

S Peter's Collegiate School

Terms of Reference for Board of Governors and Committees 2020-2021

1 Powers and Duties Reserved for the Board of Trustees ('the Board')

General

- 1.1 Approval of a written Scheme of Delegation of its financial powers and duties to its Committees, the Principal and other staff. The scheme must satisfy the Board's ultimate responsibility for ensuring there are adequate operational controls in place for all its financial processes within the Academy.
- 1.2 The Board has overall responsibility for the Academy's finances. The main responsibilities of the Board are prescribed in the Funding Agreement between the Academy and the DfE.

Budgets and Finance

- 1.3 Formally approving the annual Academy budget by 30th June, prior to the start of each financial year.
- 1.4 Considering budgetary control reports for the Academy accounts with relevant explanations and documentation where required.
- 1.5 Authorisation of all virements in excess of £5,000 between or within budget headings for the Academy.

Purchasing and Contracts

- 1.6 Maintenance of a Register of Business Interests for all Trustees and Academy staff with financial responsibilities.
- 1.7 Authorising the award of contracts or purchases over £10,000 but below the OJEU (Official Journal of the European Union) limit.
- 1.8 Authorisation of the advertising of tenders above the OJEU limit, and authorising the award of such tenders.
- 1.9 Accepting the best value tender and minuting the reason(s) for their decision.

Income

- 1.10 Ensuring grants from the DfE are used only for the purposes intended.
- 1.11 Ensuring that funds from other sources are used only for the purposes intended.

Write Offs/Compensation

- 1.12 Authorisation of the write off of debts not collectable (the Secretary of State's prior approval is also required if debts are to be written off are above the value set out in the Academies Financial Handbook).

- 1.13 Authorisation/payment of staff severance payment or compensation following detailed ESFA guidance.

Security of Assets

- 1.14 Authorisation of the disposal of individual items of equipment and materials that have become surplus to requirements, unusable or obsolete, with an original purchase value in excess of £5,000 and are owned by the Academy.
- 1.15 Ensuring that there are annual independent checks of assets and the asset register.

Insurances

- 1.16 Ensuring that arrangements for insurance cover are in place and adequate.

Accounts and Audit

- 1.17 Appointment of external auditors
- 1.18 Receiving and reviewing reports from the external auditor.
- 1.19 Receiving and reviewing reports from the Resources Committee on the use of resources, systems of internal financial control and discharge of financial responsibilities.
- 1.20 Informing the DfE if it suspects any irregularity affecting resources.

Human Resources

- 1.21 Reviewing on a regular basis, all policies relating to Human Resource Management and to be aware of current legislation and make recommendation for amendments and updates.
- 1.22 Receiving and reviewing information from the Principal on required staffing levels and structures for teaching and associate staff which takes into account identified needs in the Academy Development Plan.
- 1.23 Considering the financial implications of the staffing structure on an annual basis and the extent to which it can be achieved within the finances available to the Academy.
- 1.24 Authorising changes to the Academy's establishment.
- 1.25 Delegating such powers and functions as considered to be required for the internal organisation, management and control of the Academy (including appointments and the implementation of all policies approved by the Trustees.
- 1.26 Ensuring that there is a system of Performance Management for all staff and to review the operation of that system.
- 1.27 Appointment of Trustees, as agreed by the Principal, to undertake the Performance Management of the Principal in accordance with Appendix 1 and ensuring Trustees are appointed in line with the requirements of the Performance Management Policy.
- 1.28 Agreeing a Pay Policy after consultation with staff and professional bodies and taking due cognisance of comments received, undertake an annual review and keep staff informed of procedures for pay review and appeals against decisions made.
- 1.29 Monitoring the overall distribution of awards and impact of the Pay Policy.

