GOVERNING BODIES SCHEME OF DELEGATION FOR THE INDEPENDENT SCHOOLS

Introduction

The NAS Board of Trustees is accountable for all NAS operations but in order to manage its responsibilities, the board has established a number of committees to focus on specific areas. One of these – the Education Quality Development (EQD) committee – is charged with governance of NAS schools.

In order to provide the close oversight required to ensure high quality day to day governance in each and every school, the EQD has established local governing bodies (LGBs), each of which is chaired by a trustee who sits on the EQD committee. This Scheme of Delegation sets out the relevant roles and responsibilities of all those involved in the governance and operational management of the schools, thereby ensuring clarity and a shared understanding of who is responsible for what.

Key Roles

Key stakeholders in the governance and operational management of the schools include:

- The NAS board
- The board's Plans & Resources Committee
- The Education Quality Development (EQD) committee of the board
- Local Governing Bodies (LGBs)
- School Principals
- The Director, Education
- The Deputy Director, Education
- The Head of Schools Improvement
- The Director, Finance

The NAS Board

The NAS trustees are accountable at law for what happens in NAS schools. However, clearly no one trustee can maintain a detailed knowledge of six schools spread across the country and so the board must delegate its responsibilities, while recognising that it remains accountable.

Plans and Resources Committee

The PRC is tasked with the oversight of investment proposals originating from other board committees, making recommendations on investment priorities to the board.

Education Quality Development Committee

The EQD committee is responsible for governance of the schools on behalf of the board. Trustees who sit on the committee are aligned with individual schools and chair the relevant LGB, thereby providing a direct governance link between the school and the NAS board.

Local Governing Bodies

LGBs provide local governance. Their functions are to:

- Support the principal and senior management team in the delivery of the school's mission and vision,
- Act as a critical friend, providing constructive challenge,
- Monitor the wellbeing and safety of the pupils,
- Monitor the educational achievement of pupils,
- Represent the school to the local community, including the business community,
- Support the development of the school as and when opportunities arise.

LGBs provide feedback to the EQD and NAS board, via the link trustees who chair them.

Apart from the chair, LGB members will include the principal, a parent of a pupil and representatives from the local community. LGBs are not expected to have more than six or seven members in total.

Other Roles

School Principals are critical to the success of the school and are accountable to the NAS board for all aspects of the school's performance.

The Director, Education supported by the Deputy Director, Education has the overarching responsibility for the performance of schools and children's services, line managing the school principals.

The Head of Schools Improvement works closely with the schools to ensure that every school delivers high quality education and outcomes for every pupil, identifying and sharing best practice.

The Director, Finance, supported by the Finance Manager agrees schools' budgets and monitors financial performance.

SCHEME OF DELEGATION

Finance				
Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
<p>Budget and Accounts</p> <p>Set annual balanced budget.</p>	<p>Review and approve individual school budgets and consolidated budget for submission to the PRC and board.</p>	<p>Recommend to the EQD in consultation with the Director, Finance individual and consolidated budgets.</p>	<p>Prepare budget for school in accordance with school improvement priorities and take to LGB. Advice on preparation to be sought from the Finance Mgr.</p> <p>Agree with LGB.</p>	<p>Recommend balanced school budget that should be presented to Director, Finance and Finance Mgr.</p> <p>Ensure segregation of duties is in place</p>

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
<p>School in deficit or setting a deficit budget when all school reserves are taken into account.</p>	<p>Review and approve the deficit recovery plan, for submission to PRC and board.</p> <p>Review termly progress reports.</p>	<p>Recommend to Trustees that deficit recovery plan should be approved, and review termly reports.</p>	<p>Prepare deficit recovery plan with support from Finance Mgr and Director, Finance.</p> <p>Prepare termly reports and report any concerns to the Finance Mgr.</p>	<p>Recommend deficit recovery plan to EQD.</p> <p>Review school's progress through termly reports</p>
<p>Budget Monitoring</p>	<p>Review termly budget monitoring reports for the schools.</p>	<p>Review monthly budget monitoring reports for the individual schools.</p>	<p>Prepare monthly monitoring reports with support from Finance Mgr.</p>	<p>Review termly monitoring reports for individual school.</p>
<p>Virements between nominal codes, cost centres and periods with no overall impact on the bottom line.</p> <p><i>NB: with the exception of genuine 1-year fixed contracts and agency costs, virements for non-pay to pay cost budget headings are not permitted unless approval is granted in accordance with the recruitment delegation noted below.</i></p>	<p>Changes to individual school budgets made by LGB are reported to the Director, Finance and Finance Mgr.</p>	<p>Changes that are within the budget envelope agreed by Trustees are reported to the Director Finance.</p>	<p>Recommend changes in line with school improvement plan and model financial implications. recommend larger changes to LGB.</p>	<p>Approve changes to budget in year as long as the school remains within the overall budget set and approved by trustees.</p>

