

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.

June 2017

VERSION HISTORY

Date	Document Version	Document Revision History	Document Author / Reviser
00.06.2017	1.0	Scheme of Delegation reviewed by Trust Board.	S Foster

Michelle Murray, Executive Principal / CEO

Date: June 2017

Stuart Foster, Chair of Trustees

Date: June 2017



Hawthorn Road | Gatley | Cheadle | Stockport | SK8 4NB

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. As an approved sponsor, the ELT will use a mixed model of delegation, so delegated responsibilities may vary between schools in the Trust.

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

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 grid is in four key areas to reflect both the governance framework and the three core functions of the governing board:
 1. The governance framework:
 - a. People
 - b. Systems and structures
 - c. Reporting
 2. Being strategic
 3. Holding to account
 4. Ensuring financial probity

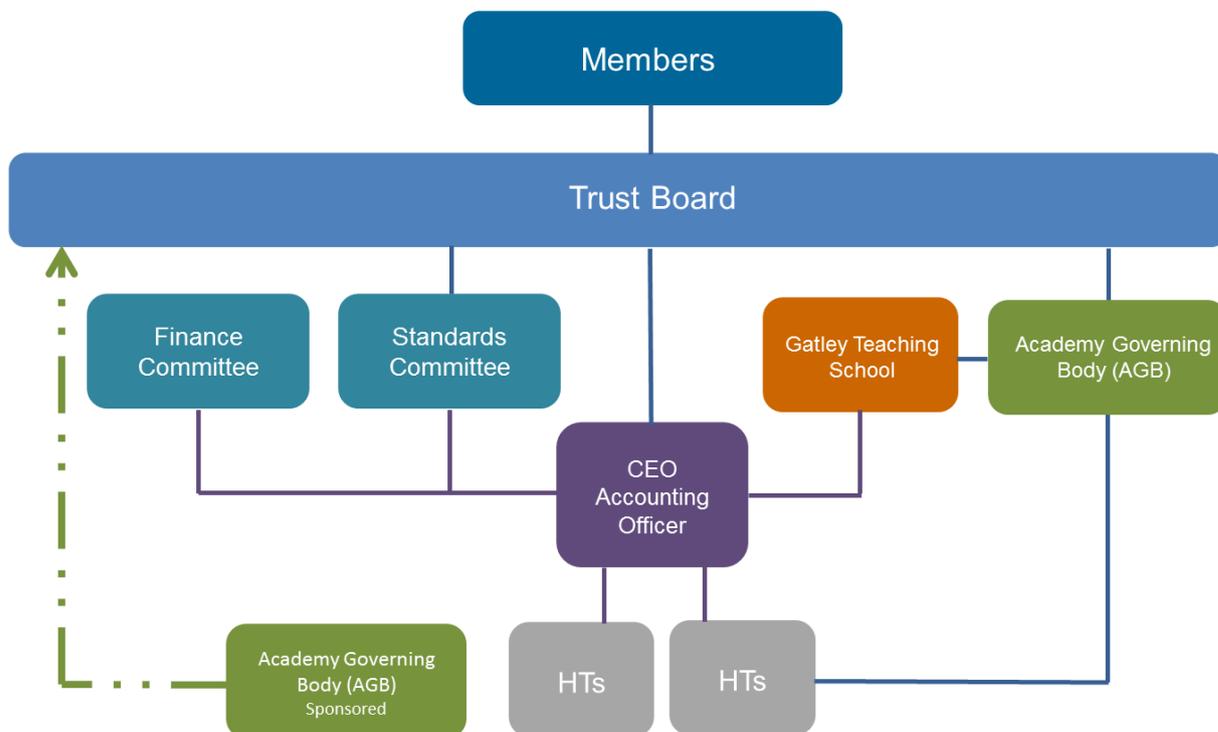
The SoD does not use overly complicated legal terminology. Instead it is intended to be a working document that the trust board and executive leaders can revise and adapt in response to their context and circumstances.

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 (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 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 2016 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 the Academy Governing Bodies

The trustees may establish 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.

Delegation grid 1 – Academy Governing Bodies	
Key	
Column 1: Members	
Column 2: Board of trustees of the multi academy trust	
Column 3: Trust board finance committee	
Column 4: Trust board standards committee	
Column 5: Chief executive officer	
Column 6: Academy Governing Body	
Column 7: Headteacher/Head of School	
Blue box	Function cannot be legally carried out at this level.
✓	Action to be undertaken at this level
✓	Action to be undertaken at this level
A	Provide advice and support to those accountable for decision-making
↔	Direction of advice and support

Delegation grid 2 – Academy Governing Bodies (Sponsored)	
Key	
Column 1: Members	

Column 2: Board of trustees of the multi academy trust

Column 3: Trust board finance committee

Column 4: Trust board standards committee

Column 5: Chief executive officer

Column 6: Academy Governing Body

Column 7: Headteacher/Head of School

Blue box Function **cannot** be legally carried out at this level.

