



# SCHEME OF DELEGATION

This document outlines the Education Learning Trust Board Scheme of Delegation, which is the key document defining the lines of responsibility and accountability in the ELT. The Scheme of Delegation ensures that the members, trustees, board committees, cluster and / or academy governing bodies, executive leadership and Heads of School are all clear about their roles and responsibilities.

October 2018

## VERSION HISTORY

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18.10.18	1.0	Updated Scheme of Delegation from Browne Jacobson reviewed and adopted by Trust Board	J Evans

Michelle Murray, Executive Principal / CEO

Date: 18 October 2018

James Evans, Chair of Trustees

Date: 18 October 2018



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## Introduction

The Education Learning Trust's (ELT) board of trustees is accountable in law for all major decisions about their academies. However, this does not mean that the board is required to carry out all the trust's governance functions and many can and should be delegated, including to the CEO, the board's committees, and to academy governing bodies. It is vital that the decision to delegate a function is made by the full board of trustees and is recorded. Without such delegation, the individual or committee has no power to act.

Which functions the board decides to delegate will vary depending upon the stage of development of the MAT, both in terms of the number of schools and the number of pupils in the MAT, and the way in which its leadership is structured, as well as the geographical spread and the context of the schools. As a general rule, as the MAT grows, the more likely the need will be to delegate to regional or cluster committees as well as to academy governing bodies.

This Scheme of Delegation (SoD) is the key document defining the lines of responsibility and accountability in the ELT. It offers a simple yet systematic way of ensuring that the members, trustees, board committees, cluster and/or academy governing bodies, executive leadership and Heads of School are all clear about their roles and responsibilities. This overarching SoD for all decision making in the trust should not be confused with the written scheme of delegation of financial powers referred to in the Academies Financial Handbook.

This SoD must be published on the Trust and its schools' websites.

## The Status of a Scheme of Delegation (SoD)

Some governing bodies join MATs assuming that they will continue to function as they did when the governing body of a maintained school. However, even if on joining they are known as the academy governing body (AGB), this body will in fact be a committee appointed by the board, and the board has the power to appoint and remove committees at any time, be it a board committee, a cluster committee, or an academy governing body.

AGB functions are likely to be different to those of the maintained school governing body, and in some cases may be much reduced. This SoD will prevent confusion from arising before any misunderstanding develops and leads to a loss of trust and damaged working relationships.

## **Format, Structure and Clarity**

This SoD aims to clarify decision making and lines of accountability in a simple, succinct and clear format and includes:

- A structure diagram which shows the layers of governance and lines of accountability
- A short paragraph of text which describes the structure
- Detailed narrative on roles and responsibilities
- A grid format, with columns for each layer of governance which enables stakeholders to quickly determine who is responsible for each strategic decision within the trust.

The SoD does not use overly complicated legal terminology. Instead it is intended to be a working document that the trust board and executive leaders can revise and adapt in response to their context and circumstances.