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
<p>Amendments to approved budget</p> <p>NB: This does not apply to designated financial 'high risk' schools.</p>	<p>Receive report on surplus reduced or deficit increased from approved budget. If less than £30k report to the Finance Mgr</p> <p>Approve surplus reduced/deficit increased from approved budget if more than £30k: Director Finance & Finance Mgr.</p>	<p>Approve Surplus reduced/deficit increased from approved budget if less than £30k report to Finance Mgr</p> <p>Recommend Surplus reduced/deficit increased from approved budget if more than £30k to Director Finance & Finance Mgr</p>	<p>Recommend Surplus increased/deficit reduced from approved budget to LGB and Finance Mgr</p> <p>Recommend Surplus reduced/deficit increased from approved budget if less than £30k to LGB following meeting with Finance Mgr.</p> <p>Recommend Surplus reduced/deficit increased from approved budget if more than £30k to Director Finance & Finance Mgr</p>	<p>Approve Surplus increase/deficit reduction.</p> <p>Recommend Surplus reduced/deficit increased from approved budget if less than £30k to Director, Finance.</p>
<p>Amendments to budget when school is designated as High Risk.</p>	<p>Approve any change to the school's bottom line</p>	<p>Recommend changes to the school's bottom line to Finance Mgr</p>		
<p>Writing off bad debts.</p>	<p>EQD responsible for writing off any level of bad debts.</p>			

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Staff appointments	Authorise for Unbudgeted vacancy with effect on budget of greater than £30k.	<p>Authorise any proposal for Unbudgeted vacancy with effect on budget of less than £30k.</p> <p>Make proposal to Finance Mgr/ Director Finance for Unbudgeted vacancy with effect on budget of more than £30k.</p>	<p>Principal authorised to action any budgeted vacancy. Report to LGB.</p> <p>Make proposal to LGB to propose to Finance Mgr/ Director Finance for Unbudgeted vacancy with effect on budget of less than £30k.</p> <p>Make proposal to LGB to propose to Finance Mgr/ Director Finance for Unbudgeted vacancy with effect on budget of more than £30k.</p>	<p>LGB receives report on appointments and vacancies.</p> <p>LGB to inform Finance Mgr of unbudgeted vacancy with effect on budget of less than £30k which does not place the schools into a deficit budget situation.</p> <p>LGB to propose to Finance Mgr/ Director Finance for Unbudgeted vacancy with effect on budget of more than £30k.</p>
Severance payments.	<p>Authorise £20k - £50k.</p> <p>NB over £50K non- contractual and all ex gratia payments require DFE approval.</p>	Authorise up to £20K	Up to £20K proposal to LGB to propose to Finance Mgr/ Director Finance.	Up to £20k to propose to Finance Mgr/ Director Finance

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Authorisation of overtime or supply payments.			Teaching and support staff in school. As long as within budget, delegated powers as above.	
Authorisation of expense claims.	For the Director, Finance the Finance Mgr signs monthly expenses and report to Chair of Board.	Authorises expenses for staff in central team.	Teaching and support staff in school. Can delegate to SBM where in post.	Principal by Chair of LGB.
Reporting and Internal Audit Requirements	<p>The Director, Finance and Finance Mgr will review the performance of the School against its Business Plan and its compliance with internal auditing requirements on an ongoing basis, reporting to the Board accordingly.</p> <p>Such reviews will take place once a term or at such other intervals as the Board may from time to time determine.</p>	The Director, Finance will ensure the Finance Mgr monitors the monthly finance reports supplied by the Principal, keeping the Director, Education advised.	<p>The Principal is to provide such information and assistance in relation to reporting and internal auditing as the Finance Mgr from time to time require.</p> <p>This will include reporting formally to the Finance Mgr at regular intervals as specified.</p> <p>The Principal will also supply to the Finance Mgr a monthly finance report in such form as the Director, Finance may from time to time require.</p>	<p>LGB to ensure that the Principal meets requests from auditors and reports the findings of internal audits to LGB and action the recommendations identified in the reports</p> <p>Procurement regulations to be adhered to and any discrepancies reported and rectified.</p>

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Statutory Audit Procedures	<p>The NAS Board of Trustees is responsible for approving the statutory accounts of the NAS and recommending them to the NAS members.</p> <p>On behalf of the Board, the Director, Finance is responsible for ensuring the all relevant documents are prepared and approved and for ensuring all statutory financial documents are appropriately filed.</p>		The Principal is to provide such information and assistance in relation to statutory audit procedures as may from time to time be required.	LGB to action any recommendations from auditors that pertain to their establishment
Appoint Auditors	Board appoints auditors			
<p>Purchasing Requisitions for orders/invoice approval (excluding expenditure from IC, capital reserves or sinking funds.)</p> <p>NB Transactions must not be artificially split. The full values of the contract must be used when applying this policy. Therefore, if a contract is for 5 years, it is the total value across all five years that is applicable.</p>	Authorise spend above £100K	Item £25K - £100K within approved budget needs proposal to Director, Education and Director, Finance	<p>Authorise up to £10K within approved budget</p> <p>Proposal to Director, Education and Director, Finance for £10k-£25k within approved budget</p> <p>£25K - £100k within approved budget needs proposal to Director, Education and Director, Finance</p> <p>No authority for spend above total budget until budget increase is approved (see 'amendments to budgets' above)</p>	
Expenditure for ICT or capital.	EQD, delegated to Director, Education and Director, Finance for sums below £25k	Authorise up to £25k, with Director, Finance.	Proposal to Finance Mgr for up to £25k (if	

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
			not already included on the school's business plan.)	
<p>Quotations and Tendering.</p> <p>NB Transactions must not be artificially split.</p> <p>The full values of the contract must be use when applying this policy.</p> <p>Therefore, if a contract is for 5 years, it is the total value across all 5 years that is applicable.</p>			<p>In line with purchasing terms delegated powers above.</p> <p>Up to £5K preferred supplier/catalogue (if not included within the preferred/supplier catalogues then schools should seek 3 quotes for orders in excess of £1,000 and use best value principles)</p> <p>Above £5K will require a tendering process</p> <p>Above £25K will require formal tendering process through consultation with Finance Mgr</p>	
<p>Bank account payments.</p> <p>BACS, cheques, direct debits.</p>	According to Bank mandate - two signatories.		According to Bank mandate - two signatories.	