✓ Action to be undertaken at this level

✓ Action to be undertaken at this level

A Provide advice and support to those accountable for decision-making

<> Direction of advice and support

The role of the Head of School/Headteacher

The academy Head of School is responsible for the day to day management of the academy and is managed by the Executive Principal / Chief Executive Officer but reports to the AGB on matters which have been delegated to it which may include an element of monitoring and scrutiny of the school's management processes.

Delegation Grid 1: Academy Governing Body

Area		Decision	Delegation					
			Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)
Governance framework								
People	Members: Appoint / Remove	✓						
	Trustees: Appoint / Remove	✓	✓					
	Role descriptions for members	✓						
	Role descriptions for trustees / chair / specific roles / committee / AGB members: agree		✓			<A		
	Parent trustee / AGB member: elected		✓				✓	
	Board committee chairs: appoint and remove		✓	✓	✓	<A		
	AGB chairs: appoint and remove		✓			<A		
	Clerk to board: appoint and remove		✓					
	Clerk to AGB: appoint and remove		✓				✓	
Systems and structures	Articles of association: review and agree	✓	<A			<A		
	Governance structure (committees) for the trust: establish and review annually		✓			<A		
	Terms of reference for board committees and scheme of delegation for AGBs: agree annually		✓			<A		
	Skills audit: complete and recruit to fill gaps		✓			<A>	✓	A
	Annual self-review of trust board and committees: complete annually		✓					
	Annual self-review of AGBs: complete annually						✓	
	Chair's performance: carry out 360 review periodically		✓				✓	

Delegation Grid 1: Academy Governing Body								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Systems and structures	Trustee / AGB member contribution: review annually		✓				✓	
	Succession: plan		✓			<A>	✓	A
	Annual schedule of business for trust board: agree		✓	✓	✓	<A		
	Annual schedule of business for AGB: agree					A>	✓	A
Reporting								
Reporting	Publication on trust and schools' websites of all required details on governance arrangements: ensure		✓			<A	✓	A
	Annual report on performance of the trust: submit to members and publish		✓			<A		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	<A		<A		
	Annual report work of AGB: submit to trust and publish						✓	A
Being Strategic								
Being Strategic	Determine trust wide policies which reflect the trust's ethos and values (facilitating discussions with unions where appropriate) including: admissions; charging and remissions; complaints; expenses; health and safety, premises management; data protection and FOI; staffing policies including capability, discipline, conduct and grievance: approve		✓	✓	✓	<A		

Delegation Grid 1: Academy Governing Body								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Being Strategic	Determine school level policies which reflect the school's ethos and values to include e.g. admissions; SEND; safeguarding and child protection; curriculum; behaviour: approve		✓		✓	A>	✓	A
	Central spend / top slice: agree		✓	<A		<A		
	Management of risk: establish register, review and monitor		✓	<A	<A	<A>	✓	A
	Engagement with stakeholders	✓	✓	✓	✓	✓	✓	✓
	Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		✓			<A		
	Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		✓			A>	A	✓
	Chief executive officer: appoint and dismiss		✓					
	Academy principal : appoint and dismiss					✓	<A	
	Budget plan to support delivery of trust key priorities: agree		✓	<A		<A		
	Budget plan to support delivery of school key priorities: agree					✓		A
	Trust's staffing structure: agree		✓	<A	<A	<A		
	School staffing structure: agree					✓		A

Delegation Grid 1: Academy Governing Body								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Holding to account								
Holding to account	Auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment): agree		✓	✓	✓	<A>	✓	A
	Reporting arrangements for progress on key priorities: agree		✓	<A>	<A>	<A>	✓	A
	Performance management of the Chief Executive Officer: undertake		✓					
	Performance management of academy Head of School: undertake					✓	A	
	Trustee monitoring: agree arrangements		✓			<A>		
	AGB member monitoring: agree arrangements						✓	A
	AGB overall performance monitoring: agree arrangements		✓			<A>		
Ensuring financial probity								
Ensuring financial probity	Appoint Chief financial officer for delivery of trusts detailed accounting processes		✓	<A>		<A>		
	Trust's scheme of financial delegation: establish and review		✓	✓		<A>		
	School's scheme of financial delegation: establish and review			✓		<A>		
	External auditors' report: receive and respond		✓	<A>		<A>	✓	A
	Chief Executive Officer pay award: agree		✓					
	Academy Head of School pay award: agree					✓	A	
	Staff appraisal procedure and pay progression: review and agree		✓			✓		