- 1.30 Provision of representatives to act as the Pay Committee and the Pay Appeals Committee in accordance with Appendices 2 and 3.
- 1.31 Reviewing and considering disciplinary and grievance procedures which may be used by the Board as employers. Also receiving advice from the Principal and taking into account rules and regulations which may be issued by the DfE, the opinions of the Diocese, the National Society and professional bodies of which employees may be members.
- 1.32 Provision of representatives to act as the First Committee in all matters relating to disciplinary and grievance procedures, staff dismissal, early retirement and other personnel issues in accordance with Appendix 4.

Curriculum and Student Welfare

- 1.33 Reviewing on a regular basis, all policies relating to curriculum and student welfare matters and to be aware of current legislation and make recommendation for amendments and updates. Policies to include:
 - (a) Equal Opportunities Policy
 - (b) Special Educational Needs and Disabilities
 - (c) Inclusion and Accessibility
 - (d) Sex Education Policy
 - (e) Safeguarding Policies
- 1.34 Considering all aspects of the curriculum as devised by the Principal and staff, including its relationship with a Christian view of life and being mindful of the ongoing legislation concerning the National Curriculum.
- 1.35 Monitoring the provision of curricular Religious Education and worship opportunities, having due regard to the nature of the Academy as a Church of England Academy committed to serving a multi-faith, multi-cultural society.
- 1.36 Considering and monitoring the formulation, presentation and review and evaluation processes of the Academy Improvement Planning cycle as devised by the Principal.
- 1.37 Awareness of all regulations, reports and recommendations concerning the curriculum issued by the DfE, the LA, the Diocese, National Society or other outside agencies.
- 1.38 Monitoring the effectiveness of the Academy curriculum as revealed by examination results and other performance indicators.
- 1.39 Monitoring and advising on the Academy's charging policy in relation to the delivery of the curriculum.
- 1.40 Considering proposals presented in connection with residential and overseas visits and advise accordingly.

Student Outcomes

- 1.41 Ensure the Academy is working towards achieving the best outcomes for all its students.
- 1.42 Maintain strategic oversight of the attainment and progress of all its students.
- 1.43 Ensure the Academy's resources are best used in support of the attainment and progress of all students.

- 1.44 Ensure the curriculum offered by the Academy is best meeting the needs of current and potential future students of the Academy.
- 1.45 Set targets for attainment and progress for the next one, three and five years
- 1.46 Set the strategic priorities for the Academy Improvement Plan for the next one, three and five years and Self-Evaluation Framework. Ensure plans for use of the Academy's resources are aligned to the Academy Improvement Plan. Review targets and performance indicators, monitor and evaluate progress in meeting these priorities.
- 1.47 Draw up annual plans for use of Pupil Premium Funding and 'Closing the Gap' impact reports.
- 1.48 Changes to Academy uniform.
- 1.49 Ensure action is taken where expected progress towards achievement of agreed plans is not being achieved.
- 1.50 As part of this work specifically consider: -
 - a. Inclusion of disadvantaged groups of students, in particular, students with Special Educational Needs and Disabilities and Pupil Premium students.
 - b. The broader curriculum and preparing students for their future life, including extra-curricular activities, preparation for employment, and links with higher education, employers and community groups.
- 1.51 Monitor progress on the Academy's Christian ethos and all actions required in relation to SIAMS inspections
- 1.52 Regularly review all Academy policies relating to Ethos and Personal Development. The review of policies should include consideration of whether the policies are being implemented and have had the intended outcomes.
- 1.53 Monitor the Academy's Mission Statement, review effectiveness and agree an annual focus.
- 1.54 Review the Governors' policy for the management of student exclusions in the light of DfE regulations and guidelines relating to inclusion.
- 1.55 Monitor both staff and pupil welfare and morale and to make suggestions where appropriate of key issues that could be addressed to improve wellbeing of both groups.
- 1.56 Monitor and review the behaviour and safety of students, including all issues relating to safeguarding.
- 1.57 Monitor and review chaplaincy provision, including liturgy and worship.
- 1.58 Monitor and review links with the local community including the police and local businesses.
- 1.59 Ascertain parents' views of the Academy for input to the Academy's self-evaluation. Monitor and review relevant components of the evaluation relating to ethos and pastoral development.
- 1.60 Make a plan for Governor visits for the following academic year to ensure appropriate oversight.
- 1.61 Review Governor training requirements and liaise with the Training Link Governor to secure this.