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Petty Cash Journals.			Less than £50, school finance staff. £50 - £100, school Principal. Over £100 not permitted.	
Journals.			Recoding (within the income statements): school finance lead approved by NASAT Finance Mgr.	
Whistle blowing policy.	NAS board approves the policy. EQD receives reports of any incidents of whistle blowing.	Receive reports on any incidents of whistle blowing.	Inform LGB and Director, Finance of any incidents of whistle blowing (if the whistle blowing alleges wrongdoing by the Director Finance, then the Chair of the Board should be informed rather than the Director, Finance.)	Receive reports on incidents of whistle blowing (unless they relate to the Local Governing Body.)
Risk management.	Review key risks and measures implemented to mitigate.	Identify and implement measures to mitigate.	Ensure that a risk register is in place and fit for purpose.	LGB to review the school's risk register on an annual basis or sooner if required.

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
To monitor use of pupil premium monies	Review reporting from LGB's on use of pupil premium monies.		Monitor impact of Pupil Premium.	LGB to monitor impact and spend of pupil premium. Report to EQD.
Insurance.	Review insurance arrangements – delegated to Director, Finance		Alert the Finance Mgr of any additional insurance needs that may be required for their school.	

Human Resources

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Pay and performance management.	Approval of NAS Pay Policy, pay scales and benefits is reserved to the board.	Performance Management of Principals, taking feedback from LGBs	Teacher and support staff performance management in school	Input to Principal performance management in conjunction with Director, Educaiton
Principal Appointment. For the avoidance of doubt, all appointments identified under this Human Resources section, whether internal or external, are subject to the same procedures. There is to be no distinction between the two.	<p>The Director, Education and chair of EQD will make the final decision concerning the appointment of a Principal.</p> <p>The EQD will establish the Appointment Panel and determine the process to be followed. It will include the Director, Education and if the EQD considers it appropriate, an external advisor or advisors.</p> <p>The EQD Chair may act as chair of the Appointment Panel or appoint an alternate.</p> <p>The EQD will take due account of any recommendations made by the Appointment Panel.</p>			<p>The Local Governing Body will provide such support and assistance to the EQD as may be needed from time to time.</p> <p>The LGB may be represented on the recruitment panel (not staff members of LGB)</p>
Senior Leadership Team appointments.		The Director, Education and the Principal will lead jointly on the process for filling any vacancies in the Senior Leadership Team.	The Principal is to notify the Director, Education as soon as the Principal becomes aware of any potential	The LGB will be able to comment on the staffing structure for the school, including the composition of the SLT but will not have the authority to alter it.

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
		<p>If there is any dispute between the two the views of the Director, Education will prevail.</p>	<p>vacancy in the Senior Leadership Team. The Principal will then lead the process jointly with the Director, Education</p>	
<p>Teacher/ Support Staff Appointments.</p>			<p>The Principal will lead the process for filling teacher vacancies in conjunction with the Senior Leadership Team. A representative of the Local Governing Body may be invited to participate.</p>	<p>If invited, the Chair of the Local Governing Body may nominate a representative from amongst its ranks to participate in the teacher appointment process.</p>
<p>External Consultant Appointments.</p>		<p>Decisions concerning the appointment of external consultants will lie with the Director, Education and Director, Finance.</p>	<p>The Principal to make recommendations to the CEO.</p>	<p>LGB to make representation to the CEO where they feel additional consultancy support is required in order to support leadership within the school. The LGB to inform the Director,</p>

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
				Education if they feel support is not effective.
Salary Reviews.	<p>The NAS board retains responsibility (may delegate) for overseeing salary levels/bands.</p> <p>In reviewing salaries, the Board may seek advice and input from the Director, Education and Director, Finance.</p>	<p>The Director, Education/Director, Finance may also audit the salary review process as they consider appropriate.</p>	<p>The Principal is to ensure the Business Plan identifies any proposed salary reviews.</p> <p>The Principal will make salary review proposals to the Director, Education/ Director Finance.</p>	<p>The LGB may comment on the need for any salary review to the Board.</p>
Terms of Employment.	<p>Decisions concerning any change to the terms of employment of staff (both teaching and support) will lie with the NAS Board.</p> <p>The NAS Board will consider any representations made by the Director, Education, Director, Finance, the Principal and/or the Local Governing Body.</p>	<p>The Director, Education is to review and comment on any proposals that may involve a change to the terms of employment.</p>	<p>The Principal is to be consulted in connection with any proposed change to terms of employment.</p>	<p>The Local Governing Body is to be advised of any proposed change to terms of employment.</p>
Redundancies.	<p>Decisions concerning the making of any redundancies will lie with the NAS Board.</p> <p>The NAS Board will consider any representations made by the Director, Education, Director, Finance, the Principal and/or the Local Governing Body.</p>	<p>The Director, Education is to review any redundancy proposals.</p> <p>The Director, Education may initiate a review if she/he</p>	<p>The Principal is to notify the Director, Education as soon as possible after becoming aware that one or more redundancies may be necessary.</p>	<p>The LGB is to be advised of any redundancy proposals.</p>

