



# SCHEME OF DELEGATION

Date reviewed: March 2021

Next review date: March 2022

Signed:   
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Chair of Governors

Dated: 25.03.2021

Signed:   
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Principal

Dated: 25.03.2021

# 1. Introduction

An academy Trust Board of trustees is accountable in law for all decisions about its academy. However, this does not mean that the full board is required to make all the decisions itself. The composition of the board is laid down in its Articles of Association. The Articles set out the charitable purpose of the trust, providing a framework for the trust to act within both company and charity law. They do not however include the specific detail of the trust's chosen governance structure and how governance functions have been delegated. The current model articles state that the members of the trust (originally the signatories to the memorandum of association who agreed the trust's first articles of association) have a different status to trustees. This distinction between members and trustees is explained in Goldington Academy's Articles of Association. The Articles of Association do describe how members are recruited and replaced, and how many trustees the members can appoint to the trust board. Under the current model, the members appoint trustees to ensure that the trust's charitable object is carried out and so reserve the power to remove trustees if they fail to fulfil this responsibility. Accordingly, the Trust Board submits an annual report on the performance of the trust to the members. Members are also responsible for approving any amendments made to the trust's Articles of Association. While members are permitted to be appointed as trustees, in order to retain a degree of separation of powers between the members and the trust board, and in line with DfE expectations, not all members should be trustees.

The Trust Board will be working to bring its practice into line with the current model over the next few years, but at this stage is not proposing to undertake the costly and time-consuming process of updating its Articles of Association, but will observe the DfE amendment to the model articles that members are not permitted to be employees of the academy trust.

The role of the Board of trustees is to:

1. ensure clarity of vision, ethos and strategic direction.
2. hold the executive to account for the educational performance of the trust and its pupils, and the performance management of staff.
3. oversee the financial performance of the trust and make sure its money is well spent.

However, many decisions can be delegated to the principal, trust board committees and individual trustees.

It is vital that the decision to delegate a function is made by the full board of trustees and is recorded. Without such formal delegation, the individual or committee has no power to act. What functions the board decides to delegate will vary depending on e.g., circumstances/need.

## **2. The purpose of scheme of delegation**

A scheme of delegation is not an optional extra – it is an essential requirement for effective governance and clear decision making: the key document defining which functions have been delegated and to whom. As a document, the scheme of delegation is a simple and systematic way of ensuring that the members, trustees, board committees and the Principal/SLT are all clear about their roles and responsibilities within the governance structure. A detailed yet clear SoD can help prevent confusion from arising before any misunderstanding arises which has the propensity to lead to a loss of trust and damaged working relationships.

This overarching SoD covering all decision making in the trust should not be confused with the written scheme of delegation of financial powers referred to in the Academy's Financial Handbook.