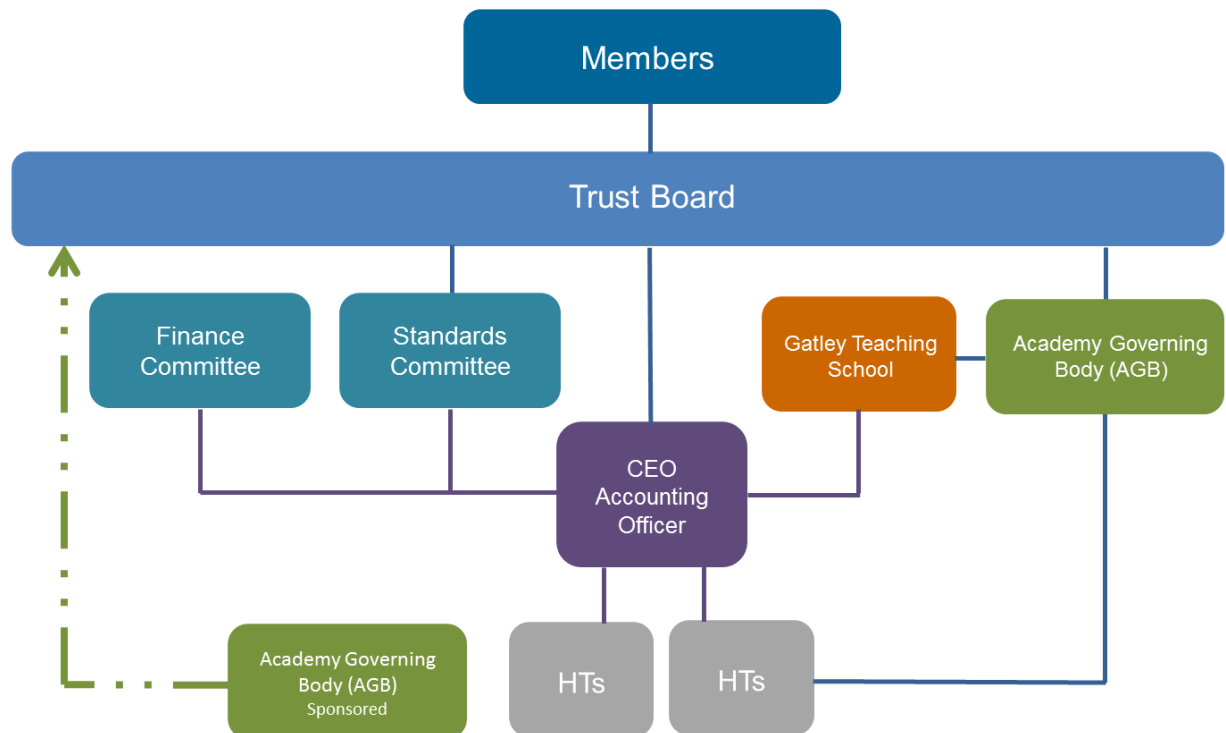
## **Review and Adapt**

As the ELT matures and grows, the workings of the MAT, both in terms of governance and management are likely to change. The SoD will be reviewed annually, with changes made as the context changes, if necessary each year. This is not a failure, but recognition of the need to be responsive to changing circumstances and to adapt accordingly. It is, however, important to ensure that all involved in governance are made aware of any changes and what these mean in practice.

## **An Effective Scheme of Delegation will:**

- Promote a culture of honesty and accountability
- Ensure the executive leadership is clear about which decisions the trust board remain in control of
- Identify responsibility for the appointment and performance management of the CEO / Executive Principal and Heads of School
- Ensure that the role of the executive leadership is fully understood throughout the MAT
- Identify responsibility for policy and practice in each academy
- Identify responsibility for oversight of educational performance in each academy

- Identify responsibility for oversight of each academy's budget
- Identify responsibility for assessment of risk in each academy



## Governance Structure and Lines of Accountability

- The board of trustees is responsible for the three core governance functions.
- The board of trustees appoint the chief executive officer (CEO), to whom it delegates responsibility for delivery of its vision and strategy, and will hold the CEO to account for the conduct and performance of the trust, including the performance of the academies within the trust, and for its financial management.
- In turn, the CEO line manages other senior executives and Heads of School, except where there are executive principles who will line manage the Heads of School, setting their targets and performance managing them.
- The board constitutes committees for finance and standards; these look in detail at resources and progress and attainment across the trust. As board committees, at least three trustees must sit on each.
- The board delegates some of its school level monitoring and scrutinising functions to AGBs. Trustees do not need to sit on these committees, and so lines of communication to the board of trustees must be clearly established. It is usual for

the CEO to seek input from the chair of the AGB when undertaking the Head of School's performance management.

- As the Headteachers/Head of School is being line managed by the CEO, the AGB does not carry out the governance function of holding the Head of School to account. However, the AGB must be confident that the trust's performance management systems are working well, and if not, how they can make the trust aware of their concerns. This arrangement will also affect the AGB's role in Ofsted inspections.