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
		believes there is a need to do so.	The Principal will provide such ongoing assistance the Director, Education may require in considering any redundancy proposals.	
<p>Dismissals.</p> <p>(NB: This is subject to TUPE requirements and the school's own dismissal procedures may currently override this section)</p>	<p>Subject as noted below, decisions concerning dismissal of the Principal, any member of the Senior Leadership Team will lie with the CEO of the NAS.</p> <p>The CEO will consider any representations made by the Director, Education, the Principal and/or the Local Governing Body.</p> <p>In cases of urgency, where it is not possible for CEO of the NAS to be consulted, the Director, Education will have authority to sanction a dismissal</p>	<p>The Director, Education is to consider any circumstances involving a potential dismissal whether notified by the Principal or not.</p> <p>Subject as noted below, the Director, Education is to notify the EQD:</p> <ul style="list-style-type: none"> • if the employee concerned is the Principal, a member of the Senior Leadership Team of the school; and • the Director, Finance considers dismissal is or may 	<p>The Principal is to notify the CEO as soon as possible after becoming aware of any circumstances that may merit the dismissal of any employee.</p> <p>The Principal will provide such ongoing assistance the Director, Education may require in considering whether dismissal is appropriate</p>	<p>The LGB is to be consulted about potential dismissal situations except where the CEO considers the urgency of the matter is such that consultation is not appropriate.</p> <p>The Director, Education may attend and take part in the consultation if the he/she considers this appropriate.</p>

		<p>be the appropriate course of action.</p> <p>In cases of urgency, where it is not possible for The Trust Board to be consulted, the Director, Education will have authority to sanction a dismissal.</p> <p>In such circumstances the Director, Education will be expected to take all reasonable steps to consult with and agree the necessary course of action with the CEO of the NAS.</p>		
<p>Other Disciplinary and Capability Measures.</p> <p>(NB: This is subject to TUPE requirements and the school's own dismissal procedures may currently override this section.)</p>	<p>Subject as noted below, decisions concerning the imposition of a disciplinary and/or capability measure in respect of the Principal will lie with the EQD, subject as noted below.</p> <p>The EQD will consider any representations made by the Director, Education, the Principal and/or the Local Governing Body.</p> <p>In cases of urgency, where it is not possible for EQD to be consulted, the Director, Education will have authority to sanction the imposition of a disciplinary and/or capability measure.</p>	<p>The Director, Education is to consider any circumstances involving the potential imposition of disciplinary and/or capability measures whether notified to the Director, Finance by the Principal or not.</p> <p>Subject as noted</p>	<p>The Principal is to notify the Director, Education as soon as possible after becoming aware of any circumstances that may merit the imposition of disciplinary and/or capability measures that</p>	<p>The Local Governing Body is to be consulted about possible disciplinary and/or capability measures except where the Director, Education considers the urgency of the matter is such that consultation is not appropriate.</p> <p>The Principal is to</p>

		<p>below, the Director, Education is to notify the EQD if the employee concerned is the Principal, a member of the Senior Leadership Team of the school; and the Director, Education considers the imposition of a disciplinary or capability measure is or may be the appropriate course of action.</p>	<p>fall short of dismissal.</p> <p>The Principal will provide such ongoing assistance the Director, Education may require in considering such circumstances.</p>	<p>notify the CEO of any proposed consultation.</p> <p>The Director, Education may attend and take part in the consultation if the he/she considers this appropriate.</p>
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Education

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
School Improvement Programme (including curriculum and standards.)	<p>The EQD will approve the draft School Improvement Programme subject to any modifications it wishes to make.</p> <p>The EQD will also determine the intervals at which the approved Programme is to be monitored and reviewed.</p> <p>Each SIP will be monitored for impact via targets / outcomes.</p>	<p>The Director, Education is to present the draft School Improvement Programme to the EQD</p> <p>The Director, Education is to monitor delivery of the School Improvement Programme on a termly basis or at such other intervals as the Standards may from time to time determine, with resultant intervention if necessary.</p>	<p>The Principal is to draw up a draft School Improvement Programme in conjunction with the Director, Education.</p> <p>The Principal is to co-operate with the Director, Education in the ongoing monitoring of the School Improvement Programme and will devise any Early Intervention Strategy needed following information that a target is at risk.</p>	<p>The Local Governing Body will receive reports on the School Improvement Programme within the school's overall Business Plan and is to act on them as required.</p> <p>LGB to monitor the school's progress towards its School Improvement Programme / Business Plan.</p>
School Hours.	The EQD will approve the opening and closing times for schools.			The LGB recommends opening and closing times to the EQD
Term Times.	The EQD will approve the term times for Schools.			The LGB recommends term times to the EQD
Admissions, Exclusions and Appeals Policies.	The NAS Board will approve all such policies and any amendments to them.			The LGB will monitor that policies are being followed, making recommendations for any changes or updates to policies to the EQD.