- 1.62 Regularly review all Academy policies relating to attainment and progress. The review of policies should include consideration of whether the policies are being implemented and have had the intended outcomes.
- 1.63 Regularly review risks relating to attainment and progress, ensure these are recorded in the Academy's Risk Register and ensure appropriate action is taken to abolish or mitigate the risks.
- 1.64 Ensure the Academy is compliant with all statutory requirements and regulations relating to attainment and progress.

Admissions

- 1.65 Determine and review the Academy's Admissions Policy, ensuring that the policy is correctly and fairly applied.
- 1.66 Ensure the organisation of an Admissions Appeal Committee, as and when required (see Appendix 4).

Premises

- 1.67 Make decisions and review recommendations for future premises provision and approve an Estate Strategy.
- 1.68 To ensure the development, maintenance and/or replacement of the physical assets, equipment and facilities of the Academy in line with the Vision Statement and Academy Improvement plan.

Personnel

- 1.69 Consider a staffing structure for the Academy which conforms to identified needs in the Academy Development Plan together with the financial implications of the structure.
- 1.70 Agree temporary (less than one year) changes to the Academy's staffing structure so long as these can be made within the budget.
- 1.71 Consider and make recommendations on disciplinary and grievance procedures which may be used by the Trustees as employers, taking advice from the Principal and having taken into account rules and regulations which may be issued by the DfE and the opinions of the Diocese, the National Society and professional bodies of which employees may be members.
- 1.72 Regularly review all Academy policies relating to Human Resource Management. The review of policies should include consideration of whether the policies are being implemented and have had the intended outcomes.
- 1.73 Act as a source of advice and support to the Principal in accordance with the published Recruitment Policy on recruitment following a vacancy or need to create a new post.
- 1.74 Ensure that all actions taken are appropriate and that the Academy management operates appropriate systems and procedures relating to all personnel issues. e.g. absence monitoring.
- 1.75 Become familiar with the advice and guidance issued by the chosen provider for HR Law on recruitment, selection and all other matters relating to Personnel Management and to advise the Principal accordingly.
- 1.76 Consider such plans as the Principal may submit for restructuring, for re-allocation of work, or other amendments to the existing situation.

- 1.77 Consider the training and staff development implications of the Academy Improvement Plan and ensure plans are in place for these to be addressed.
- 1.78 Ensure that there is a system of Performance Management for all staff and to review the operation of that system.
- 1.79 Appoint Trustees to undertake the Performance Management of the Principal in accordance with APPENDIX 1 and to ensure three Trustees are appointed in line with the requirement of the Performance Management Policy.
- 1.80 Agree a Pay Policy after consultation with staff and professional bodies and taking due cognisance of comments received, undertake an annual review and keep staff informed of procedures for pay review and appeals against decisions made.
- 1.81 Provide representatives to act as the Pay Committee in accordance with APPENDIX 2.
- 1.82 Monitor the overall distribution of awards and the impact of the Pay Policy.
- 1.83 Establish, monitor and evaluate the Trustees' training programmes.
- 1.84 Ensure that 'The Associate Staff Manual' is maintained as an accurate reflection of current legislation and Trustee Policies, for associate staff

Procedural Issues

- 1.85 The agenda and papers for meetings shall normally be circulated to Trustees at least one week in advance of the meeting.
- 1.86 Minutes of meetings shall be collated and sent to the Chair within one week for approval before wider circulation to Trustees, by email.
- 1.87 Minutes of meetings shall be presented to the next meeting of the Board of Trustees along with any reports and recommendations for their consideration.
- 1.88 The decision-making process of the Board of Trustees will be open and transparent and in the best interests of the Academy. Agreements will be reached by consensus wherever possible. If this is not possible and voting is required, each member of the Committee shall have one vote and, in the event of a split decision, the Chair shall have a casting vote.
- 1.89 When decisions are needed urgently, action by the Chair of Trustees or decisions by email may be required. These decisions should be kept to a minimum and must be reported at the next meeting of the Board as a standing agenda item: Chair's Decisions and Correspondence.

