### Scheme of Delegation

### Academy Improvement Committees - Rules for the election and appointment of Parent AIC Members

1. Introduction
	1. The Trustees of The Enquire Learning Trust (the **Trust**) are responsible for the constitution, membership and proceedings of any committee appointed by them including Academy Improvement Committees (**AICs**) provided that (in default of appointing Parent Trustees) at least two (2) members of each AIC are parents (the **Parent AIC Members**). Parent AIC Members must be elected or appointed in accordance with the provisions of the articles of association of the Trust (the **Articles**).
	2. From 01 September 2019 (the **Starting Date**), existing local governing bodies (**LGB**s) overseeing Academies operated by the Trust will cease to exist and all school governors will vacate their positions.
	3. LGBs will be replaced by AICs.
	4. The purpose of this document is to set out the scheme of delegation of the Trustees’ responsibilities as regards the election or appointment of Parent AIC Members and the procedures that are to be followed to ensure that such election or appointment is properly made.
	5. This document and the rules made within it have been made by the Trustees under article 101 of the Articles.
2. Delegation
	1. Overall responsibility for the election or appointment of Parent AIC Members has been delegated by the Trustees to the Director of Governance and Development who shall coordinate the organisation of all elections of Parent AIC Members and responses to any enquiry and determination of any dispute arising in respect of them.
	2. Responsibility for the conduct of the election of Parent AIC Members to AICs operated by the Trust has been delegated to the Director of Governance and Development as returning officer who, with assistance from the Principal of each Academy and all such elections shall be conducted in accordance with the procedures set out in this document.
	3. Responsibility for any appointment of Parent AIC Members to AICs operated by the Trust has been delegated to the Director of Governance and Development.
	4. The Director of Governance and Development will report to the Trustees and/or executives of the Trust as set out in the Scheme of Delegation adopted by the Trust from time to time.
3. Academy Improvement Committees
	1. The Trustees have determined that each AIC will oversee no more than three (3) Academies operated by the Trust. The Director of Governance and Development will make and maintain a list of AICs and the Academies overseen by each of them.
	2. Each AIC will have two (2) Parent AIC Members (article 101A of the Articles). The Director of Governance and Development will make and maintain a list of AIC Parent Members from time to time.
4. Parents - qualification and disqualification
	1. The following rules will apply to the qualification and disqualification of persons seeking election or agreeing to be appointed as an AIC Parent Member.
	2. To be elected or appointed as an AIC Parent Member of an AIC, a parent shall be eligible to stand for election if he or she is a parent, or exercising parental responsibility, of a registered pupil at one of the Academies overseen by that AIC at the time of his or her election or appointment (article 54 of the Articles).
	3. For these purposes:
		1. a **parent** is:
			1. a natural parent;
			2. an individual who is not a natural parent but has parental responsibility for a child; or
			3. an individual who has care of a child (temporary absence from a usual parent e.g. for hospital visits or to attend boarding school, excepted).

(Section 576 Education Act 1996);

* + 1. **parental responsibility** has the meaning given by Section 3 Children Act 1989; and
		2. **care** means that a person with whom a child lives and who looks after the child, irrespective of what their relationship with the child is, is considered to be a parent in education law.
	1. A parent is disqualified from being a Parent AIC Member (and may not stand for election as such) if any of rules 4.5 to 4.16 (inclusive) applies to him or her.
	2. He or she is under eighteen (18) years of age.
	3. He or she is paid to work at an Academy operated by the Trust for more than five hundred (500) hours in any consecutive twelve (12) month period.
	4. Except where he or she has been appointed under article 56 of the Articles (appointment by Trustees in the absence of suitable candidates), he or she ceases to be a parent, or exercising parental responsibility, of a registered pupil at one of the Academies overseen by that AIC.
	5. He or she becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.
	6. He or she fails to attend meetings of the AIC over a six (6) month period, commencing from the date of the first such meeting missed, without the permission of the chair of the AIC.
	7. He or she is the subject of a bankruptcy order or the equivalent in any jurisdiction.
	8. He or she is included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under Section 1 of the Protection of Children Act 1999.
	9. He or she is disqualified from working with children under Sections 28, 29, 29A and 29B of the Criminal Justice and Court Services Act 2000.
	10. He or she is a person in respect of whom a direction has been made under Section 142 of the Education Act 2002.
	11. He or she 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 181 of the Charities Act 2011.
	12. He or she would be disqualified from acting as a charity trustee by virtue of Section 181 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
	13. He or she has not complied with the provisions of the Trust’s policies having regard to the Disclosure and Barring Service (**DBS**).
	14. If a Parent AIC Member becomes disqualified from holding or continuing in office as a Parent AIC Member he or she must immediately give written notice of such disqualification to the Director of Governance and Development which notice shall be deemed to be his or her resignation from office from the earlier of the date of such notice of the date of such disqualification.
1. Elections

*General*

* 1. All Parent AIC Members must be elected or appointed in accordance with these rules.

