

Catholic Multi-Academy Model

THE ST JOHN BOSCO CATHOLIC ACADEMY

And

ST CHAD'S CATHOLIC PRIMARY SCHOOL

SCHEME OF DELEGATION

EFFECTIVE DATE: 30 August 2013

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THIS DEED is dated 30 August 2013

PARTIES

1. **THE ST JOHN BOSCO CATHOLIC ACADEMY** (the "Company")
2. The Academy Representatives of **ST CHAD'S CATHOLIC PRIMARY SCHOOL** (which are individually referred to in this agreement as an Academy Representative (of any type) and collectively referred to as "Academy Representatives or as the "Academy Committee". Those terms shall include all successor, replacement and additional Academy Representatives of St Chad's Catholic Primary School);
3. The Founder Member; and
4. The Diocesan Bishop.

1. BACKGROUND

- 1.1. As a charity and company limited by guarantee, The St John Bosco Catholic Academy (the "Company") is run by a Board of Directors (the "Directors") who are responsible for, and oversee, the management and administration of the Company and the academies run by the Company ("the academies").
- 1.2. The Company, acting by its Directors, is accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education it provides and the Directors are required to have systems in place through which they can assure themselves of quality, safety and good practice.
- 1.3. As all of the academies which are, or may become, part of the Company are Catholic schools, designated as such, the Directors are also accountable to the Diocesan Bishop and to the Founder Member to ensure that the Academy is conducted as a Catholic school in accordance with the Code of Canon Law of the Latin Church from

time to time and the doctrinal, social and moral teachings of the Catholic Church from time to time and following the directives and policies issued by the Diocesan Bishop to ensure that the formation, governance and education of the Academy is based on the principles of Catholic doctrine, and at all times serving as a witness to the Catholic faith in Our Lord Jesus Christ.

- 1.4. This document, known as a "Scheme of Delegation" and referred to throughout the rest of this document as "the Scheme", explains the ways in which the Directors fulfil their responsibilities for the governance, leadership and management of this Academy.
- 1.5. Except as expressly provided in this Scheme, words and expressions as defined in the Articles or in the Master Funding Agreement or in the Supplemental Funding Agreement relevant to this Academy shall have the same meanings in this Scheme as is ascribed to them in those documents. References in this Scheme to numbered Articles are to the relevant clause of the Articles.
- 1.6. Any reference to a statute or a statutory provision shall include any statute or statutory provision which replaces or supersedes such statute or statutory provision including any modification or amendment thereto.

2. **AGREED TERMS**

- 2.1. From the Effective Date stated on page one of this Scheme, St Chad's Catholic Primary School is a Catholic Academy established by the Company ("the Academy") and the persons listed in Schedule 1 of this Scheme of Delegation are the first Academy Representatives appointed to serve on the Academy Committee for St Chad's Catholic Primary School.
- 2.2. This Scheme is a binding legal agreement between the Company (acting by its Directors from time to time), the Founder Member, the Diocesan Bishop and the Academy Representatives of the Academy setting out their respective roles and responsibilities and the commitments to each other to ensure the success of the

Academy. The Scheme has been put in place in accordance with the provisions of the Company's Articles of Association (the "Articles") and it should be read in conjunction with those Articles.

2.3. Each of the Academy Representatives hereby acknowledges that they have been provided with, have read and understood the terms of:

2.3.1. The Articles, a copy of which is annexed as Annexure 1 to this Scheme;

2.3.2. The Master Funding Agreement, a copy of which is annexed as Annexure 2 to this Scheme;

2.3.3. The Supplemental Funding Agreement applicable to the Academy, a copy of which is annexed as Annexure 3 to this Scheme;

2.3.4. The lease entered into by the Company as tenant with the Trustees as landlord, a copy of which is annexed as Annexure 4 to this Scheme ("the Buildings Lease");and

2.3.5. The lease entered into by the Company as tenant with Dudley Metropolitan Borough Council as landlord, a copy of which is annexed as Annexure 5 to this Scheme ("the Playing Fields Lease").