2 Powers and Duties Delegated to the Resources Committee

General

- 2.1 Ensure the Academy is working towards achieving the best use of its resources.
- 2.2 Maintain strategic oversight of the management of the Academy's financial, estate (buildings, facilities and equipment) and ICT resources.
- 2.3 Ensure the Academy's resources are best used in support of the attainment and progress of all students.

2.4 Report to the Board of Trustees on all matters relating to the Academy's resources.

Terms of Reference

Except for those items specifically reserved for the Board and those delegated to the Principal, or those delegated to other staff:

2.5 Consider and recommend annually to the Board of Governors:

- a. The budget for the Academy and the five-year financial forecast
- b. The outcome of the annual review of teaching and associate staff salaries, including any recommendations from the Principal following appraisal.
- c. The staffing structure required to support the curriculum offered by the Academy and achievement of its attainment and progress targets
- d. The resource implications and plans in support of the Academy Improvement Plan for the next one, three and five years, covering financial, human, estate (buildings, facilities and equipment) and ICT resource implications and plans.
- e. External audit reports and recommendations.

2.6 Monitor and report to the Board of Trustees on:

- a. Income and expenditure, including any significant variances and reasons for these. This reporting should include Governor's accounts.
- b. Achievement of financial, human, estate (buildings, facilities and equipment) and ICT plans
- c. Implementation of any actions recommended by external auditors.

2.7 Ensure action is taken where expected progress towards achievement of agreed financial, human, estate (buildings, facilities and equipment) and ICT plans is not being achieved.

2.8 Ensure implementation of any conditions and requirements of the Education Funding Agency.

2.9 Agree arrangements for internal audit, review internal audit reports and ensure action is taken as required.

2.10 Consider recommendations from the Pay Committee and associated staffing matters including any discretionary payments, re-gradings or enhanced, accelerated or withheld pay progression. The Resources Committee has the power to agree these on a temporary (less than one year) basis so long as they are in accordance with the Academy's policies and can be accommodated within the budget already agreed by the Board of Trustees. Changes lasting more than one year should be recommended to the Board of Trustees as part of the annual staffing structure.

2.11 Monitor the condition of the Academy's estate (buildings, facilities and equipment) and ensure priorities for improvement are taken into account in the Academy Improvement Plan.

2.12 Monitor health and safety arrangements at the Academy and ensure compliance with all health and safety regulations and requirements.

2.13 Regularly review and recommend to the Board of Trustees all Academy policies relating to resources (financial, estate (buildings, facilities and equipment) and ICT). The review of policies should include consideration of whether the policies are being implemented and have had the intended outcomes.

- 2.14 Provide advice and support to the Principal in relation to resources and, in particular, in relation to the role of Accounting Officer.
- 2.15 Regularly review risks relating to resources, ensure these are recorded in the Academy's Risk Register and ensure appropriate action is taken to abolish or mitigate the risks.
- 2.16 Regularly review the Academy's Business Continuity Plan and ensure appropriate business continuity arrangements are in place.
- 2.17 Ensure the Academy is compliant with all statutory requirements and regulations relating to resources.
- 2.18 Provide at least four members to undertake the responsibilities of an Audit Committee to include the following:
- a) General
 - i. Advise on the adequacy of financial and other controls and risk management arrangements in the Trust
 - ii. direct a programme of internal scrutiny and consider the results and quality of any external audit
 - b) The committee will meet at least once per term. The items of business that may be discussed during each term are outlined below.
 - c) The Chair of Governors should not chair the committee.
 - d) Autumn Term
 - I. Agree a programme of work to deliver internal scrutiny that provides necessary coverage across the year, using the Trust's risk register to inform the programme.
 - II. Agree who will be responsible for carrying out elements of the programme of work.
 - III. Review the internal and external audit plan for the forthcoming academic year.
 - IV. Review the Trust's Summer census returns to ensure they are accurate and compliant with funding criteria.
 - V. Review the Trust's budget forecast returns to ensure they are accurate and compliant with funding criteria.
 - VI. Comment on the annual report and accounts for the previous academic year prior to their finalisation and submission for audit.
 - VII. Advise on the content of the governance statement to be presented alongside the finalised accounts.
 - e) Spring term
 - i. Consider reports from those carrying out the programme of work and discuss progress in addressing any recommendations made at the previous meeting or by third parties.
 - ii. Discuss the recommendations and outputs of any assurance activities by third parties, including ESFA financial management and governance reviews, funding audits and investigations.
 - iii. Review the Trust's autumn census returns to ensure they are accurate and compliant with funding criteria.