## **Roles and Responsibilities**

### **The role of the Members**

The members of the trust are guardians of the governance of the trust and as such have a different status to trustees. Originally, they will have been the signatories to the memorandum of association and will have agreed the trust's first articles of association (the legal document which outlines the governance structure and how the trust will operate). The articles of association describe how members are recruited and replaced, and how many of the trustees the members can appoint to the trust board. The members appoint trustees to ensure that the trust's charitable object is carried out and so must be able 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.

There must be at least three members, although the DfE prefer at least five, and 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 ELT currently has provision for 5 Members, with one Member also being a Trustee. Members are not permitted to be employees of the academy trust.

### **The role of the Trustees**

The MAT 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. Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably. The ELT uses the term trustee as it avoids the possible confusion caused when executive leaders are called directors but are neither company directors nor trustees.

The trustees are responsible for the general control and management of the administration of the trust, and in accordance with the provisions set out in the memorandum and articles of association and its funding agreement, it is legally responsible and accountable for all statutory functions, for the performance of all schools within the trust, and must approve a written scheme of delegation of financial powers that maintains robust internal control arrangements. In addition it must carry out the three core governance functions:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the executive to account for the educational performance of the trust's schools and their pupils, and the performance management of staff
3. Oversee the financial performance of the trust and make sure its money is well spent

The board of trustees has the right to review and adapt its governance structure at any time which includes removing delegation.

### The role of Board Committees

The trustees may establish committees to carry out some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the trust board. The membership (there must be at least three trustees) and responsibilities of board committees are set out in the committee's terms of reference. It is usual for the trust board to appoint board committee chairs and committee members according to their skills.

The Academies Financial Handbook 2018 makes it clear that the board of trustees 'should have a finance committee to which the board delegates financial scrutiny and oversight'. In trusts with income above a certain level, there must also be a separate audit committee.

### The role of the Chief Executive Officer (CEO)

The CEO has the delegated responsibility for the operation of the trust including the performance of the trust's academies and so the CEO cannot performance manage both Executive Principals and Heads of School. As there is the delegation of some governance functions to AGBs, this is usually with the AGB chair alongside.

The CEO 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 CEO leads the executive management team of the academy trust. The CEO will delegate executive management functions to the executive management team and is accountable to the trust board for the performance of the executive management team.

### The role of the Cluster Committees (currently not used within the ELT)

The trustees may establish cluster committees to carry out some of its school level governance functions, although as trustees are not required to sit on cluster committees, decision making is limited. The trustees will appoint the chair.

- Typically, delegated functions may include:
- Building an understanding of how the cluster's schools are led and managed
- Monitoring whether the schools are:
  - Working within agreed policies
  - Is meeting their agreed targets
  - Managing their finances well
- Engaging with stakeholders
- Being a point of consultation and representation
- Reporting to the board

As a committee of the board, delegation can be removed at any time.

### The role of Academy Governing Bodies

The trustees may establish Academy Governing Bodies (AGBs) to carry out some of its school level governance functions, although as trustees are not required to sit on academy committees, decision-making is limited. The trustees will appoint the chair, and ensure that two parents are elected to the AGB.

Typically, delegated functions may include:

- Building an understanding of how the school is led and managed
- Monitoring whether the schools is:
  - Working within agreed policies
  - Meeting their agreed targets
  - Managing their finances well
- Engaging with stakeholders
- Being a point of consultation and representation
- Reporting to the board

As a committee of the board, delegation can be removed at any time.