2.4. Each of the Academy Representatives agrees to comply with the terms of the documents listed in sub-clauses 2.3.1 to 2.3.5 inclusive and the Scheme throughout the term of their appointment to the Academy Committee and shall use all reasonable endeavours to carry out and comply with the policies (including all the policies referred to in clause 8.2 of this Scheme), and all directions and instructions issued by the Directors, the Founder Member and/or the Diocesan Bishop and not, whether by their acts or omissions, to do anything to put the Directors in breach of their obligations under these documents insofar as their terms are applicable to the Academy.

3. **MISSION**

- 3.1. The Academy's shared mission within the Company is to be part of the Church's mission, to make Christ known to all people, placing Christ and the teaching of the Catholic Church at the centre of people's lives.
- 3.2. By putting Christ and the teaching of the Catholic Church at the centre of the educational enterprise the Academy roots: pupils' spiritual, moral, social and cultural development; the quality of teaching and learning; and the formation of culture and of our society, in Him¹.
- 3.3. This educative mission is pursued through the Academy's interaction with all other academies in the communion, the local Church, families, the wider educational community and society at large.
- 3.4. The Academy shall collaborate with other academies in the Company and also co-operate with: other Catholic schools and academies; other local schools; charities; statutory bodies; and voluntary bodies based on the call of the Gospel, to serve those in need.

4. **DIRECTORS' POWERS AND RESPONSIBILITIES**

- 4.1. The Directors have a duty to act in the fulfilment of the Company's objects. The Directors also have a duty to the Founder Member to uphold the Object of the Company and to have regard to any advice of the Founder Member and/or the Diocesan Bishop and to follow any directives issued by them.
- 4.2. The Directors have overall responsibility and ultimate decision making authority for all the work of the Company, including the establishing and running of the academies and in particular this Academy as a Catholic school. This is largely exercised through setting policy and strategic planning. It is managed through setting up a strategic framework for running, improving, building capacity and securing the future of the academies both collectively and

¹ Christ at the Centre by Rev Marcus Stock STL MA
Birmingham Archdiocese Catholic Multi Academy Model Scheme of Delegation
14.06.13

individually by:

4.2.1. Setting the aims and objectives for the academies;

4.2.2. Setting policies to achieve those aims and objectives;

4.2.3. Setting priorities for the key areas for improvement for the academies, which affects resourcing;

4.2.4. Setting targets to achieve the aims and objectives and focus improvement for the academies;

4.2.5. Setting the strategic improvement plan to meet the targets, to reflect the priorities, and in accordance with the policies achieve the aims and objectives for the academies;

4.2.6. Reviewing the progress of the strategic improvement plan;

4.2.7. Monitoring and evaluating the impact of the strategic plan towards achieving the aims and objectives for the academies;

4.2.8. Reviewing the effectiveness of the strategic framework (i.e. the aims and objectives and whether or not the policies are effective and priorities and targets are achieved) in light of the progress and measurable outcomes in the academies.

4.3. The Directors have the power to direct change where required.

4.4. Article 100 provides for the Directors to establish one committee for several or all of the academies if they so wish and any committee that will contribute to the effective performance of the Company and/or any Academy.

4.5. The Directors will establish the number of core committees of Directors that they judge necessary to undertake the key strategic functions required for running all the academies in a collaborative manner. Article 101 allows for committees of Directors to include others but the Directors must be in the majority.

4.6. Through those core committees of Directors the Company will:

4.6.1. Secure the mission shared by all of the academies, drive strategy to provide quality Catholic education across the communities of each of the academies and, by working in communion, give witness to the Catholic faith in action;

4.6.2. Raise standards and improve provision across all the academies;

4.6.3. Achieve best value for money in the resources and services secured and deployed to meet the needs of all aspects of organisation, management and administration of the academies.