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Other Academy Policies.	The NAS Board will approve all such additional charity-wide policies and any amendments to them.	The Director, Education will have responsibility for developing any other Schools policies that may from time to time be appropriate.	<p>Principal to check with Director, Education re status of individual polices, in house/Trust-wide.</p> <p>Principal to ensure that Pupil Cohort data, Pupil Voice feedback and Parent feedback are shared with the EQD</p>	The LGB will monitor compliance with policies, paying particular regard to the safety and wellbeing of pupils through compliance with the Safeguarding and Health and Safety policies.

Strategy

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Collaborations and Partnering Arrangements.	<p>The NAS Board will review any proposal put to it by the Director, Education and/ or Director, Finance and may:</p> <ul style="list-style-type: none"> • approve the proposal as submitted to it; or • approve the proposal subject to any amendments it considers appropriate; or • reject the proposal. 	<p>The Director, Education will assess any proposals put forward by the Principal and/or Director, Finance.</p> <p>The Director, Education may decide to:</p> <ul style="list-style-type: none"> • approve the proposal as submitted; or • approve the proposal subject to any amendments the CEO considers appropriate; or • reject the proposal 	<p>The Principal is to notify the CEO of any proposals to enter into, renew, amend or terminate any collaboration or partnering arrangement with other schools that involves payment in excess of £2,500.</p> <p>The Principal will provide such further information and assistance as the CEO may need in order to make a decision concerning the arrangement.</p>	
Expansion/reduction of existing facilities.	<p>The Board and/or the PRC will review any proposal put to it by the CEO and may:</p> <ul style="list-style-type: none"> • approve the proposal as submitted to it; or • approve the proposal subject to any amendments it considers appropriate; or • reject the proposal. 	<p>The CEO will assess any proposal put forward by the Principal.</p> <p>The CEO may decide to:</p> <ul style="list-style-type: none"> • recommend the proposal as submitted; or • recommend the proposal subject to any amendments the he/she considers appropriate; or • reject the proposal 	<p>The Principal is to agree with the LGB and notify the Director, Education of any proposal to expand / reduce any existing facilities at the Academy.</p> <p>The Principal will provide such further information and assistance as the Director, Education may need in order to make a decision concerning the proposal.</p>	LGB to recommend proposals to expand / reduce any existing facilities at the school to Director, Education.

Responsibility	EQD Committee	Director, Education	Principal	Local Governing Body
Taking on new premises.	<p>The EQD will review any proposal put to it by the Director, Education /Director, Finance and may:</p> <ul style="list-style-type: none"> • approve the proposal as submitted for recommendation to the PRC / NAS board; or • recommend the proposal to the PRC / NAS board, subject to any amendments it considers appropriate; or • reject the proposal. 	<p>The Director, Education will assess any proposal put forward by the Principal</p> <p>The Director, Education may decide to:</p> <ul style="list-style-type: none"> • approve the proposal as submitted; or • approve the proposal subject to any amendments the CEO considers appropriate; or • reject the proposal 	<p>The Principal is to notify the Director, Education of any proposal to take on new premises following agreement with LGB.</p> <p>The Principal will provide such further information and assistance as the Director, Education may need in order to decide concerning the proposal.</p>	LGB to review proposal to take on any new premises, making a recommendation to the EQD accordingly.
<p>Other major strategic decisions, eg the taking on of another school or the strategy for Education.</p> <p>School strategic Decisions; e.g. changing the school's PAN, developing/closing residential provision, establishment /cessation of a before/after school provision.</p>	<p>The EQD will review any proposal put to it by the Director, Education and may:</p> <ul style="list-style-type: none"> • recommend the proposal to the NAS board, as submitted; or • recommend the proposal subject to any amendments it considers appropriate; or • reject the proposal. 	<p>The Director, Education will assess any proposal put forward by the Principal.</p> <p>The Director, Education may decide to:</p> <ul style="list-style-type: none"> • support the proposal subject to any amendments he/she considers appropriate; or • reject the proposal; or • refer the proposal to the EQD for a decision 	<p>The Principal is to notify the Director, Education of any proposal of a major strategic nature.</p> <p>The Principal will provide such further information and assistance as the Director, Education may need in order to make a decision concerning the proposal.</p>	<p>The LGB will make its views known to the Director, Education or EQD regarding any major strategic decisions the charity is considering.</p> <p>The LGB will refer to the Director, Education any major strategic decisions the school is considering.</p>

Appendix 1 – Code of Conduct for LGB’s

The following code provides a statement of the broad principles by which the governors of the schools within NAS AT should operate.

General

The (Executive) Principal is responsible for the day-to-day management of the school, the implementation of policy and the operation of the curriculum. Governors have a responsibility for determining, monitoring and keeping under review, the policies, plans and procedures within which the school operates.

The Local Governing Bodies (LGB) will contribute most effectively to this aim by focusing on its three roles:

- To provide a strategic view of where the school is heading, in line with the vision, ethos and expectations of NAS AT.
- To act as a critical friend by providing support and advice to the school.
- To hold the school to account for the educational standards it achieves and the quality of the education it provides.

All governors have equal status. Although governors are appointed and elected by different groups, their central concern is the success of the school as a whole.

Governors always have a general duty to act fairly and without prejudice.

Governors should consider carefully how their own decision might affect other schools both within and outside NAS AT.

