

Memorandum of Association

THE COMPANIES ACT 2006
& COMPANIES (REGISTRATION) REGULATIONS 2008 (SI 2008/3014)

A COMPANY LIMITED BY GUARANTEE

MEMORANDUM OF ASSOCIATION
OF
SABRES EDUCATIONAL TRUST

Annex B

Requirements for the admission of pupils to IES Breckland

General

1. This Annex may be amended in writing at any time by agreement between the Secretary of State and the Academy Trust.
2. The Academy Trust will act in accordance with, and will ensure that an Independent Appeal Panel is trained to act in accordance with, all relevant provisions of the School Admissions Code and the School Admission Appeals Code published by the Department for Education ("the Codes") as they apply at any given time to maintained schools and with equalities law and the law on admissions as they apply to maintained schools. For this purpose, reference in the Codes or legislation to "admission authorities" shall be deemed to be references to the Governing Body.
3. Notwithstanding the generality of paragraph 2 of this Annex, the Academy Trust will not participate in the co-ordinated admission arrangements operated by the LA for the first year of opening but will participate in such arrangements operated by the LA in subsequent years and the local Fair Access Protocol.
4. Notwithstanding any provision in this Annex, the Secretary of State may:
 - a) direct the Academy Trust to admit a named pupil to IES Breckland on application from a local authority. This will include complying with a School Attendance Order¹. Before doing so the Secretary of State will consult the Academy Trust.
 - b) direct the Academy Trust to admit a named pupil to IES Breckland if the Academy Trust has failed to act in accordance with this Annex or has otherwise failed to comply with applicable admissions and equalities legislation or the provisions of the Codes.
 - c) direct the Academy Trust to amend its admission arrangements where they fail to comply with the School Admissions Code or the Admission Appeals Code.
5. The Academy Trust shall ensure that parents and 'relevant children'² will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Academy Trust. The Independent Appeal Panel will be

¹ Local authorities are able to issue school attendance orders if a child is not attending school. These are legally binding upon parents. Such an order might, for instance, be appropriate where a child has a place at an Academy but his/her parents are refusing to send him/her to school. The order will require a parent to ensure his/her child attends a specified school.

² 'relevant children' means:

- a) in the case of appeals for entry to a sixth form, the child, and;
- b) in any other case, children who are above compulsory school age, or will be above compulsory school age by the time they start to receive education at the school.

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independent of the Academy Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the Department for Education as it applies to Foundation and Voluntary Aided schools. The determination of the appeal panel is binding on all parties.

Relevant Area

6. Subject to paragraph 7, the meaning of “Relevant Area” for the purposes of consultation requirements in relation to admission arrangements is that determined by the local authority for maintained schools in the area in accordance with the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999.
7. If the Academy does not consider the Relevant Area determined by the local authority for the maintained schools in the area to be appropriate, it must apply to the Secretary of State by 1 August for a determination of the appropriate Relevant Area for the Academy, setting out the reasons for this view. The Secretary of State will consult the Academy and the LA in reaching a decision.

Requirement to admit pupils

8. Pupils on roll in any predecessor maintained or independent school will transfer automatically to the Academy on opening. All children already offered a place at any predecessor school will be admitted.
9. The Academy will:
 - a) subject to its right of appeal to the Secretary of State in relation to a named pupil, admit all pupils with a statement of special educational needs naming the Academy;
 - b) adopt admission oversubscription criteria that give highest priority to looked after children, in accordance with the relevant provisions of the School Admissions Code.

Oversubscription criteria, admission number, consultation, determination and objections.

10. The Academy admission arrangements will include oversubscription criteria, and an admission number for each relevant age group³. The Academy will consult on its admission arrangements and determine them in line with the requirements within the School Admissions Code.
11. The Academy Trust must make it clear, when determining the Academy’s admission arrangements, that objections should be submitted to the Schools Adjudicator.
12. A determination of an objection by the Schools Adjudicator will be binding upon the Academy.

³ ‘Relevant age group’ means ‘normal point of admission to the school: for example, year R, Year7 and Year 12.