4.7. The Directors' core committees will focus on:

4.7.1. securing the Catholic character; individual accountability, collective responsibility and collaborative action; self-evaluation and improvement planning; succession planning and leadership formation and development; admissions; standards and performance; data tracking and analysis; policies for curriculum, teaching, learning, assessment, monitoring, evaluation and review; strategic financial management of budgets, resources and services.

4.7.2. Also, through their manner of working, Directors will grow and develop a competitive collaborative culture in order to raise standards in all the academies.

4.8. Article 100 also provides for the Directors to appoint committees for each of the academies ("Academy Committees") and Article 102 provides for the Directors to delegate responsibility to ensure there is local representation in the running of each Academy rooted within its specific local school, parental, parish and neighbourhood communities.

4.9. The constitution, membership and proceedings of any committee shall be determined by the Directors in consultation with the Diocesan Bishop and the Founder Member and this Scheme expresses such matters as well as acknowledging the authority delegated to the Academy Committee in order to enable the

Academy Committee to contribute to the running of the Academy and fulfil the Academy's mission.

- 4.10. All Foundation Directors shall comply with those procedures for appointment required by the Diocesan Bishop, acting through his agent, the Diocesan Education Service.

5. **THE ACADEMY REPRESENTATIVES**

- 5.1. The Diocesan Bishop has the right to appoint Foundation Directors and he also has the right to appoint Academy Foundation Representatives.

- 5.2. Through the appointment of Foundation Directors to the Board of Directors the Diocesan Bishop's purpose is to bind together all of the academy communities beyond their own boundaries to:

5.2.1. secure the quality of Catholic education;

5.2.2. strengthen the Church; and

5.2.3. benefit the common good in accordance with the message of the Gospel.

- 5.3. Through the appointment of Academy Foundation Representatives to the Academy Committee the Diocesan Bishop's purpose is to:

5.3.1. strengthen the voice of the local Catholic community in determining the strategic direction of the Academy;

5.3.2. build parental and parish commitment to the Academy;

5.3.3. protect the history and traditions of the Academy in a changing educational landscape.

- 5.4. The Directors have the right to appoint Academy Representatives subject to this Scheme.

6. **CONSTITUTION OF THE ACADEMY COMMITTEE**

6.1. **Members of the Academy Committee**

- 6.1.1. The number of Academy Representatives who shall sit on the Academy Committee shall be not less than twelve (12) but, unless otherwise determined by the Directors, shall not be subject to any maximum.
- 6.1.2. The Academy Committee shall include the following types of Academy Representatives:
- 6.1.2.1. A minimum of seven (7) Academy Foundation Representatives, appointed under clause 6.2.1 or such greater number as shall be appointed by the Diocesan Bishop so that at all times the number of Academy Foundation Representatives constitutes a majority of the Academy Representatives serving on the Academy Committee by at least two (2);
- 6.1.2.2. two (2) Academy Staff Representatives, elected or appointed under clause 6.2.3 and 6.2.4;
- 6.1.2.3. a maximum of two (2) Academy Parent Representatives elected or appointed under clause 6.2.6;
- 6.1.2.4. the Principal of the Academy; and
- 6.1.2.5. any other Academy Representatives appointed by the Directors from time to time ("Academy Additional Representatives").
- 6.1.3. The Directors (all or any of them) shall also be entitled to serve on the Academy Committee and attend any meetings of the Academy Committee. Any Director attending a meeting of the Academy Committee shall count towards the quorum for the purposes of the meeting and shall be entitled to vote on any resolution being considered by the Academy Committee.
- 6.1.4. Each person appointed or elected to be an Academy Representative of any type shall prior to taking up his position as an Academy Representative and voting on any matter at a meeting of the Academy Committee either execute this Scheme as a deed in the case of the original appointees as Academy Representatives or enter into a Deed of Adherence in the form annexed as Schedule 2 to the

Scheme.

- 6.1.5. During his term as an Academy Representative any such Academy Representative may be appointed as a Director of the Company pursuant to the Articles.