Governors should encourage open government and should be seen to do so. All Governors are required to act in accordance with the Nolan principles as follows:

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

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

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

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

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

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

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

Governors do not act alone but as members of a corporate team. Individual governors have power only when it is delegated specifically to them by the whole Local Governing Body.

Commitment

- Governors acknowledge that accepting office as a governor/trustee/academy committee member involves the commitment of significant amounts of time and energy.
- Governors will be involved actively in the work of the Local Governing Body, and accept our fair share of responsibilities, including service on committees or working groups.
- Governors will make full efforts to attend all meetings and where they cannot attend will explain in advance why they are unable to.
- Governors will get to know the school/s well and respond to opportunities to involve themselves in school activities.
- Governors will visit the school/s, with all visits arranged in advance with the (Executive) Principal and undertaken within the framework established by the Local Governing Body.
- Governors will consider seriously their individual and collective needs for induction, training and development, and will undertake relevant training.
- Governors accept that in the interests of open government, their full names, date of appointment, terms of office, roles on the Local Governing Body, attendance records, relevant business and pecuniary interests, category of governor and the body responsible for appointing them will be published on the school's website.

In the interests of transparency, Governors accept that information relating to governors/Directors/academy committee members will be collected and logged on the DfE's national database of governors (Edubase).

Relationships

- Governors will strive to work as a team in which constructive working relationships are actively promoted.
- Governors will express views openly, courteously and respectfully in all our communications with other governors/Directors/academy committee members.
- Governors will always support the chair in their role of ensuring appropriate conduct both at meetings and.
- Governors are prepared to answer queries from other board members in relation to delegated functions and consider any concerns expressed, and they

will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.

- Governors will seek to develop effective working relationships with the (Executive) Principal, staff and parents, the trust, the local authority and other relevant agencies and the community.

Confidentiality

- Governors must observe complete confidentiality when asked to do so by the Local Governing Body, especially in relation to matters concerning individual staff, pupils or parents.
- Although decisions reached at governors' meetings are normally made public through the minutes, the discussions on which decisions are based should be regarded as confidential. Any decisions made, whether supported individually by you as a Governor, should always be actively supported once the decision has been made collectively by the Local Governing Body.
- Governors will always exercise the greatest prudence when discussions regarding school/trust business arise outside a Local Governing Body meeting.
- Governors will not reveal the details of any Local Governing Body vote.

Conduct

- Governors should express their views openly within meetings but accept collective responsibility for all decisions, supporting those decisions always in public forums.
- Governors should only speak or act on behalf of the Local Governing Body when they have been specifically asked to do so.

All visits to school should be undertaken within a framework which has been established by the Trust and agreed with the (Executive) Principal.

In responding to criticism or complaints relating to the school, governors should refer to the Trust's 'Complaints Procedure' for the correct procedure to be followed and advise the complainant accordingly.

Governors have a responsibility to maintain and develop the ethos and reputation of the school. Their actions within the school community and externally should reflect this.

Any pecuniary interest that a governor may have in connection with the Local Governing Body's business must be recorded in the register of pecuniary interests.

Where an interest is declared, the governor must leave the meeting while the item is under discussion.

Breach of this Code of Conduct

If Governors believe this code has been breached, they will raise this issue with the chair and the chair will investigate; Local Governing Body will only use

suspension/removal as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.

Should it be the chair that Governors believe has breached this code, another Local Governing Body member or Trust representative, such as the vice chair or Director, Finance will investigate.

Training and Development

Governor training and development is important. It benefits the school and individual governors and can help to develop effective teamwork. Governors are encouraged to undertake training to further their individual interests within the Local Governing Body and the work of the Local Governing Body as a whole.

Mentoring

An experienced governor who acts as a mentor to new governors can provide support and a listening ear for all aspects of the work of the Local Governing Body. Governors should be prepared to act as mentors, as required.

Meetings

Individual governors do not have any authority in school. It is the collective decisions of all the governors together that carry authority. The activities that governors undertake outside meetings can be seen as preparation for the times when the Local Governing Body 'goes live' - in a meeting.

It follows that if a Local Governing Body is to carry out its functions well, its meetings are crucial. Below is NAS AT 's 'Meetings Charter'. If the Chair, the Head, the Clerk and all the governors subscribe to, and implement, the charter, the Local Governing Body will be giving itself the best chance of coming to informed, collective decisions.

Meetings Charter

As a governor I expect:

- people to attend regularly and be punctual;
- an agenda and relevant documents to reach me at least seven days before the meeting;
- an agenda that makes clear the purpose of each item;
- a Chair who keeps to the agenda, paces the meeting so that time is given to each matter in proportion to its importance, draws on all members for contributions and keeps discussions to the point;
- my contributions to be heard and others to contribute to the discussion;
- the decision-making process to be quite clear;
- governors to work together and not to be stubbornly partisan;
- governors to take collective responsibility for decisions;
- minutes that summarise views succinctly, record decisions accurately and are made available, in draft form, soon after each meeting.

Others can expect me to:

- attend regularly and be punctual;
- read the agenda, minutes and other papers before the meeting and note items I want to say something about;
- bring my papers to the meeting;
- make relevant and positive contributions;
- listen to and consider what other people want to say;
- accept my share of collective responsibility, even for those decisions that I do not personally agree with.