Annex C

Arrangements for pupils with Special Educational Needs ('SEN') and disabilities at IES Breckland

Duties in relation to pupils with SEN

1. The Governing Body must comply with all of the duties imposed upon the governing bodies of maintained schools in:
 - Part 4 of the Education Act 1996 as amended from time to time¹;
 - The Education (Special Educational Needs) (Information) Regulations 1999 as amended from time to time;
 - The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2008 as amended from time to time².
2. Notwithstanding any provision in this Agreement, the Secretary of State may (whether following a complaint made to him or otherwise) direct the Academy Trust to comply with an obligation described in this Annex where the Academy Trust has failed to comply with any such obligation.
3. Where a child who has SEN is being educated in the Academy, those concerned with making special educational provision for the child must secure that the child engages in the activities of the school together with children who do not have SEN, so far as is reasonably practicable and is compatible with:
 - a) the child receiving the special educational provision which his learning difficulty calls for,
 - b) the provision of efficient education for the children with whom he will be educated, and
 - c) the efficient use of resources.
4. In addition to complying with the duties imposed upon the governing bodies of maintained schools set out in The Education (Special Educational Needs) (Information) Regulations 1999 (as amended from time to time), the Academy Trust must ensure that the Academy's website includes details of the arrangements for the admission of disabled pupils; the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and the facilities provided to assist access to the Academy by disabled pupils (disabled pupils meaning pupils who are disabled for the purposes of the Equality Act 2010³).

¹ Currently these duties are in sections 313 (Duty to have regard to the Special Educational Needs Code of Practice 2001); 317 (Duties in relation to pupils with special educational needs), 317A (Duty to advise parents that special educational provision is being made); and 324(5)(b) (Duty to admit the child where a school is named in the statement).

² These Regulations are amended by The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2009 (SI 2009 No 1387).

³ For the meaning of 'disabled', see section 6 of the Equality Act 2010.

Admissions

5. The Academy Trust must ensure that pupils with SEN are admitted on an equal basis with others in accordance with its admissions policy.
6. Where a local authority proposes to name the Academy in a statement of SEN made in accordance with section 324 of the Education Act 1996, it must give the Academy Trust written notice that it so proposes. Within 15 days of receipt of that local authority's notice that it proposes to name the Academy in a statement, the Academy Trust must consent to being named, except where admitting the child would be incompatible with the provision of efficient education for other children; and where no reasonable steps may be made to secure compatibility. In deciding whether a child's inclusion would be incompatible with the efficient education of other children, the Academy Trust must have regard to the relevant guidance issued by the Secretary of State to maintained schools.
7. If the Academy Trust determines that admitting the child would be incompatible with the provision of efficient education, it must, within 15 days of receipt a local authority's notice, notify that local authority in writing that it does not agree that the Academy should be named in the pupil's statement. Such notice must set out all the facts and matters the Academy relies upon in support of its contention that:
(a) admitting the child would be incompatible with efficiently educating other children; and (b) the Academy Trust cannot take reasonable steps to secure this compatibility.
8. After service by the Academy Trust on a local authority of any notice (further to paragraph 7 above) stating that it does not agree with that local authority's proposal that the Academy be named, the Academy Trust must seek to establish from that local authority, as soon as is reasonably practicable, whether or not that local authority agrees with the Academy Trust. If that local authority notifies the Academy that it does not agree with the Academy Trust's response, and names the Academy in the child's statement, the Academy Trust must admit the child to the school on the date specified in the statement or on the date specified by that local authority.
9. Where the Academy Trust considers that the Academy should not have been named in a child's statement, they may ask the Secretary of State to determine that the relevant local authority has acted unreasonably in naming the Academy and to make an order directing that local authority to reconsider.
10. The Secretary of State's determination shall, subject only to any right of appeal which any parent or guardian of the child may have to the First-tier Tribunal (Special Educational Needs and Disability), be final.
11. If a parent or guardian of a child in respect of whom a statement is maintained by the local authority appeals to the First-tier Tribunal (Special Educational Needs and Disability) either against the naming of the Academy in the child's SEN statement or asking the Tribunal to name the Academy, then the decision of the Tribunal on any such appeal shall be binding and shall, if different from that of the Secretary of State under paragraph 9 above, be substituted for the Secretary of State's decision.
12. Where the Academy, the Secretary of State or the First-tier Tribunal (Special Educational Needs and Disability) have determined that it should be named, the Academy Trust shall admit the child to the Academy notwithstanding any provision of Annex B to this Agreement.