6.2. Appointment of Members of the Academy Committee

- 6.2.1. The Diocesan Bishop shall appoint at least seven (7) persons to serve on the Academy Committee as Academy Foundation Representatives by written notice delivered to the clerk to the Academy Committee, having regard to any recommendations and views of the Directors in relation to ensuring that the people serving on the Academy Committee between them have an appropriate range of skills and experience and due attention is given to succession planning.
- 6.2.2. Prior to taking up his position as an Academy Foundation Representative and voting on any matter at a meeting of the Academy Committee, each Academy Foundation Member shall, in addition to executing the Deed of Adherence referred to in clause 6.1.4 above, give a written undertaking to the Diocesan Bishop substantially in the form annexed as Appendix A.
- 6.2.3. Without taking into account the Principal, if the number of employees at the Academy is one or two, those employees shall by virtue of their employment be the Staff Academy Representatives.
- 6.2.4. Without taking into account the Principal, if the number of employees at the Academy exceeds two, the staff of the Academy (excluding the Principal) shall elect two of their number to serve on the Academy Committee through such process as they may determine, provided that the total number of such persons (including the Principal) does not exceed one third of the total number of persons on the Academy Committee. The positions held by those employed at the Academy (e.g. teaching and non-teaching) may be taken into account when considering nominations.

- 6.2.5. The Principal of the Academy shall be treated for all purposes as being an ex officio member of the Academy Committee.
- 6.2.6. Subject to clause 6.2.10 the Academy Parent Representatives to the Academy Committee shall be elected by parents of registered pupils at the Academy and he must be a parent of a pupil at the Academy at the time when he is elected.
- 6.2.7. The Academy Committee shall make all necessary arrangements for, and determine all other matters relating to, an election of an Academy Parent Representative to the Academy Committee, including any question of whether a person is a parent of a registered pupil at the Academy and arrangements for elections of Academy Parent Representatives to the Academy Committee where the number of candidates exceeds the number of vacancies.
- 6.2.8. The arrangements made for the election of an Academy Parent Representative to the Academy Committee shall provide for every person who is entitled to vote in the election to have an opportunity to do so by returning his ballot paper by post or by hand to the clerk of the Academy Committee.
- 6.2.9. Where a vacancy for an Academy Parent Representative to the Academy Committee is required to be filled by election, the Academy Committee shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.
- 6.2.10. The required number of Academy Parent Representatives to the Academy Committee shall be made up by persons appointed by the Academy Committee if the number of parents standing for election is less than the number of vacancies.

6.3. Term of Office

6.3.1. The term of office for any Academy Representative to serve on the Academy Committee shall be four (4) years save that this time limit shall not apply to the person who is an Academy Representative by virtue of him holding the office of Principal. Subject to remaining eligible to be a particular type of Academy Representative, any person may be re-appointed or re-elected as an Academy Representative and serve on the Academy Committee.

6.4. **Resignation and Removal**

6.4.1. A person serving on the Academy Committee shall cease to hold office if he resigns his office by notice to the clerk to the Academy Committee.

6.4.2. A person serving on the Academy Committee shall cease to hold office if he is removed by the person or persons who appointed him. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Academy Committee by a person or persons who appointed him, any breach of the Deed of Adherence, any failure to uphold the values of the Company and/or the Academy or to act in a way which is appropriate in light of this Scheme will be taken into account. A person (except an Academy Foundation Representative) may also be removed by the Directors but only after the Directors have given due regard to any representations by the Academy Committee. This clause does not apply in respect of a person who is serving as an elected Academy Representative to the Academy Committee.

6.4.3. If any person who serves on the Academy Committee as an Academy Staff Representative ceases to work at the Academy then he shall be deemed to have resigned and shall cease to serve on the Academy Committee automatically on termination of his work at the Academy.

6.4.4. Where a person who serves on the Academy Committee resigns his office or is removed from office, that person or, where he is removed from office, those removing him, shall give written notice

thereof to the clerk of the Academy Committee who shall inform the Directors and the Diocesan Bishop.

