



**Trustee and Local Academy Committee
Members Expenses Policy**

September 2024

Approved by the Trust Board on: 18th July 2024

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Statement of intent

At Derby Diocesan Academy Trust (DDAT/Trust), we are dedicated to good practice and ensuring equality through Trust and school processes.

The governance of Trusts and schools in England is deeply rooted in the principle of voluntary service, but Trusts and academies have the opportunity to decide whether they wish to pay expenses to trustees and those governing at local level. DDAT believes that no trustee or Local Academy Committee (LAC) member should be out-of-pocket in respect to carrying out their duties on behalf of the Trust or school and, therefore, that the payments of expenses for trustees and LAC member are important in ensuring equality for all members of the Trust and school community.

DDAT encourages all trustees and LAC members to submit claims for reasonable expenses incurred whilst carrying out their duties.

Clerks can also submit claims for additional meetings and travel to and from training and conferences linked to their role.

1. Legal framework

This policy has due regard to statutory legislation including, but not limited to, the following:

- Section 185 of The Charities Act 2011 (as amended 2022)
- The Trustee Act 2000

This policy has due regard to guidance, including, but not limited to, the following:

- The Charity Commission (2012) 'Trustee expenses and payments' (CC11)
- DfE Academy Trust Governance Guide 2024
- DfE Academy Trust Handbook (2023) – note this is being updated but has been delayed due to the general election

2. What are expenses?

For the purpose of this policy, “**expenses**” are refunds paid to trustees / LAC members to cover the costs incurred whilst fulfilling their governance duties for the Trust / school.

Allowances of properly incurred expenses are not a payment to trustees / LAC members for their services, nor do they count towards any kind of personal benefit.

3. What can expenses be claimed for?

Payments can only be paid for expenditure necessarily incurred to enable the person to perform any governance duty.

Expenses will be paid on provision of a receipt, at the rate set out in the scheme, and will be limited to the amount shown on the receipt.

Trustees and LAC members of DDAT and its schools are permitted to claim expenses in the following instances, on a case-by-case basis and with prior approval from the board of trustees / LAC Chair:

- **Travel:**
 - Claims for expenses may be made for travel between the trustee's or LAC member's household and a school within the Trust or the Trust's central administration office in their personal car, at the level of mileage rates published by HMRC: <https://www.gov.uk/government/organisations/hm-revenue-customs>
 - The nature of the travel must be related to the work of the board of trustees or LAC members, e.g. Trustee meetings or LAC meetings, training courses.

- Payments will be reimbursed for use of public transport or taxis, upon production of a valid receipt.
 - The costs of parking for business away from the school / Trust, where necessary, will be returned upon production of a valid receipt.
- **Subsistence:**
 - Claims for expenses may be made for the costs of meals taken whilst undertaking their Trustee or LAC member duties and upon production of a valid receipt.
 - The costs for reasonable overnight accommodation and subsistence while attending meetings or conferences by a trustee or LAC member will be reimbursed, only when the proposed claim has been agreed by the board of Trustees or LAC in advance.
- **Childcare:**
 - In cases where a Trustee or LAC member does not have a spouse or family member to care for a child/children when the Trustee or LAC member must attend meetings relating to the work of the board of trustees or LAC, expenses will be returned for the cost of childcare or a babysitter.
- **Care for elderly or dependent relatives:**
 - Allowances will also be reimbursed for the cost of care for elderly or dependant relatives where the Trustee or LAC member must be absent due to their trustee or LAC member duties.
- **Specific needs:**
 - Trustees and LAC members may claim allowances for expenses relating to specific needs incurred when carrying out approved duties.
 - The circumstances in which Trustees or LAC members can claim expenses for specific needs may include: audio equipment or support from a signer, braille transcription, special transport for individuals with disabilities, translation if English is a second language etc.
- **Telephone charges, broadband, photocopying, stationery, etc.:**
 - Claims for reimbursements can be made where a Trustee or LAC member is unable to use a school's or the Trust's central administration office facilities for any of the above.
 - Allowances will be returned upon production of a valid receipt, where appropriate. In all other cases, a full written report must be submitted.

- **Reimbursement for loss of earnings:**
 - Employees can get time off work for certain public duties (school governance) as well as their normal [holiday entitlement](#). Employers can choose to pay them for this time, but they do not have to. <https://www.gov.uk/time-off-work-public-duties>
 - Trustees and LAC members are able to claim expenses for loss of earnings if there is suitable authority to do so and it would be of an advantage to the Trust or one of the Trusts schools.
 - The board of Trustees or the LAC will consider this type of payment to be viable where the Trustee or LAC member:
 - Brings particular skills or perspectives which are valuable.
 - Cannot afford to serve as a Trustee or LAC member as their employer does not pay them for their time spent undertaking their duties for the academy trust or one of its schools.
 - Is self-employed, and carrying out their trustee or LAC member duties would cause them to suffer financially.
 - If the payment is approved, the Charity Commission will normally impose a condition that the reimbursement is no more than:
 - The amount which could be regarded as reasonable payment for the work undertaken; or
 - The amount lost by the Trustee or LAC member, whichever is lower.

NB. This list is not exhaustive, and the board of Trustees or LAC may decide to reimburse in other instances; however, this will be discussed by the board of Trustees or LAC prior to any repayment of expenses.

4. Payments which do not count as expenses

Trustees or LAC members are not able to receive allowances for the following:

- Payments for hotel accommodation or travel costs for spouses or partners who are not participating in the business of the school / Trust
- Payments for private telephone bills for business unrelated to the school / Trust
- Payments for private medical insurance
- Petrol mileage rates above the mileage rates published by HMRC
- Parking or speeding fines

NB. This list is not exhaustive, and the board of Trustees or LAC may decide to reject other requests for expenses which are excessive, false or unreasonable.