SABRES EDUCATIONAL TRUST

Roles and Responsibilities

CHAIR

Responsible for:

- Overseeing overall operations of the Trust
- Delegation of duties
- Smooth running of Meetings
- Focal point and link to all Members
- Employment matters

EXECURIVE OFFICER – FINANCE

Responsible for:

- Overseeing all financial transactions
- Overseeing Budget
- Investments
- Monitoring spends
- Advising Members on financial matters/transactions
- Employment matters

EXECUTIVE OFFICER – COMMUNICATIONS & LIAISON

Responsible for:

- Communications between Members
- Point of contact for IES and school communications and liaison
- Briefing Members and Executive Committee concerning matters arising from Communications, both written and verbal, received
- Establishing and maintaining good working relationships between Trust, IES and school and Governors
- Employment Matters

EXECUTIVE OFFICER – PREMISES AND ENVIRONMENT

Responsible for:

- Overseeing Maintenance and high standards of all buildings and premises areas
- Monitoring Health and Safety and relevant policies
- Working with Governors and school to ensure a safe and secure learning environment
- Assisting with further developments and refurbishments of facilities
- Assisting Finance Executive officer and Governors on budget for building and environment
- Reporting to Members on actions taken or decisions to be made

EXECUTIVE OFFICER – EDUCATION

Responsible for:

Working with Governors and school on ensuring a high standard of Education for all students
Monitoring progress and attainment levels and value added
Assisting with adherence to Ofsted criteria and Inspection guidelines
Reporting to Members following discussions with other parties

EXECUTIVE OFFICER – COMMUNITY

Responsible for:

Working with school and Governors to promote the school and activities
Assist with school and Governors to promote community and Further Education use of facility
Deal with enquires/queries from members of the community
Assist with Hiring Policy and Complaints Policy
Brief Members on actions taken or needing to be made, discussions and communications with public

Quorum

3 Executive Members need to agree on decisions with final determination if needed going to the Chair.

Good communication flow between this Executive committee is essential with all being briefed on matters arising and decisions needing to be made and actions taken. Communications can be both written and verbal.

Executive Teams

Each of the Executive Officers has a team of Members working with them to assist with actions and decision making. These teams will work alongside the school staff and Governors with matters concerning their particular team emphasis. Although the daily operations lies with IES and the Principal (as per the Contract with IES), the Trust does have overall control of the school under conditions agreed within the Funding Agreement with the Department for Education. Therefore, the Members must be kept informed regularly of any changes to premises and staffing and education provision, budgetary issues, major spends, Inspections and surveys, derogatory issues as well as occurrences of achievement, progress and celebration. The Governing Body carries out the strategic support of the school for the Trust and are the first point of contact for the school.

The Governing Body

The Governors of the school are either appointed by the Trust or in respect of staff and parent Governors – election by their peers (staff and parents respectively).

All Governors are all Directors of the Trust and their information is registered at Companies House during their term of office (4 years). The Principal is also an “ex-officio” Director by virtue of their position. The Chair of Governors is also an “ex-officio” Member of the Trust during their term of office due to the position. Members of the Trust can also be Governors if desired.

They carry out duties on the Trust’s behalf and work alongside the Trust Members. Their duties are:

- To advise and act as a critical friend to the Principal and to advise the Trust Members about local issues they need to consider that affect the school
- To represent the interests of the Trust in the running of the school and to represent the school in the community
- To support the Principal with monitoring the standards of education, attainment and progress
- To ensure the school is a safe and secure learning environment
- To consider budget monitoring information and make recommendations to the Principal and the Trust of any potential overspending
- To review and maintain the Policies of the school
- To hold regular meetings and brief the Trust of matters resulting from the meetings

All appointed Governors will have:

- A duty to act within the powers granted as set out in the articles of association
- A duty to promote the success of the school
- A duty to exercise independent judgement
- A duty to exercise reasonable care, skill and diligence
- A duty to avoid conflicts of interest
- A duty not to accept benefits from third parties