6.5. Disqualification of Members of the Academy Committee

- 6.5.1. No person shall be qualified to serve on the Academy Committee unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be entitled to serve on the Academy Committee.
- 6.5.2. A person serving on the Academy Committee shall cease to hold office if he becomes incapable by reason of illness or injury of managing or administering his own affairs.
- 6.5.3. A person serving on the Academy Committee shall cease to hold office if he is absent without the permission of the chairman of the Academy Committee from all the meetings of the Academy Committee held within a period of six months and the Academy Committee resolves that his office be vacated.
- 6.5.4. A person shall be disqualified from serving on the Academy Committee if:
- 6.5.4.1. his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
 - 6.5.4.2. he is the subject of a bankruptcy restrictions order or an interim order.
- 6.5.5. A person shall be disqualified from serving on the Academy Committee at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors 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).
- 6.5.6. A person serving on the Academy Committee shall cease to hold office if he 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 178 of the Charities Act 2011.

- 6.5.7. A person shall be disqualified from serving on the Academy Committee if he has 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 he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.
- 6.5.8. A person shall be disqualified from serving on the Academy Committee where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
- 6.5.9. A person shall be disqualified from serving on the Academy Committee if he refuses to execute this Scheme and/or a Deed of Adherence in substantially the form set out in Schedule 2 within 10 days of his appointment and delivers the same to the clerk of the Academy Committee.
- 6.5.10. After the Academy has opened, a person shall be disqualified from serving on the Academy Committee if he has not provided to the chairman of the Academy Committee 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 chairman or the Principal, confirm his 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.
- 6.5.11. Where, by virtue of this Scheme, a person becomes disqualified

from serving on the Academy Committee; and he was, or was proposed, to so serve, he shall upon becoming so disqualified give written notice of that fact to the clerk of the Academy Committee who shall inform the Directors and the Diocesan Bishop.

- 6.5.12. This clause 6.5 and clause 6.1.4 shall also apply to any member of any committee of the Academy Committee who is not an Academy Representative.

7. DELEGATED POWERS

7.1. General Provisions

- 7.1.1. Subject to the provisions of the Companies Act 2006, the Articles and to any directions given by the Members by special resolution, and/or to any Policies and/or directives issued by or on behalf of the Diocesan Bishop, the Directors may delegate functions to the Academy Committee who may exercise the powers of the Company in so far as they relate to the Academy, in accordance with the terms of this Scheme. No alteration of the Articles and no such direction shall invalidate any prior act of the Academy Committee which would have been valid if that alteration had not been made or that direction had not been given. Except as provided for in this Scheme, the powers given by this Scheme shall not be limited by any special power given to the Directors by the Articles or to the Academy Committee by this Scheme and a meeting of the Academy Committee at which a quorum is present may exercise all the powers so delegated.

- 7.1.2. In general terms, the responsibility of the Directors in so far as the business of the Academy is concerned is to: set the strategic direction; determine the policy and procedures of the Academy; hold the Academy to account and provide challenge and support to the Principal. The Directors are free to decide what constitutes a strategic issue, having regard to all the circumstances.

- 7.1.3. The Directors shall delegate functions to the Academy Committee that relate to:

7.1.3.1. the Catholic life;

7.1.3.2. the day-to-day life of the Academy; the health and safety arrangements; the implementation of the Academy's curriculum plans; the arrangements for teaching and learning;

7.1.3.3. the culture and traditions of the Academy as a unique community with a specific school, parish, community and locality, identity and history;

7.1.3.4. communication and the appropriate formation of relationships with parents of pupils attending the Academy to work with and support them in their role as primary educators of their children;

7.1.3.5. engagement with the parish priest and local Church and parish community to work with and support them as they contribute to the religious, spiritual, moral, social and cultural formation of the pupils in the school;

7.1.3.6. relationships with other local schools, agencies and businesses, as well as the wider neighbourhood community, that enhances the quality of education provided by the Academy for its pupils;

7.1.3.7. providing evaluative feedback and supporting evidence to the Directors on the impact and effectiveness of both the Company's and the Academy's collective and individual: aims and objectives; policies; targets; and plans.

