

**ASHCROFT TECHNOLOGY ACADEMY**  
**REVISED SCHEME OF MANAGEMENT FOR THE ASHCROFT**  
**TECHNOLOGY ACADEMY**

Dated 10<sup>th</sup> AUGUST 2007

## SCHEME OF MANAGEMENT

(Adopted by Ordinary Resolution of the Prospect Education (Technology) Trust Ltd on 10<sup>th</sup> AUGUST 2007 having been approved by the Secretary of State for Education and Skills (“the Secretary of State”).

### **1 Status of the Academy**

Ashcroft Technology Academy (“the Academy”) is a day school for boys and girls aged 11 to 19 with facilities for the wider community. The Academy will be organised and managed so as to comply with the proper requirements from time to time of the Secretary of State for eligibility to receive grant as an Academy as set down in Section 482(2) of the Education Act 1996 as substituted by the Education Act 2002 (as supplemented or amended by existing or subsequent legislation or regulations) (collectively “the Education Acts”). It will also at all times be conducted in accordance with the Memorandum and Articles of Association of the company limited by guarantee known as the Prospect Education (Technology) Trust Ltd (“the Trust”) so as to preserve the status of the Company.

### **2 The Object of the Academy**

The Academy will provide a broad and balanced education with facilities for the wider community.

### **3 Admissions Arrangements**

The admissions arrangements for the Academy shall be those agreed for the time being between the Trust and the Secretary of State pursuant to the Funding Agreement between the Trust and the Secretary of State.

### **4 Admissions Records**

Records of details of applications by prospective pupils and the results of such applications will be kept by the Academy in accordance with the retention schedule produced to comply with the provisions of the Freedom of Information Act. Such records will be available to the Trustees and to the Secretary of State but will not (except as required by law) be made available to the public.

### **5 Curriculum**

The curriculum of the Academy shall further the object of the Academy and comply with the substance of the National Curriculum as prescribed in the Funding Agreement between the Trust and the Secretary of State.

### **6 Examinations to be taken**

The examinations of the Academy shall be such examinations as the Trustees prescribe, subject to the following requirements being satisfied:

6.1 The arrangements shall enable the progress of each pupil to be measured against

the national standards including the targets of attainment of the National Curriculum.

- 6.2 The teaching staff of the Academy shall arrange at least once in every year an examination of pupils not taking an external examination and a report thereon shall be made to the Trustees if they require.

## **7 Fees**

No fees will be payable by pupils or their parents/guardians for lessons and activities which form part of the normal Academy timetable except for peripatetic music tuition. Activities outside the normal Academy timetable will be charged for in accordance with the Trustees' policy.

## **8 Management of the Academy**

- 8.1 There shall be not less than three, nor more than eight Trustees (excluding any Trustees appointed by the Secretary of State pursuant to article 41 of the Articles of Association of the Trust). The Sponsor shall appoint up to five Trustees and the Board of Trustees up to three. The procedures for the operation and management of the Trust are as set out in the Memorandum and Articles of Association.

- 8.2 The Trustees will be responsible for the overall operations and strategic development of the Academy but may delegate responsibilities relating to the operational affairs and development of the Academy to the Academy Executive Board (the "Executive Board"). The minutes of the Executive Board meetings will be subject to the review of the Trustees.

- 8.3 The Executive Board, constituted as hereunder mentioned, shall manage such affairs of the Academy and in such a manner as the Trustees may from time to time determine. The Executive Board shall consist of not more than 19 members (excluding any additional members appointed by the Secretary of State pursuant to 8.21) of which 5 represents a quorum. The constitution of the board shall be as follows:

- 8.3.1 Two Trustees chosen by the Trustees.
- 8.3.2 The Chairman of the Executive Board (who may or may not be a Trustee).
- 8.3.3 The Chairman of the Trust for the time being as an ExOfficio member.
- 8.3.4 Up to five members appointed by the Trustees representing industry and/or the community who may be replaced or removed from office as the Trustees see fit.
- 8.3.5 Two members appointed by the Local Authority.
- 8.3.6 The Head Teacher (the "Head Teacher").