# Education Learning Trust - MAT Scheme of Delegation - Reviewed by Trust Board on 18 October

2018

- Responsible** means **Responsible**. The individual/group that has responsibility for undertaking or completing the task delegated to them and reporting on its delivery at suitable intervals. In the case of the CEO, this reporting will be at Board level. In the case of the Principal/Head, this will be at Academy LGB level.
- Accountable** means **Accountable**. The individual/group that has the ultimate or final responsibility for ensuring completion of the task. This will include determining how the Trust and/or Academies (as appropriate) should undertake the task including determining appropriate milestones and targets to be reported against.
- Supports** means **Support**. The individual/group who should provide support during the implementation of the task.
- Consulted** means **Consult**. The individual/group that should be consulted as part of the process of the completing the task because they can provide valuable advice and/or input.
- Informed** means **Inform**. The individual/group that should be kept up-to-date about the progress of the task and/or the decisions in the task.

		Role			
		Trustees	CEO	LGB	Principal/Head
Strategy and Leadership					
Strategy	Set strategic objectives of the Trust	A/R	S	S	C
	Set strategic objectives of the Academies	A	S	R	S
	Develop the character, mission & ethos of the Trust	A/R	S	C	C

	Develop the character, mission & ethos of the Academies	A	S	R	S
Scrutiny	Scrutiny: Performance – review & challenge progress of the Trust against its strategic objectives and KPIs	A	R	C	S
	Scrutiny: Ethos – operation of the Trust & Academies against the agreed character, mission & ethos	A	R	C	S
Compliance	Compliance: Funding Agreement – comply with all obligations including the Academies Financial Handbook	A	R	S	R
	Compliance: Regulatory – with all regulations affecting the Trust (including all charity law, company law, GDPR, employment law and health and safety)	A	S	R	S
	Compliance: Financial Oversight - ensuring that there are appropriate financial controls so that there is regularity, probity and value for money in relation to the management of public funds	A	R	S	S
	Compliance – completing the register of business interests and put in place a procedure to deal with any conflicts of interest and connected party transactions	A	R	R	S
Registers	Register of Interests	A/R		A/R	

	Trust Risk Register	A	R	S	S
Appointments	Appointment and removal of Trustees– ensuring processes in place for appointment and removal of trustees (including ensuring that the Trustees have the skills to run the Trust)	A/R	S		
	Appointments of Governors – ensuring processes in place for appointment of governors (including ensuring that the Governors have the skills to run the Academies)	C		A/R	S
	Appointment of Clerk – Board	A/R	S		
	Appointment of Clerk – Governing Body	C	C	A/R	S
Policies	Review and approval of Trust Wide Policies (including admissions, DBS, charging and remissions policies, health & safety and safeguarding)	A	R	C/S	S
Committee Delegations	Prepare terms of reference for LGB's and Committees	A/R	S	C	C
Training	Training programme for trustees	A/R	S		

	Training programme for governors	C		A/R	S
Education and Leadership					
Academy Performance	Academy Development Plan - for each Academy in line with strategic aims of the Trust	A	R	C	S
	Key Performance Indicators – setting and reviewing performance of the Trust & the Academies	A/R	S	C	I
	Quality of Teaching - ensuring appropriate levels of support, challenge and intervention to support delivery of education outcomes	A/R	S	C	C
	Curriculum – setting the curriculum for the Academies and reviewing its effectiveness	A	S	R	S
Student Issues	Student issues (including attendance, exclusions, punctuality and disciplinary matters for each Academy)	C	C	A	R
	Ensure school lunch provided to appropriate nutritional standards		S	A	R
Safeguarding	Ensuring each academy has appointed a designated safeguarding lead, ensuring compliance with statutory guidance and maintenance of single central record	A	S	R	S

<p>Stakeholder Engagement</p>	<p>Promoting partnership working between parents/carers and the Academies (including undertaking consultation with students, parents/carers and other stakeholders and ensuring that such feedback is used to support the development of best practice and to promote the quality of the overall student experience)</p>	A	S	R	S
<p>Academy Calender and Opening Hours</p>	<p>Setting term dates</p>	A	S	R	S
	<p>Academy Hours -setting the opening and closing times for the Academies</p>	A	S	C	R
<p>Admissions</p>	<p>Set admissions policy</p>	A/R	S	I	I
	<p>Admissions Decisions</p>	C	I	R	S
<p>Ofsted</p>	<p>Ofsted Inspections Trust Support:  (1) Board will liaise with Ofsted where MAT is inspected and will assist with an Academy inspection.  (2) CEO will ensure Trust is prepared for inspection and manage the process from a Trust perspective where the impact of the Trust is under review  (3) CEO will support LGBs and Principals/Headteachers for individual Academy inspections</p>	A/R	S	I	I