7.1.4. In the exercise of its powers and functions, the Academy Committee may consider any advice given by the Principal and the Directors and the Diocesan Bishop.

7.1.5. At all times, the Directors and the Academy Committee shall ensure that the Academy is conducted in accordance with the Object, the terms of the documents listed in sub-clauses 2.1.1 to 2.1.5 inclusive, the Policies referred to in clause 8.2 of this Scheme and any other agreement entered into by the Directors with the

Secretary of State for the funding of the Academy.

7.2. Finance

- 7.2.1. In acknowledgement of the receipt by the Company of funds in relation to the Academy, provided by the Secretary of State, donated to the Company and generated from the activities of the Company, the Directors delegate to the Academy Committee the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy less an amount to be determined each year by the Directors acting reasonably in order to benefit all the academies working collaboratively.
- 7.2.2. The accounts of the Company shall be the responsibility of the Directors but the Academy Committee shall provide such information about the finances of the Academy as often and in such format as the Directors shall reasonably require. Without prejudice to the above, the Academy Committee shall provide monthly management accounts to the Directors.
- 7.2.3. The Academy Committee shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the Academies Financial Handbook are observed at all times as well as any requirements and recommendations of the Directors and the Secretary of State.
- 7.2.4. The Academy Committee shall inform the Directors and the Founder Member of any need for significant unplanned expenditure and will discuss with the Directors (and others as the Directors shall require) options for identifying available funding.
- 7.2.5. The Academy Committee shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy.
- 7.2.6. Both the Company and the Academy Committee acknowledge that neither the Diocesan Bishop nor the Diocesan Trustees have any

financial responsibility for the Company or the Academy in any situation and that the Founder Member's financial responsibilities are as set out in the Articles.

7.3. Premises

7.3.1. Subject to and without prejudice to clause 7.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Academy Committee, 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 Company (and/or any others) as tenant to the owners of such buildings and facilities.

7.3.2. The Academy Committee shall in conjunction with the Directors develop a 5 year estate management strategy to be submitted to the Trustees for their approval that will identify the suitability of building and facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the Academy Committee's responsibility to ensure the buildings and facilities are maintained to a good standard.

7.3.3. The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Company subject always to the approval of the Trustees and in accordance with the provisions of the Master Funding Agreement.

7.4. Insurances

7.4.1. Insuring the land and buildings used by the Academy will be the responsibility of the Company. The Trustees will procure some or all such insurance on the Company's behalf pursuant to the terms of the Buildings Lease but the Company as tenant is required to cover the cost of such insurance for the Academies and the Directors are entitled to deduct a proportion of such contribution relating to the Academy from the budget of the Academy.

7.4.2. The Directors shall provide to and use reasonable endeavours to procure for the Academy Committee a copy of each insurance policy

taken out by them or on their behalf which insures against any risks relating to the property, premises and activities of the Academy. The Academy Committee shall use all reasonable endeavours to ensure that none of the terms of any of those insurance policies are breached and in the event of any event which will or may give rise to a breach of or claim under any applicable insurance policy the Academy Representatives shall immediately notify the Directors.

7.5. Staff

7.5.1. The Company's Directors shall be responsible for appointing the Principal and Vice-Principal of the Academy and, where the Academy is a secondary school, the Head of Religious Education and the school Chaplain.

7.5.2. The Academy Committee shall be responsible for the process to appoint other staff and the management of all other staff employed at the Academy provided that the Academy Committee shall:

7.5.2.1. comply with all policies dealing with staff issued by the Directors from time to time;

7.5.2.2. take account of any pay terms set by the Directors;

7.5.2.3. adopt any standard contracts or terms and conditions for the employment of staff issued by the Directors;

7.5.2.4. manage any claims and disputes with staff members having regard to any advice and recommendations given by the Directors.

