



## Local Governing Body Financial Management and Decision Making Appeals Policy

<b>Date Published</b>	<b>31<sup>st</sup> January 2018</b>
<b>Version</b>	<b>1</b>
<b>Last Approved Date</b>	<b>31<sup>st</sup> January 2018</b>
<b>Review Cycle</b>	<b>3 years</b>
<b>Review Date</b>	<b>January 2021</b>

“Learning together; to be the best we can be”

# 1. Scope

- 1.1. This policy applies to all academies, services and settings across Nexus MAT. The term "Local Governing Body" has been used to refer to all local governance boards and arrangements – regardless of the local naming convention - where the Nexus MAT Board of Directors has delegated decision making powers and responsibilities.

# 2. Rationale

- 2.1. The Academies Financial Handbook states that a Multi Academy Trust (MAT) can pool general annual grant (GAG) funding from all its academies to form one central fund. A % of this fund can then be used to meet the costs of running the Trust, with the rest allocated to the academies as the Trust determines. Any Trust which pools GAG is required to publish an appeals procedure.
- 2.2. Nexus MAT does **not** pool GAG and operates a model where a % top slice of overall budget (excluding ring fenced grants such as pupil premium, year 7 catch up and sports grant) is paid by the constituent academies to the central Trust over the course of the business year.
- 2.3. The top slice is reviewed annually (in the summer term, looking to the next academic year) by the Trust Board of Directors and local governing bodies **must** be consulted on any proposed change to the %. The cash amount that the % equates to will be defined by the Trust and communicated to the academy prior to the 1<sup>st</sup> September.
- 2.4. Whilst Nexus MAT does not pool GAG, Directors feel it is important to provide academy Headteachers and Local Governing Bodies with a clear policy to follow should they wish to appeal a financial decision - or other decision - made by the Trust which directly affects the academy they have delegated responsibility for leading and governing.

## 3. Appeals procedure

- 3.1. Where the Headteacher or Governor(s) of an academy feel(s) the academy has been treated unfairly by the Trust or have a grievance with the decision making of the Trust Executive or Board of Directors, then the matter must be raised as a matter of urgency at a Governing Body meeting (*note: an extraordinary meeting can be requested, as per the terms of reference*).
- 3.2. Where the Headteacher has a specific grievance about their personal situation or circumstances, they should follow the Trust's published grievance procedure.
- 3.3. The Governing Body must pass a motion by majority vote to lodge an official appeal and this must be minuted by the Clerk.
- 3.4. The appeal should then be committed in writing by the Chair of the Local Governing Body to the Trust Board of Directors via the Chair. The Chair of the Local Governing Body must detail in the letter of appeal the outcome of any vote following the motion to submit the appeal (i.e. how many Governors in attendance, how many were for, against or abstained).
- 3.5. Upon receipt of the letter of appeal, the Chair of the Trust Board (or their nominated representative) will provide a response within 20 working days to the Chair of Governors. It may be that this response is an initial response to outline the steps the Chair is taking to ensure a more detailed response can be provided. The timescales for a more detailed response will be individual to each case but the Chair of the Trust Board must ensure that there is no undue delay in responding in full.
- 3.6. The Chair will ask the Clerk to convene an extraordinary meeting of the named Trustees/Directors of Nexus MAT to review the nature of the appeal and either agree the Trust response or agree the steps Trustees/Directors will take to formulate their response. This may include inviting Governors to meet with Trustees to discuss the appeal in more detail.
- 3.7. The Chair of the Trust Board must ensure that their response has been agreed by a majority vote of the named Trustees/Directors of Nexus MAT.

- 3.8. Other than an appeal about the academy/Trust top-slice, there is no right of referral once the Chair of the Trust Board has provided their final response to an appeal.
- 3.9. If a constituent academy's Headteacher feels that the academy has been unfairly treated with the application of the Trust top slice %, they should first appeal to the Trust Board of Directors via points 3.1 to 3.4 (note there is not a statutory requirement for a Headteacher to lodge an appeal via the Local Governing Body, though this is encouraged by the Trust).
- 3.10. If the academy Headteacher grievance is not resolved to their satisfaction, they can then appeal to the Secretary of State, via the Education & Skills Funding Agency whose decision will be final.