- 8.3.7 Two staff members comprising two nominated deputy Head Teachers on a rotating basis for periods lasting one year.
- 8.3.8 Three parents or guardians of pupils attending the Academy - to be appointed pursuant to the arrangements set out in paragraphs 8.14 to 8.18. Present or past employees of the Trust will not be eligible to stand for election.
- 8.3.9 The Director of Resources at the Academy who will also be secretary to the Executive Board.
- 8.3.10 Two representatives of the Secretary of State.
- 8.4 Through the Head Teacher, the Trust will be able to invite staff from the Academy as deemed appropriate to attend the Executive Board to act as advisors or to deliver papers relevant to the agenda. Such staff shall be asked (where appropriate) to maintain the confidentiality of the Executive Board proceedings and will have no voting rights.
- 8.5 Any Executive Board member holding office or employment with the Trust shall remain as an Executive Board member only while he or she continues to hold that office or employment. Executive Board members appointed under paragraph 8.3.7 above shall hold that office for one year and all other Executive Board members for a period of three years. A retiring Executive Board member shall be eligible for reappointment or re-election to the Executive Board.
- 8.6 Executive Board members shall cease to hold office upon their seventieth birthday, or if absent from three meetings of the Board during an academic year (unless the Board otherwise resolves) or in the other circumstances prescribed in the Articles of Association of the Trust.
- 8.7 Upon appointment, each Executive Board member of the Academy shall be given a copy of the Memorandum and Articles of Association of the Trust and of this Scheme of Management and shall sign a written receipt thereof and an agreement to abide thereby and willingness to act in accordance with the purpose of the Trust.
- 8.8 A meeting of the Executive Board shall be held at least once in each term of the Academy.
- 8.9 Executive Board members shall not be entitled to any remuneration nor shall they receive any profit from their position as Executive Board members of the Academy but the foregoing shall not prevent their receiving reimbursement of out-of-pocket expenses properly incurred by them in the course of their duties as Executive Board members, at the discretion of the Chairman.
- 8.10 Where deemed necessary by the Trust, the Executive Board may function under confidentiality procedures. All papers will be circulated on blue paper and marked as confidential. No Executive Board member or ex officio representative may breach the confidentiality of such papers or ensuing discussions.

- 8.11 Members of the Executive Board shall be subject to the same requirements as Trustees in relation to declaration of interests and exclusion from voting being those requirements contained in the Articles of Association of the Academy for the time being.
- 8.12 Members of the Executive Board shall be subject to the same requirements as Trustees in relation to disqualification and removal, being those requirements contained in the Articles of Association of the Academy for the time being.
- 8.13 Questions arising at any meeting of the Executive Board shall be determined by a majority of the votes of the members of the Executive Board present, and in the case of an equality of votes, the Chairman of the Executive Board shall have a second or casting vote.
- 8.14 The elected parent members of the Executive Board referred to in paragraph 8.3.8 (the "Parent Members") shall be elected by parents of registered pupils at the Academy. A Parent Member must be such a parent at the time when he is elected. The number of Parent Members required shall be made up by Parent Members appointed by the Executive Board if the number of parents standing for election is less than the number of vacancies.
- 8.15 The Executive Board shall make all necessary arrangements for, and determine all other matters relating to, an election of Parent Members, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of Parent Member which is contested shall be held by secret ballot.
- 8.16 The arrangements made for the election of a Parent Member shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the Executive Board by a registered pupil at the Academy.
- 8.17 Where a vacancy for a Parent Member is required to be filled by election, the Executive Board 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.
- 8.18 In appointing a Parent Member the Executive Board shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.
- 8.19 The Secretary of State may give a warning notice to the Executive Board where:
- (a) he is satisfied:
- that the standards of performance of pupils at the Academy are unacceptably low and are likely to remain so unless the Secretary of State exercises his powers under the following provisions, or

that there has been a serious breakdown in the way the Academy is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or

that the safety of pupils or staff of the Academy is threatened (whether by a breakdown of discipline or otherwise); and

- (b) the Secretary of State has previously informed the Executive Board of the matters on which that conclusion is based; and
- (c) those matters have not been remedied to the Secretary of State's satisfaction within a reasonable period.