7.5.3. To the fullest extent permitted by law from time to time in connection with the appointment, remuneration and promotion of teachers at the Academy regard will be made and preference may be given to persons:

7.5.3.1. whose religious opinions are in accordance with the tenets of the Catholic faith; or

- 7.5.3.2. who attend religious worship in accordance with the tenets of the Catholic faith; or
- 7.5.3.3. who give or are willing to give religious education at the Academy in accordance with the tenets of the Catholic faith.
- 7.5.4. Regard may be had in connection with the termination of employment or engagement of any such teacher at the Academy to any conduct on his part which is incompatible with the precepts or with the upholding of the tenets of the Catholic faith.
- 7.5.5. To the fullest extent permitted by law from time to time in connection with the appointment, remuneration or promotion of all non-teaching staff in particular without limitation any Chaplain appointed by the Company for the Academy where being of the Catholic faith is an occupational requirement and the application of that requirement is a proportionate means of achieving a legitimate aim having regard to the Object and to the nature or context of the work to be carried out by the member of non-teaching staff in question, then preference may be given to a practising Catholic.
- 7.5.6. To the fullest extent permitted by law from time to time the contract of employment for teaching and other staff used by the Company shall include provisions aimed at securing the employee's commitment to the mission, purposes, aims and objectives of Catholic education and the Object and all employees will be required to have regard to, develop and maintain the Catholic character of the Academy and not do anything detrimental or prejudicial to the interests of the same. Subject to the same being complying with law in force from time to time the Academy's disciplinary procedures must take account of local model policies produced by the Diocesan Bishop.
- 7.5.7. The Academy Committee shall put in place procedures for the proper performance management, professional and personal development of staff, including the Principal, of the Academy.

7.6. **Extended Schools and Business Activities**

7.6.1. The undertaking of any activities which may be described as part of the Academy's "extended schools' agenda" or any activities designed to generate business income shall only be undertaken with Directors' approval and in a manner consistent with any policy set by the Company for extended schools' activities but subject always to the overriding principle that at no time may any such activity carried on by the Academy or which uses any part of the Academy's premises or property or which in any way is connected with or associated with the Academy be contrary to the doctrinal, social or moral teachings of the Catholic Church.

7.6.2. The Academy Committee shall also have regard to the viability of such activities, the impact on the Academy's activities and any financial implications, such as the threat of taxation in light of the Company's charitable objects and any threat to funding provided by the Secretary of State.

7.7. **Regulatory Matters**

7.7.1. The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Company but the Academy Committee shall do all such things as the Directors may specify as being necessary to ensure that the Company is meeting its legal obligations.

8. **OPERATIONAL MATTERS**

8.1. The Academy Committee shall comply with the obligations set out in Appendix B which deals with the day to day operation of the Academy Committee.

8.2. The Academy Committee will comply with all policies of the Company and the Diocesan Bishop including without limitation those set out in Appendices C to G inclusive (collectively "the Policies") and with any amendments or additions to those Policies and with any additional policies communicated to the Academy Committee

from time to time (which once communicated shall become one of the Policies).

- 8.3. All the Academy Representatives have a duty to act with integrity, objectivity and honesty in the best interests of the Company and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
- 8.4. The Academy Committee shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors may require from time to time.
- 8.5. The Academy Committee shall submit to any inspections by the Directors and any inspections pursuant to section 48 of the Education Act 2005 and any additional canonical inspections and visitations of any person appointed by the Directors in consultation with the Diocesan Bishop for the purpose of ensuring that the Academy is being conducted in accordance with canon law and is following the practices and teachings of the Catholic Church and in order to allow the Diocesan Bishop to assess how well the Academy is being managed in light of the additional responsibilities and expectations of Catholic schools which are academies.
- 8.6. The Academy Committee shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State and the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Academy Committee under this Scheme in such circumstances.

9. **REVIEW**

- 9.1. This Scheme shall operate from the Effective Date in respect of the named Academy.
- 9.2. The Scheme shall not be amended unless the amendment is

approved in writing by the Founder Member in its absolute discretion.