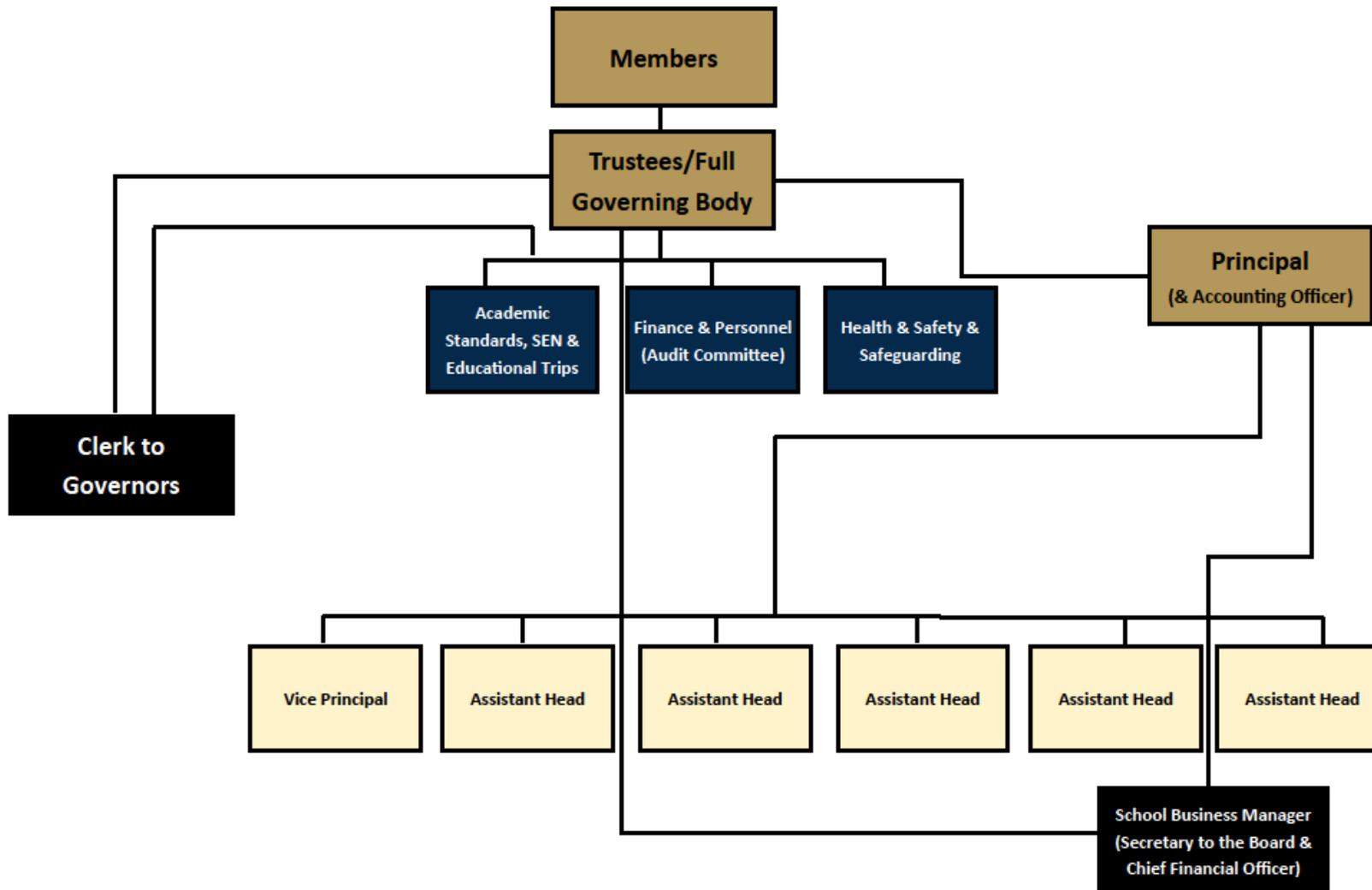
Good practice is that the SoD is reviewed annually in recognition of the need to be responsive to changing circumstances and to adapt accordingly. It is important that the scheme of delegation is visible to all, both within and beyond the trust, so that it is clear how the governance structure and lines of accountability work. This is why the scheme of delegation must be published on the trust's website and communicated as necessary.

## **3. Characteristics of a Scheme of Delegation**

These are that:

- The board of trustees is responsible for the core governance functions.
- The board of trustees appoint the chief executive (CEO), to whom it delegates responsibility for the conduct and performance of the trust, and for its financial management.
- The board constitutes committees which look in detail at resources and risk, and progress and attainment across the trust.

#### 4. Detailed roles and responsibilities



The Trust Board (Full Governing Body) has established three main committees.

Academic Standards, SEN and Educational Trips.
Finance and Personnel (which also acts as the Audit Committee)
Health, and Safety and Safeguarding

Each has clear terms of reference, and programme of work for the year and report their recommendations to the Trust Board. In addition, individual governors have designated roles, e.g., for safeguarding and pupil premium, and others act as link governors for specific curriculum areas and/or priorities identified in the School Improvement Plan. Reports on their activities are submitted to the Trust Board as part of the monitoring process.

### **The role of the Members and Trustees**

- The trust is a charitable company and so trustees are both charity trustees (within the terms of section 177(1) of the Charities Act 2011) and company directors (within the terms of the Companies Act 2006).
- The members agree the trust's articles of association, appoint trustees and appoint the trust's external auditors.
- The members should receive information about the trust's business and receive the annual report and accounts. If they have concerns that the trust is not carrying out its charitable objective, members should remove trustees that are failing to fulfil this responsibility.
- Trustees are bound by both charity and company law so the terms 'trustees' and 'directors' are often used interchangeably. The use of the term "trustee" serves to highlight the overarching charitable purpose of the organisation, distinguishing it from other directorships that may be held in the private sector.
- Trustees are responsible for the general control and management of the trust, and in accordance with the provisions set out in the memorandum and articles of association and its funding agreement are legally accountable for all statutory functions and for the performance of the school: they do this by carrying out the core governance functions.
- The board of trustees must approve a written scheme of financial delegation and if they choose to delegate to board committees must approve a written scheme of delegation and committee terms of reference.