Appendix 2

The National Autistic Society Governance of Independent Schools

The NAS Board of Trustees is legally accountable for the independent schools. Trustees are appointed through a Board Nominations Panel which is tasked with the recruitment of trustees to meet the needs of the Board.

The Board delegates certain responsibilities to its Education Quality and Development Committee which comprises the chairs of the advisory Local Governing Bodies (LGBs) and others.

The Board values and supports the work of LGBs and the significant contribution they make towards improving outcomes, well-being and the safety of our children and young people in their local area.

To enable effective local governance, the NAS provides support with governor recruitment, selection and training. It ensures that governors are trained and enabled to fulfil their duties. It ensures appropriate communication and shared policies to secure a consistent and sufficient approach to the educational delivery, outcomes monitoring and reporting of independent and NAS Academies Trust schools.

These terms of reference covering the composition and requirements for Local Governing Bodies, together with the scheme of delegation, will be reviewed regularly.

TERMS OF REFERENCE FOR LOCAL GOVERNING BODIES

1. FUNCTIONS

1.1 The core responsibilities of the LGBs are to:

- a) Monitor the performance of the school against its development and improvement plan and key performance indicators (as agreed by the NAS director of education and the school Executive/Principal).
- b) Monitor the school's financial health and use of the pupil premium (not in Scotland), as well as identifying and responding to its fundraising needs.
- c) Provide support and challenge to the schools' Executive/Principal.
- d) Make termly visits to the school and be engaged in activities, monitoring and supporting the safeguarding and well-being of students.
- e) Review pupil numbers, profile and outcomes and ensure that any available places are actively marketed.
- f) Ensure that the school operates in accordance with up-to-date regulation including the Independent School Standards, 'GIRFEC' (Scotland), Minimum Standards for Special Boarding Schools, Keeping Children Safe in Education and health and safety standards.
- g) Check that NAS policies and procedures are being applied effectively.

- h) Ensure that both the school and the LGB are compliant with GDPR requirements.
- i) Ensure that business development plans are developed and submitted as required by the NAS so they can be coordinated with those of other NAS schools in fulfilment of the NAS educational strategy and philosophy.
- j) Act as a link between parents/guardians and the school ensuring that there are clear parental engagement processes.
- k) Represent the school to the local community, including the development of contacts with local businesses and the promotion of fundraising activities.
- l) Engage with relevant stakeholders, including the Department for Education, Ofsted and in Scotland, Education Scotland and the Care Inspectorate in fulfilment of those bodies' expectations for school inspections and development, representing the Board.
- m) Keep the board's EQD committee briefed on the school's performance and on pupils' welfare and safety.
- n) Investigate complaints, in accordance with the NAS s complaints policy.
- o) Take part in any appeals process relating to the exclusion of a pupil.
- p) Bring forward proposals and recommendations to enhance the functioning and development of the school.

2.2 The following functions do not fall into the remit of the LGB:

- Appointment of the Executive/Principal;
- Decisions regarding the admission of individual pupils or appeals relating to admissions;
- Setting the school's budget;
- Making decisions relating to capital investments;
- Making decisions relating to staff pay.

3. COMPOSITION OF LOCAL GOVERNING BODY

- 3.1 The Chair and the School Principal shall be standing members of the LGB. The Chair shall be a trustee of the NAS, appointed by EQD, who shall be eligible to serve for as long as they remain a trustee.
- 3.2 Other members, known as appointed members, shall be appointed by EQD on the recommendation of the School Principal and the Chair of the LGB. These members may serve up to two terms of 4 years, subject to a probationary year. The second term will be subject to review by the LGB chair, taking into account that member's contribution to the work of the LGB and approval by EQD.
- 3.3 Appointed members shall be parents, staff or independent persons who bring added value in the form of their professional skills.
 - There shall be a minimum of one and no more than two parent members.
 - There shall be a minimum of one and no more than two staff members.

- There shall not be more than three staff and parent governors together at any time.
- There shall be a minimum of two and no more than three independent members.

The guiding principle is that the number of staff and parent members shall not exceed the number of independent members.

- 3.4 A parent whose child leaves the school shall cease to be a member of the LGB and a new parent member shall be appointed. Similarly, if a staff member leaves their post.

There is no barrier to a one-time parent or staff member being appointed as an independent member, subject to total term length, if they bring appropriate professional skills and experience.

- 3.5 There shall be three specialist governors to cover:

- Business/Finance skills,
- Safeguarding (ordinarily the Chair), and
- Community engagement.

- 3.6 Staff members who are appointed to the LGB shall be non-teaching staff who are not members of the SLT.

If the school has a residential service, there is a requirement to have a member of staff who works in that service sitting on the LGB and this may be the residential service manager.

- 3.7 Typically, LGB membership will therefore comprise:

- The Chair (a trustee of the NAS)
- The principal
- One or two additional members of school staff
- At least one parent of a school student (and not more than 2)
- Up to three specialist members bringing professional skills

- 3.8 Conflicts of interest.

- In the event of any potential conflict of interest arising, the member must absent themselves from the meeting while the matter is discussed.
- For any agenda item involving matters relating to staffing, the staff members must leave the meeting.
- Any parent or staff member in dispute with the school will be automatically suspended from the LGB until the matter is appropriately resolved to avoid potential conflict of interest.

- 3.9 The LGB will not create any sub committees but it may appoint individual members to lead on specific topics.