Any Trustee or LAC member that attempts to claim expenses which are excessive or false, as outlined above, may be liable to removal from the board of Trustees or LAC and, if the expense has already been reimbursed, may be liable to repay the school / Trust for the amount paid.

5. How are expenses claimed?

Trustees or LAC members should claim expenses on a termly basis, unless the amount to be claimed is substantial and/or urgent.

For Trustees, claims should be made using a claim form, and submitted to the Chief Operating Officer, via the Trust's central administration office.

For LAC members, claims should be made using a claim form, and submitted to the Headteacher / Executive Headteacher, via the school administration office.

An example of the [Claim Form](#) which will be used by the Trustee or LAC member can be found in the appendices.

Any claims will not be reimbursed unless authorised by the Chief Operating Officer for Trustees or the Headteacher/Executive Headteacher for LAC members.

All claims will be subject to independent audit. If claims appear to be too frequent or excessive, the board of Trustees or LAC may ask for further details.

The board of Trustees or LAC will account for all expenses in the school / Trust's accounts; this includes:

- Details of the payments and other benefits to Trustees or LAC members and connected persons.
- Details of the legal authority upon which the payment has been made and the reasoning for it.

6. Trustee / LAC member payments

DDAT does not, in the normal course of its operations, allow Trustee or LAC member payments to be made. Trustee and LAC member payments are paid from the Trust / schools funds in return for the work the Trustee or LAC member has carried out on behalf of the board of Trustees or LAC, and usually involves paying the Trustee or LAC member for services above their normal Trustee or LAC member duties.

Trustees and LAC members may also receive benefits "in kind", i.e. free use of a school within the Trust's or school's facilities for which other users would need to pay.

Such payments are classed as taxable income and, therefore, the Trust / school will only grant these payments if there is suitable authority from the Charity Commission to do so and the Trust's governing document does not prohibit these payments.

The Charity Commission will only authorise these payments where it has been clearly shown to be in the Trust's interests, and will consider issues such as the following:

- The reasons for the payment
- Whether conflicts of interest have been managed appropriately
- Whether the Secretary of State for Education is in agreement
- Whether the payment of any trustees or LAC member is in the longer-term interests of an academy in the trust or the academy trust

Before the payment can be validated, and authority is received from the Charity Commission, the board of Trustees or LAC will ensure that the following conditions are met:

- There is a written agreement between the Trust and the Trustee or connected person to whom the payment is to be paid or between the school and the LAC member or connected person to whom the payment is to be paid
- The written agreement sets out the exact or maximum amount to be paid
- The trustee or LAC member concerned will not partake in decisions made by the board of Trustees or LAC concerning the making of the agreement or the acceptability of the service provided
- The payment is reasonable in relation to the service provided and equivalent to the same service that may be provided by an equally qualified and experienced person
- The board of Trustees follows the duty of care guidelines outlined in the Trustee Act 2000
- The total number of trustees or LAC member, or those connected to the trustees or LAC member, who are receiving the payment is a minority
- There is no prohibition against payment of a Trustee or LAC member
- The Charity Commission's guidance surrounding Trustee or LAC member payments has been considered and adhered to where relevant
- The payment is in the best interests of an individual school, schools or the Trust

Trustees only:

Any written agreements for payments to Trustees will be recorded separately to minutes and must meet the criteria outlined in section 4.4. of the Charity Commission's 'Trustee expenses and payments' guidance.

When exercising the duty of care in deciding whether a payment to a Trustee is viable, the board of Trustees will fulfil its requirements to:

- Exercise the power responsibly in the best interests of the Trust.
- Seek professional advice when in doubt.
- Be clear that the payment of a Trustee can be justified.
- Ensure that conflicts of interest are properly and openly managed in accordance with the Trust's Conflicts of Interest Policy.
- Ensure that agreements are complied with and that any poor performance is identified and addressed.
- Retain the agreement.
- Disclose the payments in the Trust's accounts.

In the application to the Charity Commission to approve a payment, the board of Trustees will demonstrate:

- What steps have been taken to recruit Trustees without payment for their services and, if none, the reasons why.
- Why it is considered advantageous to the Trust to pay a Trustee.
- Whether the functions to be carried out are genuinely those of a Trustee.
- That the payment is reasonable and affordable, and will not affect the ability of the board of Trustees to carry out its duties.
- What risks have been identified and how they will be managed.
- How the unpaid Trustees will be able to review performance, judge value for money and, if necessary, bring the payments to an end.
- How conflicts of interest will be managed in accordance with the Conflicts of Interest Policy.

7. Monitoring and review

The Chief Operating Officer will review this policy on an annual basis in conjunction with the board of Trustees and will make any changes necessary.

All Trustees and LAC members are required to familiarise themselves with this policy upon their appointment to the board of Trustees or LAC.

Claim Form

This claim form consists of two sections. Section two must only be completed when payment has been made to another party, e.g. child carer.

Section one

Name of Trustee/LAC member:		Date:
Date of expenditure:	Details of expenditure:	Claim:
Total claim:		£

[To be completed once authorisation of the claim has been approved.]

I certify that the above expenses are actual and necessary, and confirm that cash/cheque has been received.

Signature of Trustee/LAC member:		Date:
Signature of Chief Operating Officer:		Date:
Reimbursed by (name):		Date:

Section two

Duty of service, e.g. childcare:	
Name of provider:	
Amount received (£):	
Signature:	
Date:	