### **The role of trust board committees**

- Trustees delegate some governance functions to board committees, one of which must include audit and risk which advises on the adequacy of the trust's controls and risks.
- Board committees must have at least three trustees in membership, and trustees must be in the majority for voting purposes; it is usual for the trust board to appoint board committee chairs and committee members according to their skills.

- Most trusts will delegate detailed scrutiny of financial management and school performance to board committees.
- Committees are also a valued point of consultation and representation in the development of trust policies.
- the recipients of detailed information about how their schools are being managed.
- tasked with scrutinising management information thus providing assurance to trustees that the school is:
  - operating within the ethos and values of the trust and creating a positive climate for all stakeholders
  - working within agreed policies
  - meeting the agreed targets
  - engaging with stakeholders

### **The role of the Principal**

The Principal is basically responsible for running the academy on a day-to-day basis and is performance managed by the trust board. The Principal has established a Senior Leadership Team (SLT), and a wider Management Team and will delegate management functions to the SLT members. The Principal is accountable to the trust board for the performance of the SLT and in turn holds the members of the SLT to account by line managing them. The Principal will report to the board on the performance of the academy, although this will be supplemented by the monitoring of trust board committees and individual trustees with delegated responsibilities. The Principal is the accounting officer so has overall responsibility for the operation of the academy trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability; avoiding waste and securing value for money. The school Business Manager is Secretary to the Board, and Chief Financial Officer. A clerk provides committee support to the Trust Board and its committees.

The grid at Appendix 1 set out how responsibility is allocated between the Board, its committees and the Principal and SLT and Appendix 2 sets out the decisions reserved to the Board.

## SCHEME OF DELEGATION – APPENDIX 1

### INTRODUCTION

The table below ('Matrix') describes the delegation of powers and responsibilities by the Trustees of the Goldington Academy Trust (GAT) to committees and managers. Although a decision may be delegated, it is the GAT that remains responsible for the exercise of that decision.

The Matrix will be reviewed annually but shall also be kept continually under review by the Trustees. The Trustees shall be entitled to adjust the Matrix as appropriate between each annual review where such continual review reveals matters which merit adjustment. The Principal and the Trustees will use their shared knowledge of the academy to work proactively to ensure that the Scheme of Delegation is reactive to the needs of the Academy.

### Reading the Matrix

- governance function and decision making is at this level

**C** - to be consulted prior to decision being made

Note: Decisions delegated to the trust board may be delegated to a board committee but not the CEO, academy committee or HT

Numbers in the Monitoring column are those of the decision levels set out in the key below

### KEY

#### Decision level

1 Board

2 Committee

3 Principal/SLT

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Key Function	No	Tasks	Decision Level			Monitoring by
			1	2	3	
Strategy	1	Develop a strategy and key priorities	X	C	C	1
	2	Engage with stakeholders	X	X	X	1
	3	Establish Communication Strategy	X	C	C	1
Governance	4	Determine need to update Memorandum /Articles of Association	X		C	1
	5	Approve scheme of delegation	X		C	1
	6	Determine committee structure and terms of reference	X	C	C	1
	7	Ensure compliance by establishing appropriate reporting arrangements	X	X	C	1/2
	8	Appoint / remove appointed and co-opted governors	X			1
	9	Appoint / remove Clerk to Governors	X		C	1
	10	Establish a Complaints policy	X		C	1
	11	Set up a Register of Directors' Business Interests, Gifts & Hospitality	X			2
	12	Annual self-review/ skills audit	X			1
	13	Approve and publish Annual Report	X	C	C	
Financial performance oversight	14	Approve the Trust budget plan for the next 5-year period	X	C	C	1
	15	Monitor Trust expenditure	X	X	C	1
	16	Approve the Financial Policies & Procedures, including financial delegation levels	X	C	C	2
	17	Carry out financial processes in line with the Finance Policies			X	2
	18	Appoint External Auditors	X			2
	19	Establish Internal Audit process	X		C	2
	20	Receive and respond to reports from Internal/External Auditor		X	C	1
	21	Benchmarking and value for money review		X	C	2

