

Federation of Abbey Schools Academy Trust
Scheme of Delegation

Last reviewed by the Board: 30th January 2023

Scheme of Delegation

Introduction

An academy trust's 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. Many decisions can be delegated to the head teacher, the board, sub-committees and individual trustees (Directors). It is vital that the decision to delegate a function is made by the full board and is recorded. Without such formal delegation, the individual or committee has no power to act.

Once determined the scheme of delegation must be published on the trust's website.

The purpose of scheme of delegation

A scheme of delegation (SoD) is the key document defining which functions have been delegated and to whom. It should be a simple yet systematic way of ensuring members, trustees, committees and individuals are clear about who has responsibility for making which decisions in the trust. 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 Academies Financial Handbook.

Deciding what to retain at trustee level and what to delegate will vary from trust to trust. The detail will not be set out in the articles of association, the academy trusts governing document. This is why it is critical that the academy trust agree a SoD that explicitly establishes who makes which decisions, and ensures this is clear to all. 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.

Format, structure and clarity

While schemes will vary from trust to trust depending on whether they are a single academy trust, a small Multi-academy trust (MAT), a medium MAT or large MAT covering a wider geographical area, there are basic principles to follow. It should clarify decision making and lines of accountability in a simple, succinct and clear format and as such each model includes:

- A structure diagram which shows the layers of governance and reporting structures
- A short paragraph of text which outlines the structure
- Details on roles and responsibilities
- A grid format, with columns for each layer of governance which enables stakeholders to quickly determine who has the power to take which decisions 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

You will note that the SoD does not use overly complicated legal terminology. Instead it is intended to be working documents that the trust board and executive leaders should be able to revise and adapt in response to their context and circumstances.

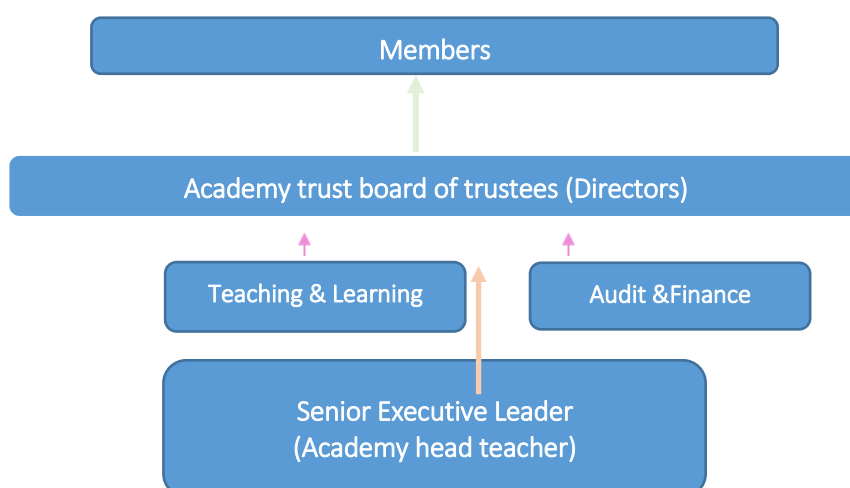
Review and adapt

The SoD should be reviewed annually, with revisions 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 will:

- Ensure the school leadership is clear about which decisions the trust board remain in control of
- Ensure that the role of the head teacher is fully understood
- Promote a culture of honesty and accountability
- Identify responsibility for the appointment and performance management of the head teacher
- Identify responsibility for policy and practice in the academy
- Identify responsibility for oversight of the academy's budget
- Identify responsibility for assessment of risk in the academy
- Identify responsibility for oversight of educational performance in the academy

Federation of Abbey School Academy Trust Structure:



Governance structure and lines of accountability

The academy trust board delegate responsibility for the day to day running of the academy to the head teacher. The board will hold the head teacher to account for the performance of the academy. The head teacher in turn holds other members of the senior leadership team to account by line managing them. While the board cannot ever delegate its accountability, it can delegate some of the detailed scrutiny, oversight and decision making.

The head teacher will report to the board on the performance of the academy, although this will be supplemented by the monitoring of trust board sub- committees and individual trustees (Directors) with any delegated responsibilities.

The head teacher is performance managed by the trust board.

Roles and responsibilities

The role of the Members

The Members of the trust have a different status to trustees (Directors). Originally they will have been the signatories to the memorandum of association and will have agreed the trust's first articles of association (a document which outlines the governance structure and how the trust will operate). The articles of association will also describe how Members are recruited and replaced, and how many of the trustees (Directors) the Members can appoint to the trust board. The Members appoint trustees (Directors) 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.

While Members are permitted to be appointed as trustees (Directors), in order to retain a significant degree of separation of powers between the Members and the trust board, and in line with the DfE's strong preference the majority of Members should be independent of the board of trustees. The DfE

has amended the model articles to state that Members are not permitted to be employees of the academy trust.