- 9.3. The Founder Member may in its absolute discretion alter any provisions of this Scheme and may review the Scheme on a periodic basis as determined by the Founder Member (which may be annually). An amended Scheme, once communicated to the Academy Committee and the Company shall be binding on all the parties to it.
- 9.4. In considering any material changes to this Scheme, the Founder Member will have regard to and give due consideration of any views of the Directors and/or Academy Committee.

Schedule 1

List of Academy Representatives

Mr Andrew Bant

Mrs Tracy Causer

Mr Philip Hancox

Mrs Karen Palk

Mrs Eugenie Ward

Mrs Gaynor Remicks

Schedule 2

**Deed of Adherence to be executed by each Academy Representative
on being appointed (clause 6.1.4)**

[Date]

ST CHAD'S CATHOLIC PRIMARY SCHOOL

DEED OF ADHERENCE

BETWEEN

THE COMPANY

AND

THE FOUNDER MEMBER

AND

***[NAME OF EACH SUBSEQUENT ACADEMY REPRESENTATIVE
APPOINTEE]***

1. **THIS DEED** is dated [*insert date*]

2. **PARTIES**

2.1. The St John Bosco Catholic Academy (the "Company");

2.2. [*Name of the new Academy Representative*]; and

2.3. The Founder Member.

3. **BACKGROUND**

3.1. [*Name of the new Academy Representative*] [is nominated] [is appointed] [has been duly elected] as an Academy [Foundation] [Staff] [Principal] [Parent] [Additional] Representative for St Chad's Catholic Primary School under the provisions of [8.2.1] [8.2.3] [8.2.4] [8.2.5] [8.1.2.1] of that Academy's Scheme.

4. **AGREED TERMS**

4.1. **Interpretation**

4.1.1. Words and expressions used in this deed shall, unless the context expressly requires otherwise, have the meaning given to them in, and be interpreted in accordance with, the Scheme.

4.2. **Adherence to the Scheme**

4.2.1. [*Name of new Academy Representative*] hereby:

4.2.2. confirms [he/she] [is nominated][is appointed][has been duly elected] as an Academy [Foundation] [Staff] [Principal] [Parent] [Additional] Representative for St Chad's Catholic Primary School and accepts and is willing and able to fulfil the duties of that office.

4.2.3. acknowledges to the Company and the Founder Member that [he/she] has been provided with, has read and understood the terms of:

4.2.3.1. The Articles;

- 4.2.3.2. The Master Funding Agreement;
- 4.2.3.3. The Supplemental Agreement applicable to the Academy;
- 4.2.3.4. The lease entered into by the Company as tenant with the Trustees as landlord, (the Buildings Lease);
- 4.2.3.5. The lease entered into by the Company as tenant Dudley Metropolitan Borough Council as landlord, (the Playing Fields Lease); and
- 4.2.3.6. The Scheme of Delegation for the Academy together with the Policies annexed to it and/or which are current at the date of commencement of my appointment ("the Scheme").
- 4.2.4. undertakes to the Company and the Founder Member to comply with the terms of the documents listed above throughout the term of [his/her] appointment as an Academy Representative for the Academy and shall use all reasonable endeavours to carry out and comply with the policies, directions and instructions issued by the Directors, the Founder Member and/or the Diocesan Bishop and not, whether by any act or omission, breach or to do anything to put the Directors in breach of their obligations under the Articles and/or the Relevant Funding Agreement insofar as their terms are applicable to the Academy.
- 4.2.5. undertakes to the Company and the Founder Member to uphold the Object of the Company.

4.3. **Variation of the Scheme**

- 4.3.1. Schedule 1 to the Scheme (the list of Academy Representatives from time to time) shall be amended as set out in Schedule 1 to this deed. All other terms of the Scheme shall be unaffected by this deed and the Scheme shall remain in full force and effect.

4.4. **Governing Law and Jurisdiction**

- 4.4.1. This deed and any disputes or claims arising out of or in connection