8.20 For the purposes of paragraph 8.19 a 'warning notice' is a notice in writing by the Secretary of State setting out:

- (a) the matters referred to in paragraph 8.19 (a);
- (b) the action which he requires the Executive Board to take in order to remedy those matters; and
- (c) the period within which that action is to be taken by the Executive Board ('the compliance period').

8.21 The Secretary of State may appoint members of the Executive Board as he thinks fit if the Secretary of State has:

- (a) given the Executive Board a warning notice in accordance with paragraph 8.19; and
- (b) the Executive Board has failed to comply, or secure compliance, with the notice to the Secretary of State's satisfaction within the compliance period; and
- (c) the Secretary of State has given reasonable notice in writing to the Executive Board that he proposes to exercise his powers under this provision.

## **9 Powers of the Trustees and Executive Board Members**

9.1 Through the Finance and Resources Committee, the Trust shall ensure that the Academy's finances are properly administered and that books of accounts are maintained and subject to audit at least once per year by a duly qualified and experienced independent auditor. Copies of the audited accounts shall be made available to the Secretary of State and each of the Trustees which will also be filed with the Charity Commission and Companies House as required from time to time. Other interim accounts shall be prepared as may reasonably be requested by the Secretary of State or any Trustee. Through the Executive Board, the Trust shall be responsible for ensuring that such registers and lists as are required for the running of the Academy are provided and properly maintained.

- 9.2 Through the Finance and Resources Committee, the Trust shall cause budgets to be prepared for the next academic year, not later than three months before the start of the year. Such budgets shall set out clearly the prospective income and expenditure of the Academy and shall differentiate and give adequate details of:
- 9.2.1 estimated surplus or deficit carried forward from the current academic year;
  - 9.2.2 income committed to the Academy under covenanted or other donation from third party sources and any restrictions upon the use of such money;
  - 9.2.3 level of indicated grant to be paid by the Secretary of State under the Education Acts;
  - 9.2.4 other income, if any;
  - 9.2.5 revenue account expenditure (salaries, overhead, outgoings etc) for the following year;
  - 9.2.6 proposed capital expenditure;
  - 9.2.7 other proposed expenditure.
- 9.3 The Trustees (or any of them) shall have the right to review and approve the budget prior to its being submitted for adoption by the Trust. The Finance and Resources Committee will submit annual budgets and estimates to the Trustees for Trustee approval.
- 9.4 The Trustees shall endeavour to ensure that the Academy balances its budget from year to year and shall avoid running a deficit or incurring borrowings beyond such overdraft as may be agreed by them.
- 9.5 The Trustees shall appoint six members of the Executive Board to be members of the Finance and Resources Committee. The Chairman of the Finance and Resources Committee will be the Chairman of the Executive Board unless otherwise determined by the Trustees.
- 9.6 A member of the Finance and Resources Committee will also be the nominated Responsible Officer for the Academy to perform internal audit functions in order to satisfy the Trustees that appropriate control procedures are in place and are being operated. This will not be the Head Teacher or the Director of Resources.
- 9.7 The Trustees shall maintain at all times appropriate insurance for the buildings of the Academy and their content and shall insure the Academy, its Trustees and the Executive Board members against public liability.
- 9.8 The Trustees may from time to time accept donations, subscriptions and endowments in money or other form, and may apply the same and the interest, income and accumulation thereof for or towards the general benefit of the

Academy, according to the judgment of the Trustees and the directions of the respective donors, subscribers or sponsors, and such donations may be accepted on any conditions of which the Trustees may approve.