*Vacancies*

* 1. An election to elect Parent AIC Members must be held in advance of the Starting Date and thereafter whenever a vacancy arises.
	2. A vacancy will arise if an AIC Member:
		1. resigns from the AIC;
		2. dies; or
		3. is disqualified from being an AIC Member.

*Notice of elections*

* 1. As soon as practicable after a vacancy arises, the Director of Governance and Development will issue, or procure that each relevant Principal will, issue using pupil post, a letter to all parents who are eligible to vote in the election a notice (the **Notice of AIC Election**) which shall include:
		1. a list of the Academies overseen by the AIC;
		2. the number of vacancies to be filled;
		3. the Trust AIC code of conduct;
		4. details of the applicable Trust DBS policies and the requirements of all Parent AIC Members;
		5. a request for nominations;
		6. the closing date for nominations;
		7. a statement concerning personal statements of nominees to be circulated with ballot papers including reference to rule 5.11 and the discretion of the Director of Governance and Development; and
		8. either copies of all relevant forms or information as to where they can be obtained provided that collection from the Academy office must always be an option.
	2. A parent (as defined in rule 4.3(a) above) shall be eligible to vote in an election for new Parent AIC Members if he or she is a parent, or exercising parental responsibility, of a registered pupil at one of the Academies overseen by the AIC at which the vacancy has arisen at the time Notice of AIC Election is issued.

*Nominations*

* 1. Any person who is qualified (as set out in rule 4) to be a Parent AIC Member of the AIC in which a vacancy has arisen may nominate themselves or propose candidates who are similarly qualified for election as a Parent AIC Member of that AIC.
	2. Where a parent is nominated by another parent, the nominee must provide written acceptance of such nomination using Form 1.
	3. All nominees must provide a declaration of their eligibility to stand for election as a Parent AIC Member using Form 1.
	4. Nominations are not required to be seconded.
	5. Nominees may at any time on or before the closing date for nominations provide the Director of Governance and Development or the Principal (as the case may be) with a personal statement of not more than two hundred and fifty (250) words to be included with the ballot papers. The statement shall not include content that is unlawful, harmful, threatening, defamatory, obscene, infringing, harassing or racially or ethnically offensive, discriminatory based on race, gender, colour, religious belief, sexual orientation, disability or is otherwise illegal or causes damage or injury to any person or property and the Director of Governance and Development shall have the right to prevent circulation of material that in his or her sole discretion breaches this rule.
	6. The Director of Governance and Development will check the qualification of each nominee for whom a nomination is received and, if he or she determines that a nominee is not qualified to be a Parent AIC Member (whether at all or in respect of the AIC for which nominations were requested), he or she shall give notice to the nominee and the person who nominated them (if they did not nominate themselves) setting out the reasons for such disqualification. Persons who are not disqualified shall be candidates in the election.
	7. If the number of nominations receives is equal to or fewer than the number of vacancies:
		1. no election will be held;
		2. the candidates will be declared elected in default subject to successful completion of DBS procedures; and
		3. appointments will be made to fill any remaining vacancies (see rule 5.30 below)

and the Director of Governance and Development or Principals (as the case may be) will issue using pupil post a letter to all parents who are eligible to vote in an election for new Parent AIC Members stating that the election has been cancelled and setting out the names of those candidates elected in default and/or appointed as Parent AIC Members of the relevant AIC.

*Notice of ballot*

* 1. As soon as practicable after the closing date for nominations, if an election is required, the Director of Governance and Development will issue, or procure that each relevant Principal will, issue using pupil post, a letter to all parents who are eligible to vote in the election a notice (the **Notice of Ballot**) which shall include:
		1. a list of candidates;
		2. the personal statements (if any) of all candidates;
		3. the number of vacancies to be filled;
		4. one ballot paper in the form set out in Form 2 for each parent to whom the letter is addressed;
		5. the closing date for voting, which shall be seven (7) days after the date of the Notice of Ballot; and
		6. information on the methods of returning ballot papers which shall include:
			1. first class mail; and
			2. personal delivery.
	2. Ballot papers delivered personally shall be placed in a sealed ballot box prominently displayed in an area of each relevant Academy readily accessed by parents.
	3. Proxy voting will not be permitted.
	4. Duplicate ballot papers may only be issued if the requesting parent completes Form 3.

