



## **ASTON COMMUNITY EDUCATION TRUST (ACET) BOARD OF TRUSTEES RESPONSIBILITIES AND EXPECTATIONS**

Trustees of an academy trust are both trustees of the charity and directors of the Company limited by guarantee. The Charities Act 2011 defines charity trustees as the people responsible under the charity's governing document for controlling the administration and management of the charity, regardless of what they are called. They are known collectively as the Trustee Board.

### **LEGAL DUTIES OF A TRUSTEE**

Under charity law, trustees have the ultimate responsibility for directing the affairs of the trust, and ensuring that it is solvent, well run and delivering the charitable outcomes for which it has been set up. In law, trustees have several legal duties, which are often described as those of compliance, care and prudence.

#### **DUTY OF COMPLIANCE**

Trustees must:

- ensure that ACET complies with charity law, and with the requirements of the Education and Skills Funding Agency (ESFA) as regulator; in particular ensure that the charity prepares reports on what it has achieved and annual returns and accounts as required by law;
- ensure that ACET does not breach any of the requirements or rules set out in its governing document, funding agreement or the Academies Financial Handbook and that it remains true to the charitable purpose and objects set out there;
- comply with the requirements of other legislation and other regulators which govern the activities of a multi academy trust;
- act with integrity, and avoid putting themselves in a position where their duty to the charity conflicts with personal interests or loyalty to any other person or body.

#### **DUTY OF CARE**

Trustees must:

- use reasonable care and skill in their work as trustees, using their personal skills, knowledge and experience as needed to ensure that ACET is well run and efficient;
- consider getting external professional advice on all matters where there may be material risk to ACET, or where the trustees may be in breach of their duties.



## **DUTY OF PRUDENCE**

**Trustees must:**

- ensure that ACET is, and will remain, solvent;
- use ACET's funds and assets reasonably and responsibly and only in furtherance of ACET's charitable objects;
- avoid undertaking activities that might place ACET's endowment, funds, assets or reputation at undue risk;
- take special care when investing ACET's funds, or borrowing funds for ACET to use.

### **SPECIFIC DUTIES OF TRUSTEES OF ASTON COMMUNITY EDUCATION TRUST**

To contribute to the work of the trustee board in ensuring high standards of achievement for all children and young people across the trust.

#### **Strategic Direction**

Trustees must ensure that ACET has a clear vision, mission and strategic direction that will enable the trust to fulfil its charitable objects and is focused on achieving these. Trustees must work in partnership with the CEO and other senior staff to ensure that:

- ACET has a clear vision, set of values and strategy, and that there is a common understanding of these by Trustees, Members, staff and those sitting on academy committees;
- ACET's operational plans and budgets support the vision and strategy;
- the views of stakeholders (parents/carers, pupils, local communities and staff) are regularly sought and considered;
- there is regular review of the external environment for changes that might affect ACET (political, financial, demographic, competitive, partnerships, alliances);
- there is regular review of ACET's Development Plan, its strategic plans and priorities.



## **Performance of the Trust**

Trustees are responsible for the performance of ACET, for its impact upon stakeholders and for its corporate behaviour. It is their responsibility to:

- ensure that ACET measures its impact and progress towards its strategic objectives and to regularly consider reports on the trust's performance;
- ensure that there are policies including effective employment policies to direct key areas of the charity's business;
- ensure that ACET's values are understood and put into practice, by trustees and staff
- ensure that there are complaints systems in place for stakeholders;
- ensure that there are processes for members, trustees, staff and other stakeholders to report activity which might compromise the effectiveness of the trust;
- recruit the CEO and to hold her or him to account for the management and administration of the charity;
- ensure that the CEO receives regular, constructive feedback on her/his performance in managing the charity and in meeting her/his annual and longer term objectives.

## **Compliance**

Trustees must ensure that ACET complies with all legal and regulatory requirements:

- ensuring that ACET complies with all constitutional, legal, regulatory and statutory requirements, with professional advice as appropriate;
- understanding and complying with the Articles of Association and rules that govern ACET and reviewing the Articles of Association on a regular basis (preferably every three years) to ensure they are fit for purpose.