- iv. Review the Trust's land and buildings collection tool (LBCT) to ensure it is compliant with funding criteria.
 - v. Review and consider the annual audited accounts.
 - vi. Discuss the implications of the result of the Accounting Officer's statement of regularity.
 - vii. Consider the internal scrutiny report and discuss the progress made against recommendations made regarding enhancing financial and other controls and risk management procedures.
- f) Summer term
- I. Consider reports from those carrying out the programme of work and discuss progress in addressing any recommendations made at the previous meeting or by third parties.
 - II. Discuss the recommendations and outputs of any assurance activities by third parties, including ESFA financial management and governance reviews, funding audits and investigations.
 - III. Review the Trust's spring census returns to ensure they are accurate and compliant with funding criteria.
 - IV. Consider the internal scrutiny report and discuss the progress made against recommendations made regarding enhancing financial and other controls and risk management.
 - V. Agree the committee's annual report to the Board of Trustees and Accounting Officer.
 - VI. Re-visit findings from external auditors and review actions in response to audits.
 - VII. Review and challenge the internal and external audit strategy.
 - VIII. Consider the committee's own effectiveness

2.19 Audit Committee Duties General

- a) To deal with all matters relating to auditing, internal scrutiny, finance and risk management that may be referred by the board of trustees.
- b) To keep up-to-date with any relevant legislation and advise the Board of Trustees when policies or procedures need to be revised.
- c) To minute all meetings and report all decisions to the Board of Trustees as a confidential item.
- d) To seek professional advice as necessary.
- e) To attend relevant training when appropriate.
- f) To report to the Board of Trustees on the proceedings, recommendations and decisions of the committee. Internal scrutiny and external audit
- g) To direct the Trust's programme of internal scrutiny and ensure this is informed by risk.
- h) To oversee individuals that undertake internal scrutiny.
- i) To deliver internal scrutiny in a way most appropriate to the Trust's circumstances, which could include employing an in-house internal auditor or buying-in internal audit services.

- j) To advise the Board of Trustees on the internal scrutiny programme of work.
- k) To ensure those carrying out the programme of internal scrutiny are suitability qualified and experienced.
- l) To report findings from internal scrutiny activities to the Board of Trustees.
- m) To assess year on year progress using the short annual summary report that outlines areas that have been reviewed, key findings, recommendations and conclusions.
- n) To keep the approach to internal scrutiny under review.
- o) To ensure the internal scrutiny approach the Trust uses is confirmed in the governance statement, which accompanies the annual accounts.
- p) To ensure the programme of internal scrutiny informs the Accounting Officer's statement of regularity in the annual accounts.
- q) To ensure the Trust submits its annual summary report of the areas reviewed, key findings, recommendations and conclusions to the ESFA by 31 December each year when the audited annual accounts are submitted.
- r) To ensure the ESFA is provided with any requested internal scrutiny reports.
- s) To advise the Board of Trustees on the need for and, where appropriate, the appointment, re-appointment, dismissal and remuneration of, and internal auditor or other assurance provider.
- t) To ensure the audited accounts are submitted to the ESFA by 31 December each year and meet other statutory requirements.
- u) To advise on the adequacy of the management response to issues identified by audit activity.
- v) To monitor the progress made against audit recommendations.
- w) To ensure the appropriate cooperation and coordination of the work of the external auditor and Accounting Officer.
- x) To advise the Board of Trustees on the appointment, re-appointment, dismissal and remuneration of the external and regulatory auditor.
- y) To receive reports (including the annual accounts and management letters) and consider any issues raised, the associated management response and action plans, and report necessary actions to the Board of Trustees.
- z) To review the external auditor's annual planning document and approve the planned audit approach.
- aa) To consider any additional services delivered by the external auditor or other assurance providers and ensure appropriate independence is maintained.
- bb) To consider the quality of external auditors and those carrying out internal scrutiny. Financial management and reporting
- cc) To make reports to the Board of Trustees on the adequacy of the Trust's financial controls. • To ensure information submitted to the DfE and ESFA that affects funding, including pupil number returns and funding claims (for both revenue and capital grants) completed by the Trust, is accurate and in compliance with funding criteria.
- dd) To advise the Board of Trustees on accounting policies, the Trust's accounts, and the Trust's annual report, including the process for review of the accounts prior to submission for audit, and levels of error identified.