*Voting and counting*

* 1. Each parent who is eligible to vote in an election for new Parent AIC Members of the relevant AIC will have one vote per vacancy irrespective of how many children of that parent are registered pupils at an Academy overseen by that AIC. Parents with children who are registered pupils at more than one Academy overseen by the relevant AIC shall have one vote in respect of each such Academy.
	2. The ballot is a secret ballot. All ballot papers must be kept in a secure ballot box (which must be locked away at night) and shall not be removed from it until the time of the count.
	3. All candidates must be given reasonable notice of the time and place of the count and they may attend and observe the count.
	4. Votes must be counted as soon as is practicable after the closing date for voting but the ballot boxes must not be opened until counting starts and all of them have been deliver dot the place of the count.
	5. The Director of Governance and Development or, in his or her absence, the Principals or any one of them (the **Counting Officer**) will count the votes in the presence of at least one witness. Parents who are eligible to vote in an election for new Parent AIC Members of the relevant AIC (including candidates) may not be witnesses.
	6. The Counting Officer will determine (in his or her sole discretion) whether any ballots have been spoiled and/or whether votes have been clearly marked.
	7. The electoral method is first past the post. The Counting Officer will place the candidates in order of the number of votes received and, depending on the number of vacancies, the candidate or candidates should be declared elected in that order.
	8. In the event of a tie in the number of votes for the last remaining vacancy, the votes will be recounted and if the tie is confirmed those candidates with an equal number of votes will be invited to toss a coin to determine a winner. The coin toss will be supervised and witnessed in the same manner as the count.
	9. The Counting Officer must prepare a written report of the count and the results of the count without delay and, unless he or she is the Director of Governance and Development, must issue the report to the Director of Governance and Development without delay.

*Results*

* 1. The Director of Governance and Development will give notice in writing of the result to:
		1. the Trust Director of Governance and Development;
		2. the chairperson of the relevant AIC; and
		3. the Principals of the Academies overseen by the relevant AIC.
	2. The Principals of the Academies overseen by the relevant AIC shall issue by pupil post a letter stating the results of the election.
	3. The Director of Governance and Development must retain in a secure place for six (6) months after the closing date for voting details of the election including:
		1. nominations received and rejected or accepted;
		2. number of ballot papers issued;
		3. votes recorded; and
		4. the results.
1. Appointments
	1. The Director of Governance and Development must use all reasonable efforts to fill any vacancies arising.
	2. If there are insufficient nominations to fill a vacancy or vacancies the Trustees will appoint sufficient Parent AIC Members to fill the vacancies in accordance with their obligations under article 56 of the Articles.
	3. In exercising their powers under article 56 of the Articles, the Trustees will *mutatis mutandis* have regard to the provisions of these rules.

**Form 1**

**PARENT AIC MEMBER ELECTIONS**

**NOMINATION OF CANDIDATE FOR PARENT AIC MEMBER**

**Academy Improvement Committee:**

**Academy:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you are not the nominee, please complete this section:

I wish to nominate:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Please print name)

I confirm I am a parent\* of a registered pupil at the academy

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLEASE PRINT NAME: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Child’s Class \_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you are the nominee please complete this section:

I confirm I am a parent of a registered pupil at the above-named Academy, that I accept the nomination and would not be disqualified from holding office as a governor of the academy if elected.

I acknowledge that all new Parent AIC Members are required to complete a Declaration Form and may be subject to a List 99 or a Disclosure and Barring Service check.

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PLEASE PRINT NAME: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Child’s Class \_\_\_\_\_\_\_\_\_\_\_\_\_\_

\* A “parent” includes a natural parent and an individual who is not a natural parent but has parental responsibility for a child. A full definition can be found in rule 4.3(a) of The Enquire Learning Trust’s Rules for the election and appointment of Parent AIC Members.

If there is more than one vacancy and you wish to nominate more than one candidate, please use more than one form.

Liz Thompson

**Director of Governance and Development**

The Enquire Learning Trust

**Form 2**

**PARENT AIC MEMBER ELECTIONS**

**BALLOT PAPER**

**Academy Improvement Committee:**

**Academy:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please put a cross X in the box beside the name of the candidate(s) for whom you wish to vote.

**YOU MAY VOTE FOR NO MORE THAN CANDIDATE(S)**

**NAME VOTES ONLY**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DO NOT IDENTIFY YOURSELF ON THIS BALLOT PAPER**

Liz Thompson

**Academy Governance Officer**

The Enquire Learning Trust

**Form 3**

**PARENT AIC MEMBER ELECTIONS**

**REQUEST FOR REPLACEMENT BALLOT PAPER**

**Academy Improvement Committee:**

**Academy:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, the undersigned, acknowledge receipt of a duplicate ballot paper for the above election.

## I declare that:

(a) the original ballot paper was not received/has been lost by me;

(b) I will vote only once in this election; and

(c) I will destroy the original ballot paper if found.

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

## PLEASE PRINT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Liz Thompson

**Academy Governance Officer**

The Enquire Learning Trust