Delegation Grid 1: Academy Governing Body

Area		Decision	Delegation						
			Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
		Benchmarking and trust wide value for money: ensure robustness			✓		<A		
		Benchmarking and academy value for money: ensure robustness						✓	A
		Develop trust wide procurement strategies and efficiency savings programme					✓		
		Review and approve trust wide procurement strategies and efficiency savings programme			✓				

Delegation Grid 2: Academy Governing Body (sponsored)								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Governance framework								
People	Members: Appoint / Remove	✓						
	Trustees: Appoint / Remove	✓	✓					
	Role descriptions for members	✓						
	Role descriptions for trustees / chair / specific roles / committee / AGB members: agree		✓			<A		
	Parent trustee / committee / AGB member: elected		✓				✓	
	Board committee chairs: appoint and remove		✓	✓	✓	<A		
	Academy committee / AGB chairs: appoint and remove		✓			<A		
	Clerk to board: appoint and remove		✓					
	Clerk to academy committee / AGB: appoint and remove		✓					✓
Systems and structures	Articles of association: review and agree	✓	<A			<A		
	Governance structure (committees) for the trust: establish and review annually		✓			<A		
	Terms of reference for board committees and scheme of delegation for academy AGBs: agree annually		✓			<A		
	Skills audit: complete and recruit to fill gaps		✓			<A>	✓	A
	Annual self-review of trust board and AGBs: complete annually		✓					
	Annual self-review of AGBs: complete annually						✓	

Delegation Grid 2: Academy Governing Body (sponsored)								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Systems and structures	Chair's performance: carry out 360 review periodically		✓				✓	
	Trustee / AGB member contribution: review annually		✓				✓	
	Succession: plan		✓			<A>	✓	A
	Annual schedule of business: agree		✓	✓	✓	<A		
	Annual schedule of business for AGB: agree					A>	✓	A
Reporting								
Reporting	Publication on trust and schools' websites of all required details on governance arrangements: ensure		✓	✓	✓	<A		
	Annual report on performance of the trust: submit to members and publish		✓			<A		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	<A		<A		
	Annual report on work of AGB: submit to trust and publish						✓	A
Being Strategic								
Being Strategic	Determine trust wide policies which reflect the trust's ethos and values (facilitating discussions with unions where appropriate) including: admissions; charging and remissions; complaints; expenses; H&S, premises management; data protection and FOI; staffing policies including capability, discipline, conduct and grievance: approve		✓	✓	✓	<A		

Delegation Grid 2: Academy Governing Body (sponsored)								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Being Strategic	Determine school level policies which reflect the school's ethos and values to include e.g. admissions; SEND; safeguarding and child protection; curriculum; behaviour: approve				✓	A>		✓
	Central spend / top slice: agree		✓	<A		<A		
	Management of risk: establish register, review and monitor		✓	<A	<A	<A>		✓
	Engagement with stakeholders	✓	✓	✓	✓	✓	✓	✓
	Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		✓			<A		
	Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine					A>		✓
	Chief executive officer: appoint and dismiss		✓					
	Academy Head of School : appoint and dismiss					✓		
	Budget plan to support delivery of trust key priorities: agree		✓	<A		<A		
	Budget plan to support delivery of school key priorities: agree					✓	A	A
	Trust's staffing structure: agree		✓	<A		<A		
	School staffing structure: agree					✓		A

Delegation Grid 2: Academy Governing Body (sponsored)								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Holding to account								
Holding to account	Auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment): agree		✓	✓	✓	<A		
	Reporting arrangements for progress on key priorities: agree		✓	<A	<A	✓		
	Performance management of the Chief Executive Officer: undertake		✓					
	Performance management of academy Head of School: undertake					✓		
	Trustee monitoring: agree arrangements		✓			<A		
	AGB member monitoring: agree arrangements						✓	
	AGB overall performance monitoring: agree arrangements		✓			<A		
Ensuring financial probity								
Ensuring financial probity	Chief financial officer for delivery of trusts detailed accounting processes: appoint		✓	<A		<A		
	Trust's scheme of financial delegation: establish and review		✓	✓		<A		
	School's scheme of financial delegation: establish and review			✓		<A>		✓
	External auditors' report: receive and respond		✓	<A		<A>		✓
	Chief Executive Officer pay award: agree		✓					

Delegation Grid 2: Academy Governing Body (sponsored)								
Area	Decision	Delegation						
		Members	Trust Board	Trust Board Finance Committee	Trust Board Standards Committee	Executive Principal / CEO	Academy Governing Body (AGB)	Academy Head of School
Ensuring financial probity	Academy Head of School pay award: agree					✓		
	Staff appraisal procedure and pay progression: review and agree		✓			A>		✓
	Benchmarking and trust wide value for money: ensure robustness			✓				
	Benchmarking and academy value for money: ensure robustness							✓
	Develop trust wide procurement strategies and efficiency savings programme					✓		
	Review and approve trust wide procurement strategies and efficiency savings programme			✓				