- ee) To review and advise on the development of anti-fraud policies, whistleblowing processes and arrangements for special investigations.
- ff) To review an overview of financial statements submitted by the Trust. Risk management
- gg) To report to the Board of Trustees on the adequacy of the Trust's risk management processes.
- hh) To advise on the strategic processes for risk, control and governance and the governance statement.
- ii) To advise on assurances relating to the management of risk and governance requirements for the Trust. Authority - The committee is authorised by the Board of Trustees to:
 - I. Investigate any activity within its terms of reference.
 - II. Seek any information it requires from any employee, with all employees directed to cooperate with any request made by the committee.
- jj) Obtain any external legal or independent professional advice, where necessary

3 Powers and Duties Delegated to the Admissions and Appeals Committee

- 3.1 To ensure that appropriate admissions policies, entrance criteria and procedures and pupil exclusion procedures are maintained by the Academy.
- 3.2 To keep under review the Arrangements for Admission into the Academy and to advise the Governing Body regarding the determination of arrangements and make the necessary arrangements to consult with the Admitting Authorities and determine the Admissions Criteria as required by legislation.
- 3.3 To make arrangements for the implementation of the Admissions Policy of the Academy and compilation of a waiting list, in line with the LA's Co-ordinated Admissions Arrangements for Primary to Secondary transfer.
- 3.4 To make arrangements to handle all referrals from the Local Authority Fair Access Panel for In-Year transfers.
- 3.5 To advise on arrangements for the hearing of formal appeals against the Governors' decision not to admit a child.
- 3.6 To make arrangements for the Governors' response to enquiries from the ESFA following appeals made against the Governors' decision not to admit a child.
- 3.7 To consider representation concerning admissions and appeals made to the Trustees by outside agencies or individuals and advise on a suitable response.
- 3.8 To be aware of current legislation or advice concerning admissions and appeals and to make recommendations accordingly.

- 3.9 To maintain an ongoing file of policy statements and procedural routines relating to admissions.
- 3.10 To consider such other matters that may be presented to the Committee by the Board of Trustees.

4 Powers and Duties Delegated to the Pay Committee

The Committee, mindful of present legislation and advice from the Principal, the Diocese and/or the DfE will:

- a) consider pay and associated staffing matters including making discretionary payments (if any), carrying out re-gradings, enhancing, accelerating or withholding pay progression and the criteria for making such determinations
- b) carry out the annual review of teaching staff as required by legislation, considering recommendations from the Principal following Appraisal/Performance Management
- c) carry out the annual review of associate staff salaries
- d) ensure that awards are made without unlawful discrimination
- e) ensure arrangements are in place for every member of staff to receive their Annual Salary Statement
- f) ensure that the Business and Facilities Manager and the Academy's HR Administrator are notified, in writing, of any changes to pay of staff in the Academy
- g) make recommendations to the Resources Committee regarding pay awards.