- 9.9 The appointment of all officers and employees of the Academy shall be in accordance with procedures determined by the Trustees.
- 9.10 The Trustees shall have power to dismiss any officer or employee appointed by them or on behalf of the Trust, subject to any legal provisions.
- 9.11 The salary or remuneration of officers or employees of the Academy and the conditions and terms of their respective tenures of office shall be determined and prescribed by the Trustees.
- 9.12 The pupils in the Academy shall wear such school uniform as the Trustees may prescribe.
- 9.13 The Trustees shall determine the dates and times for the Academy terms and holidays and the length and times of each day when the Academy is in session. The Trustees may require pupils to attend at any place outside the Academy premises for purpose of receiving any instruction or training included in the curriculum of the Academy.
- 9.14 The Executive Board shall prepare once in every academic year a report for presentation and discussion at the Annual Meeting for Parents to be held by the Academy. This report shall summarise the work of the Executive Board and the achievements of the Academy during the period since their last report, and include the information required by relevant legislation.

Copies of the report shall be distributed, free of charge, to the parents of all registered pupils and employees of the Academy not less than two weeks before the date of the Annual Parents' Meeting at which the report is to be discussed. Copies of the report shall also be made available to such persons for inspection, free of charge and at all reasonable times, at the Academy.

The Annual Parents' meeting shall be conducted in a manner consistent with the provisions of relevant legislation.

## **10 The Chairman of the Executive Board and other Officers**

- 10.1 The members of the Executive Board shall each school year, at their first meeting in that year elect a chairman and a vice-chairman from among their number, who shall be responsible for communicating and monitoring the strategic direction of the Academy and the Academy's operational policies. A member of the Executive Board who is employed to work at the Academy shall not be eligible for election as chairman or vice chairman.
- 10.2 The Trustees shall appoint the Head Teacher who shall be responsible to the Chairman of the Executive Board and the Trustees for the operational affairs of



the Academy. The Trustees shall also appoint a Director of Resources, auditors and such other officers as the Trustees shall, from time to time, think necessary.

10.3 The Director of Resources will work in close collaboration with the Chairman of the Executive Board to whom he (or she) is responsible, but shall have direct access to the Trustees.

10.4 The salary and conditions of service of the Head Teacher and the Director of Resources shall be in accordance with the rates and conditions fixed from time to time by the Trustees having regard to the level of grant agreed from time to time with the Secretary of State.

## **11 Appointment and dismissal of the Head Teacher**

11.1 The Head Teacher shall be appointed by the Trustees after due public advertisement and shall be a graduate who is a qualified teacher or who, in the opinion of the Trustees, is otherwise well qualified by reason of background or experience.

11.2 The Head Teacher shall be employed under a contract of service in writing with the Trust which shall, except in the case of dismissal for misconduct or other good and urgent cause, be terminable subject to the terms of contract.

11.3 The Head Teacher will be accountable to the Chairman of the Executive Board and shall give his or her personal attention to the Academy, and shall not undertake any office or employment without the approval of the Chairman of the Executive Board.

11.4 A resolution of the Trustees to terminate the Head Teacher contract by notice, or to dismiss the Head Teacher without notice for misconduct or other good and urgent cause, shall not take effect until it has been confirmed by two thirds of the Trustees present and voting on the question at a second meeting of the Trustees held not less than fourteen days after the date of the first meeting at which the resolution was first passed. Provided that where the Trustees are considering dismissal of the Head Teacher without notice.

11.4.1 the Trustees may at the first meeting aforesaid by resolution passed as aforesaid suspend the Head Teacher from duty pending the decision of the Trustees on the question of dismissal; and

11.4.2 notice of, and the opportunity of defence at, both meetings aforesaid shall be given to the Head Teacher who may, if he or she so desires, be accompanied by a friend.

## **12 Responsibilities, powers and duties of the Head Teacher**

12.1 Through the Chairman of the Executive Board, the Head Teacher shall be responsible for the overall academic and operational management of the Academy and for the direction of the teaching and curriculum within the general policy and

the financial limits approved from time to time by the Trustees.