	Ofsted	Inspections:	Academy	Level	A	S	R	R
Financial								
Appointments	Appointment of Audit and Risk Committee				A	S	R	R
	Appointment of Accounting Officer and Chief Financial Officer				A/R			
	Recommend appointment of External Auditors to Members				A/R	S		
	Appointment of Internal Auditors				A/R	S		
Funding Model and Budget	Agreeing a funding model across the Trust and develop an individual funding model for the Academies) so as to the secure the Trust's financial health in the short term and the long term				A/R	S	R	R
	Formulating and setting the Trust wide budget				A/R			
	Formulating and determining the proportion of the overall budget to be delegated to each Academy (including uses of contingency funds/ balances)				A/R	S		
	Expenditure and ensuring delivery of Annual Budgets				A/R	S		
Financial Delegation	Establishing of policies and procedures to ensure compliance with the Trust's financial and reporting requirements				A/R	S	C	S
Investments	Agreeing the investment policy in line with the Academies Financial Handbook and the Scheme of Financial Delegation				A	R		
HR and Operations								
Appointments	Appointment of CEO				A/R			

	Appointment of Principals/ Heads at each Academy	A	R	C	
	Appointment of cross-Trust staff (in line with recruitment policy)	A	R	C	
	Appointment of Academy SLT (excluding Headteacher)		S	A	R
	Appointment of Data Protection Officer	A/R	S		
Dismissals	Dismissing CEO (in accordance with the Trust disciplinary and capability policies)	A/R		I	
	Dismissing cross Trust Staff (in accordance with the Trust disciplinary and capability policies)	I	A/R	C	
	Dismissing Headteachers (in accordance with the Trust disciplinary and capability policies)	A	R	S	
	Dismissing all other staff (in accordance with the Trust disciplinary and capability policies)		S	A	R
	Excluding SLT and Principal/ Head)			A	R
Policies and Terms & Conditions	Establishing Trust wide HR Policies (including recruitment , discipline, capability, grievance and absence policies) in accordance with all appropriate regulations	A	R	C	
	Setting Terms and Conditions of Employment and Staff Handbook	A	R	I	I
	Setting Appraisal Performance Management Policy together with pay reviews (in line with the Trust's pay policy and all statutory regulations)	A	R	C	S
	Reviewing discipline and grievance policy	A/R	R	S	I
Procurement	Setting trust wide procurement policies (for suppliers including auditors, HR and payroll providers and solicitors) in accordance with the Funding Agreement, Academies Financial Handbook and the Trust's procurement policy	A	R	R	I

	Setting academy specific procurement policies - in accordance with the Funding Agreement, Academies Financial Handbook and the Trust's procurement policy		C	A	R
	Enter into contracts – up to limit of delegation set out in Scheme of Financial Delegation		C	A	R
Central Services	Determining and allocating central services provided to the Academies by the Trust	A	R	C	I
	Overseeing the effectiveness of services provided centrally by the Trust	A	R	C	C
	Arranging insurance for the Trust	A	R		
Premises and Assets	Acquiring and disposing of Trust land	A	R	C	
	Changing use of Assets	A	R	C	
	Asset and Premises Maintenance Strategy – determining use of Academies' premises and ensuring premises are adequately maintained	S	A	C	I
Media and PR	Media and PR - overseeing public relations activities to project the activities of the Trust and the Academies to the wider community	A	R	S	S
	Information management – including adopting and following policies for information security and compliance with FoI and DPA legislation and maintaining accurate records (staff, student)	A	R	S	S