Key Function	No	Tasks	Decision Level			Monitoring by
			1	2	3	
Staffing	22	Principal appointment (selection panel) and suspension/ dismissal	X			
	23	Senior leader appointments / suspension/dismissal			X	2
	24	Appoint other teachers			X	3
	25	Appoint non-teaching staff			X	3
	26	Agree HR policies including pay policy	X	X	C	2
	27	Establish disciplinary/capability procedures	X	C	C	2
	28	Formulate a Performance Management Policy	X	C	C	2
	29	Implement the Performance Management policy for staff other than Principal			X	2
	30	Review annually the performance management policy	X	C	C	1
	31	To appoint the subcommittee to have the responsibility of performance management of the Principal with independent external input	X			1
Educational performance oversight	32	Ensure National Curriculum (NC) or suitably challenging curriculum taught to all pupils and to consider any disapplication for pupil(s)			X	2
	33	Establish and implement a curriculum policy, including resources and examination boards			X	2
	34	Monitor curriculum policy		X		1
	35	Responsibility for standards of education	X		C	1
	36	Responsibility for individual child's education			X	2
	37	Provision of sex education – to establish and keep up to date a written policy	X	C	C	2
	38	Prohibit political indoctrination and ensuring the balanced treatment of political issues, including support for 'British Values'.	X	C	C	2
	39	Approve examination policies	X	C	C	2
	40	Agree targets for pupil achievement	X	C	C	2
	41	Approve targets for pupil achievement and establish, publish and monitor KPIs	X	C	C	1

Key Function	No	Tasks	Decision Level			Monitoring by
			1	2	3	
	42	Responsibility for ensuring provision of RE	X		C	2
	43	Responsibility for sex and relationship education			X	2
Discipline/	44	Establish a student discipline policy	X	C	C	2
	45	Decision to exclude			X	2
Exclusions	46	Report on exclusions/ confirmation of permanent exclusion or fixed term exclusion where pupil is excluded for more than 15 days in total in a term or would lose the opportunity to sit a public exam (maybe delegated to subcommittee)			X	2
	47	Appeal against permanent exclusion- LEA			X	
Admissions	48	Establish an admissions policy	X	C	C	1
	49	At least annually, review admissions policy	X		C	1
	50	Admissions application decisions			X	2
	51	Appeal against LA directions to admit pupil(s)			X	2
Risk	52	Develop a risk strategy and risk register	X	C	C	1
	53	Monitor risk register	X	X	C	1
	54	Ensure buildings and liability insurances and/or the Department for Education's Risk Protection Arrangement is in place			X	2
	55	Determine data protection / data security arrangements	X	C	C	2
	56	Develop a school buildings strategy or master plan	X		C	1
and	57	Refurbish and maintain buildings, including developing properly funded maintenance plan		X	C	2
	58	Institute a Health and Safety Policy	X	C	C	1
safeguarding	59	Monitor and ensure the application of the Health and Safety Policy i.e. health and safety regulations are followed			X	2
	60	Institute a Safeguarding Policy	X	C	C	1
	61	Ensure that health and safety regulations are followed			X	2

Key Function	No	Tasks	Decision Level			Monitoring by
			1	2	3	
School Organisation	62	Publish proposals to change category of school	X		C	
	63	Proposal to alter the character of the Academy day	X		C	
	64	Set the times of school sessions and the dates of school terms and holidays	X		C	2
	65	Ensure that the school meets for 380 sessions in a school year			X	2
Attendance and	66	Establish a Policy for Attendance and Leave of Absence including standardised procedures, letters and protocols	X	C	C	
Absence	67	Ensure that school lunch nutritional standards are met where provided by the GAT			X	2
Information For Parents	68	Prepare & publish information for parents including school prospectus if applicable.		C	X	
and stakeholders	69	Ensure provision of free school meals to those pupils meeting the criteria			X	2
	70	Adopt and review home-school agreements		X	C	2
	71	Develop school website			X	2

## **APPENDIX 2**

### **RESPONSIBILITIES THAT CANNOT BE DELEGATED**

- Change the Constitution of the Governing Body
- Decide on a change of school category
- Apply to change the governing documents
- Elect or remove the Chair or Vice Chair of the Governing Body
- Establish committees
- Delegate functions
- Appoint auditors
- Co-opt persons on to the Governing Body
- Suspend Governors.

### **RESPONSIBILITIES THE GOVERNING BODY HAS DECIDED NOT TO DELEGATE**

- Agree any general principles on pupil discipline
  - Decide any changes in the times of school sessions and dates of terms and holidays
  - Appoint a Principal
  - Approve the budget
  - Ensure that a broad and balanced curriculum is implemented and targets set as required  
Ensure balance in the presentation of political issues in the curriculum
  - Approve the statutory Governors' Report and Accounts.
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