

Appointment of Trustees

The following paragraphs explain the role and responsibility of Trustees appointed to The Education Fellowship.

The Education Fellowship establishes and runs the “academy” i.e. the new school. The Academy Trust holds the assets and contracts of the school, employs its staff and receives its funding. In legal terms, the Academy Trust is a charitable company limited by guarantee. A company is a “legal person”. It is separate and distinct from its directors and its members.

The terms of reference for the Academy Trust are set out in the Fellowship’s “articles of association”. The articles of the association are prescribed by the Department for Education and there is very limited scope to change them. Some of the issues which the articles cover are:

- ♥ the “objects” of the Academy Trust. In other words, what it must, can and cannot do
- ♥ members of the Academy Trust (e.g. becoming a member, ceasing to be a member, meetings, voting, rights and powers)
- ♥ governors of the Academy Trust (e.g. appointment, resignation, dismissal, meetings, voting, rights and powers)

The articles of association of the Academy Trust are approved by the Secretary of State.

All academies in a MAT are governed by one trust and a single board of directors/trustees.

The board of trustees is responsible for advising on decisions relating to how each academy is run, from the curriculum to staffing. The MAT can establish a local governing body for each of its academies, to which it can delegate some of its functions. The MAT remains accountable for these functions.

The Trust must appoint a statutory auditor to certify the academy trust’s accounts. They must also appoint a principal finance officer to act as the trust’s finance director or business manager. This position can be filled by a salaried member.

Trustees must ensure that the Fellowship pursues its objects as defined in its Memorandum and Articles of Association as well as having due regard for any other relevant legislation or regulations.

The role of a Fellowship Trustee is therefore to

-  Ensure that the organisation is governed effectively and responsibly
-  Demonstrate accountability to its users and partners
-  Agree the financial budget and the auditing of Academy accounts, ensuring sound financial management of the academies
-  Provide clear strategic direction to the Academic Advisory Board for each Academy
-  Be a guardian of the Fellowship's vision and Trust Objects, safeguarding and promoting the values of the Fellowship
-  Be accountable for the Trust's standards, attainment and outcomes for young people
-  Establish clear and effective lines of communication with all governors/directors in order to effectively undertake Trustee responsibilities
-  Carry out Board business effectively, including induction of new Trustees and a commitment to the continued professional development of Trustees.

The CEO is accountable to the Academy Trustees for the way in which the Company carries out its duties. The agreement between the Trust and the Secretary of State is a legal contract between both parties and carries obligations on both sides. Trustees, both individual and corporate, of the Academy Company must assure themselves of the extent of their obligations and of their capacity to meet them.

In identifying new trustees suitable to the board, they will be scrutinised to ensure they adhere to the following person specification.

Person specification

It is an expectation of The Education Fellowship that Trustees which are appointed by the Trust will have:

-  a commitment to the Fellowship and its Objects including the values and ethos defined by the Fellowship

-  a willingness to devote the necessary time and effort to Fellowship business; including attending at least 5 board meetings per year, school visits, responding to correspondence
-  an ability to hold others to account for their professional practice
-  strategic vision
-  good independent judgement
-  an understanding and acceptance of the legal duties, responsibilities and liabilities of trusteeship
-  experience of at least one of the following broad areas: finance, risk management, business, human Resource, education, land, trust or building matters, law
-  effective communication skills