- 3.10 No member of an LGB will attend as a representative of a body. Thus for example, if an employee of a local authority is invited to join the LGB this will be on the basis of their personal merits, not to represent the local authority.

- 3.11 All LGB members will be required to undergo DBS checks and Section 128 Prohibition Checks. In Scotland the equivalent checks are Disclosure or Protecting Vulnerable People (PVP) checks.
- 3.12 A quorum will be formed by three members, including the chair.
- 3.13 All LGB members will be required to undertake regular training on specific topics, and to maintain safeguarding training. The cost of such checks and training will be borne by the school.
- 3.14 As good practice, the chair should identify one of the specialist governors to act as vice chair, should the need arise.
- 3.15 LGBs will appoint a clerking service to take care of administration and to take the minutes of meetings. This can be done by the school's office but if there is no appropriate staff member willing to act, a clerking service will need to be bought in by the school.

4. FREQUENCY OF MEETINGS

- 4.1 The Governing Body will meet at least once in each term, i.e. three times per annum and all members shall make at least one other visit to the school per term.

5. POLICIES

- 5.1 Education policies are developed and confirmed by the NAS board. The role of the LGBs is, where appropriate, to ensure that procedures and protocols for the implementation of policies have been developed to match the circumstances of the particular school. Where the Governing Body feels that some specific aspect of a policy is inappropriate or inadequate, it may make a recommendation to the board for the policy to be changed.

7. CODE OF PRACTICE AND CONFLICTS OF INTEREST

- 7.1 Members of LGBs will be required to sign a declaration of their agreement to abide by a code of practice and also to complete a 'conflicts of interest' return, both to be refreshed annually. Examples of these forms are attached.
- 7.2 Should an LGB member have an actual or potential conflict of interest in relation to any matter being discussed by the LGB, either in respect to him/herself or to a close family member, the conflict must be declared and the individual absent him/herself from the discussion and any subsequent decision.
- 7.3 In a public setting, including any use of social media, members will support NAS positions, policies and procedures at all times and step down in the event of a complaint against or dispute with the NAS that affects the individual or their family.

**CODE OF PRACTICE
ANNUAL DECLARATION BY LGB MEMBERS**

General

- I understand the purpose of the LGB and the role of the Principal.
- I am aware of and accept the Nolan seven principles of public life (see Appendix).
- I accept that I have no legal authority to act individually, except when the LGB has given me delegated authority to do so. I will therefore only speak on behalf of the LGB when I have been specifically authorised to do so.
 - I have a duty to act fairly and without prejudice.
 - I will encourage open governance and will act appropriately.
 - I accept collective responsibility for decisions made by the LGB. This means that I will not speak against majority decisions outside the LGB meeting.
 - I will consider carefully how our decisions may affect local communities and the NAS.
 - I will always be mindful of my responsibility to maintain and develop the ethos and reputation of the school. My actions within the school and the local community will reflect this.
 - In making or responding to criticism or complaints affecting the school I will follow the procedures established by the relevant policies.

Commitment

- I acknowledge that accepting office as a member of the LGB involves the commitment of significant amounts of time and energy.
- I will each involve myself actively in the work of the LGB and accept my fair share of responsibilities.
- I will endeavour to attend all meetings and where I cannot attend, explain in advance.
- I will get to know the school and respond to opportunities to involve myself in school activities.
- My visits to school will be arranged in advance with the staff and undertaken within the framework established by the LGB in association with the Principal.
- I will consider my training and development needs, undertaking relevant training.
- I am committed to actively supporting and challenging the Principal.

Relationships

- I will strive to work as a team in which constructive working relationships are actively promoted.

- I will express views openly, courteously and respectfully in all my communications with other LGB members.
- I will support the chair in his/her role of ensuring appropriate conduct both at meetings and at all times.
- I will seek to develop effective working relationships with the Principal, staff and parents and with other relevant agencies and the community.

Confidentiality

- I will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside and outside of the school.
- I will exercise the greatest prudence at all times when discussions regarding school business arise outside an LGB meeting.
- I will not reveal the details of any LGB vote.

Conflicts of interest

- I will record any pecuniary or other business interest that I have in connection with the LGB's business in the Register of Business Interests.
- I will declare any pecuniary interest - or a personal interest which could be perceived as a conflict of interest - in a matter under discussion at a meeting and offer to leave the meeting for the appropriate length of time.

Undertaking:

I confirm my agreement to this code of practice. As a member of the LGB I will always have the well-being of the children and the reputation of the school at heart; I will do all I can to be an ambassador for the school and the National Autistic Society, publicly supporting its aims, values and ethos; I will never say or do anything publicly that would embarrass the school, the NAS, the LGB, the Principal or staff.

Signed

Printed name

Date:

Appendix

The Seven Principles of Public Life (Nolan Principles)

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

Leadership

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

REGISTER OF INTERESTS

I have set out below any interests that I, or a close member of my family, have that I believe may provide or give a perception of a conflict and I declare that I have no other financial or social interests in conflict with those of the NAS either in person or through family, social contacts or business connections. I have included special interest groups or mutual support organisations relevant to autism.

Name of Business or Organisation	Nature of Organisation's Business	Nature of Declared Interest in this Organisation (e.g. employee, trustee, shareholder)	Date Interest Began	Person Holding this Interest, i.e. self or close family member (specify relationship)

Signed:

Name (print):

Date:.....