## **Prudent Management of Resources**

Trustees must be stewards of the trust's assets, both tangible and intangible, taking care over their security, and how they are used:

- ensuring that ACET's financial obligations are met and that there are adequate financial controls in place to ensure all money due is received and properly applied, and that all assets and liabilities are recorded;
- acting reasonably and prudently in all matters relating to the trust and always in the interests of ACET;
- ensuring that they take professional advice when needed, and record the advice received;
- being accountable for the solvency of ACET;
- ensuring that ACET acts in accordance with employment law and exercises a duty of care to its employees;
- ensuring that intangible assets such as organisational knowledge and expertise, intellectual property, ACET's good name and reputation are recognised, used and safeguarded;



- reviewing the condition and use of the assets owned by the trust;
- ensuring that the major risks to ACET are regularly identified and reviewed and that systems are in place to mitigate or minimise these risks.

### **Good Governance**

Trustees must make provision to secure governance of the highest possible standard across the trust, by ensuring that:

- the governance structure is appropriate to a charity of its size/complexity, stage of development, and its charitable objects, and reflective of the diversity of its stakeholders;
- there are effective mechanisms for individual academies within the trust to be both supported and held to account by the governance structure;
- decisions are made with a view to promoting the education and wellbeing of children and young people;
- board decisions are recorded in writing by means of minutes;
- the board's delegated authority is recorded in a Scheme of Delegation for board committees, job descriptions for honorary officers, trustees and key staff, and that reporting procedures back to the board are recorded in writing and complied with;
- the responsibilities delegated to the CEO are clearly expressed in the Scheme of Delegation and understood, and directions given to her/him come from the board as a whole or other properly authorised route;
- the board regularly reviews ACET's governance structure and its own performance;
- major decisions and policies are made by the trustees acting collectively;
- the board has within its membership the skills it requires to govern ACET well;
- the board has access to, and considers, relevant external professional advice and expertise;
- there is a systematic, open and fair procedure for recruitment of trustees and of the CEO;
- all members of the board receive appropriate induction on their appointment and that they continue to receive appropriate advice, information and training (both individual and collectively);
- trustees have a code of conduct and comply with it, and that there are mechanisms for the removal of trustees who do not abide by the trustee code of conduct.



## **PERSON SPECIFICATION FOR THE ROLE OF ACET TRUSTEE**

The Board of Trustees considers the following as essential skills and attributes for membership of the board:

### **Personal Qualities**

- commitment to the ethos and values of ACET;
- commitment to the education and welfare of children and young people;
- commitment to equal opportunities and the promotion of diversity;
- independence of thought and sound judgment;
- ability to work as part of a team;
- commitment to seeking and taking account of the views of stakeholders (eg parents and pupils);
- respect for the work and views of other trustees and staff;
- willingness to devote time, enthusiasm and effort to the duties and responsibilities of a trustee;
- willingness to make and stand by collective decisions, even if s/he offered an alternative view during discussions.

### **Aptitude and Skills**

- understanding and acceptance of the legal duties, responsibilities and liabilities of trusteeship;
- ability to challenge current thinking, the method of governance and management of the trust in a constructive manner and in the best interests of ACET;
- ability to evaluate and interpret management information and other data/evidence;
- ability to play a strategic role to successfully effect change and meet the objectives of the trust;
- eagerness to reflect and learn, even in the role of trustee.

### **Knowledge/Experience**

Specific professional knowledge and experience in at least one of the following:

- charity law and governance;
- trusteeship or management of a complex organisation with multiple sites/subsidiaries;
- financial expertise;
- extensive expertise of school/academy education in England;
- data analysis and/or research expertise;
- the management of change;
- monitoring and evaluating performance in the commercial and/or not for profit sectors;
- recruitment and human resources expertise, including employment legislation;
- business development experience/expertise;
- risk management experience/expertise;
- property and estate management;



- **marketing, media and PR**

#### **Other requirements**

- **willingness to regularly attend and participate in the seven meetings of the board which take place annually at ACET House;**
- **willingness to regularly attend and participate in additional meetings as required;**
- **willingness to participate on and chair at least one LGB within the trust;**
- **willingness to undertake training and participate in evaluation of the board's work.**

**All Trustees must adhere to a code of conduct underpinned by the seven principles of public life as identified by the Nolan Committee: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.**

**Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership** - Holders of public office should promote and support these principles by leadership and example.