- 12.2 The Head Teacher shall have direct access to the Trustees and to the Chairman of the Executive Board and shall have the right to submit items for the agenda of all meetings of the Trustees, the Executive Board and any committees or sub-committees of the Board and shall have the right to attend and speak at all such meetings but may, on being given reasonable notice, be required to withdraw from a meeting of the Trustees for such good reasons as they may decide.
- 12.3 The Head Teacher shall keep the Trustees fully informed on the state and progress of the Academy and shall, at the request of the Trustees, submit orally or in writing such reports as the Trustees may request from him or her and answer questions upon them, or provide further information as required by the Trustees. The Head Teacher shall also prepare such additional reports as may reasonably be called for by the Secretary of State.
- 12.4 In consultation with the Chairman of the Executive Board, the Head Teacher shall select and appoint on behalf of the Trustees on such terms (to include membership of the Teachers Superannuation Scheme for teaching staff, or membership of the Local Government Pension Scheme for associate staff, unless the right to opt out of either is exercised) and at such remuneration as is from time to time laid down by the Trustees:
- 12.4.1 all teaching staff within the establishment of the Academy approved by the Trustees, including the Deputy Head Teachers whose appointment shall follow consultation with the Trustees;
- 12.4.2 all associate staff within the said establishment directly or otherwise by delegation, but subject as provided in paragraph 10.2 above in the appointment of the Director of Resources.

Every member of staff of the Academy shall be employed under a contract of employment in writing. In the case of teaching staff, the aforesaid contract shall, except in the case of dismissal for misconduct, or other good and urgent cause, be terminable in line with the notice arrangements approved by the Trustees, or the Head Teacher on behalf of the Trustees, or by the teacher, as the case may be. In the case of associate staff, the conditions above apply other than the notice arrangements shall be a minimum of one month's notice (one week in the case of cleaning staff). Every member of staff shall have the right to apply for an interview with the Chairman of the Executive Board, provided that such applications shall be made through the Head Teacher stating the reason for the desired interview.

- 12.5 The Head Teacher shall have the right:
- 12.5.1 to dismiss on the Trustees' behalf any member of staff other than the Director of Resources for what the Head Teacher may reasonably consider to be sufficient cause, but the Head Teacher shall first confer with the Chairman of the Executive Board and take advice to consider the legal position of the Academy and the Trust in the event of such dismissal. In

the case of Associate Staff, such action may be implemented by the Director of Resources subject to the same conference and advice.

12.5.2 to suspend any member of staff other than the Director of Resources from all or any of his or her duties for what the Head Teacher, at his or her discretion, considers to be sufficient cause, but shall if possible first consult the Chairman of the Executive Board. In the case of Associate Staff, such action may be implemented by the Director of Resources subject to the same conference and advice.

12.6 The Head Teacher shall have jurisdiction over the discipline of the Academy, subject to the restriction that corporal punishment is not permitted in an Academy.

12.7 The Head Teacher shall have the power at his or her discretion to exclude any student and in the event of permanent exclusion, shall invite and give due consideration to the representations from the parents and/or student concerned. Appeals against permanent exclusion will be considered by an Independent Appeals Panel. The Executive Board will approve procedures relating to student discipline and permanent exclusion.

### **13 Questions under the Scheme**

If any question arises as to the construction of this Scheme, or as to the regularity or validity of any of the acts done or about to be done under this Scheme, it shall be determined by the Secretary of State upon application made to him or her and such determination shall be binding.

### **14 Amendments to the Scheme**

Amendments to the Scheme may be made by ordinary resolution of the Company provided always that no amendment shall take effect while the Academy is in receipt of grant from the Secretary of State under the Education Acts, except with the prior written consent of the Secretary of State.

### **15 Interpretation**

The terms of this Scheme shall be constructed as subject to the Memorandum and Articles of Association of the Company and in the event of any inconsistency the latter shall prevail.