The role of the trustees (Directors)

The academy 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. Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably.

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 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 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 sub - 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 sub- committees are set out in their 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 makes it clear that the trust must establish an audit committee or combine it with another committee, appointed by the Board. The Federation of Abbey School's is a combined Audit & Finance Committee.

The role of the senior executive leader (Head Teacher)

The head teacher has the delegated responsibility for the operation of the trust.

The head teacher 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 head teacher leads the senior leadership team (SLT) of the academy trust. The head teacher will delegate management functions to the SLT and is accountable to the trust board for the performance of the SLT.

Key	
Level 1: Members	
Level 2: Academy trust board of trustees	
Level 3: Board Committee	
Level 4: Individual trustee	
Level 5: Senior executive leader (accounting officer)	
Blue box	Function cannot be carried out 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

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
Governance framework						
People	Members: Appoint/Remove	✓				
	Trustees: Appoint/Remove	✓	✓			
	Role descriptions for members	✓	<A			
	Role descriptions for trustees/chair/specific roles/committee members: agree		✓	<A All committees		
	Parent trustee: elected		✓<A			
	Committee chairs: appoint and remove		✓	<A All Committees		
	Clerk to board: appoint and remove		✓			
Systems and structures	Articles of association: agree and review	✓	<A	<A All Committees		
	Governance structure (committees) for the trust: establish and review annually		✓<A	<A All Committees		
	Terms of reference for trust committees (including audit & scheme of delegation): agree annually		✓	<A All Committees		
	Skills audit: complete and recruit to fill gaps		✓			

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	Annual self review of trust board and committee performance (including Chair and Trustees' performance and contribution.) : complete annually		✓		✓	
	Succession: plan		✓	<A All Committees		
	Annual schedule of business for trust board: agree		✓	<A All Committees		<A
Reporting						
Reporting	Trust governance details on trust website: ensure		✓	<A All Committees	<A	<A
	Register of all interests, business, pecuniary, loyalty for members/trustees/Senior Leadership: establish and publish		✓	<A All Committees	✓	✓
	Annual report on performance of the trust: submit to members and publish		✓	<A All Committees		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	<A Audit & Finance		
	Annual Summary Report of areas reviewed, key findings and recommendations to be submitted with audited accounts to the EFSA: submit		✓	<A Audit & Finance		

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	To determine whether to publish a home school agreement (not statutory)					✓
	Overall responsibility for ensuring that statutory requirements for information published on the school website, including required details of governance arrangements, performance, financial and equality data are met		✓	<A All Committees	<A	<A
	To publish and update at least annually a SEN information report (meeting requirements set out in the Special Educational Needs and Disability Regulations 2014)		✓			✓
	To monitor income and expenditure termly with the trust board and to monitor monthly expenditure with the head teacher and Chair		✓	✓ Audit & Finance	✓ Chair	✓
Being Strategic						
Being Strategic	Determine and review trust policies which reflect the trust's ethos and values including: admissions; expenses; data protection and FOI; SEN, safeguarding and child protection and curriculum, : approve		✓	<A Teaching & Learning		<A
	Determine and review trust staffing policies which reflect the trust's ethos and values including appraisal, capability, discipline, conduct and grievance: approve		✓	<A Teaching & Learning		<A
	Determine and review trust policy for complaints, health and safety, accessibility plan, premises management, data protection and FOI: approve		✓	<A All Committees		<A
	Establish and review trust policy for sex education, RE, PSHE and collective worship		✓			✓

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
				✓<A Teaching & Learning		
	Determine and review a behaviour and discipline policy that promotes good behaviour among pupils and defines the sanctions to be adopted where pupils misbehave		✓	✓<A Teaching & Learning		<A
	To draft content and review of school behaviour policy and publicise it to staff, students and parents.		✓	✓<A Teaching & Learning		✓
	To annually determine admission arrangements and to carry out consultation where changes are proposed, or where the governing board has not consulted on their arrangements in the last seven years.		✓			
	Ensure a broad and balanced curriculum is in place		✓	<A Teaching & Learning		<A
	To set the times of school sessions and the dates of school terms and holidays		✓			<A
	Agree enrichment/extra-curricular offer including any additional services required to include out of hours care		✓			<A
	Embed agreed curriculum and enrichment offer within the day to day operation of the academy trust			✓ Teaching & Learning		✓

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	To establish and agree a Pay policy		✓	✓ Pay Review		
	Management of risk: establish register, review and monitor (including financial and non-financial risk.)		✓	<A All with Audit & Finance taking main strategic lead	✓	<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 All Committees		<A
	Head teacher: Appoint and dismiss		✓			
	To decide whether to join or form a multi-academy trust		✓			
	Budget plan to support delivery of trust key priorities: agree		✓	<A Audit & Finance		
	Academy staffing structure: agree		✓	<A Audit & Finance		<A
	Appoint teaching staff/non-teaching staff			A>		✓
	Appoint Senior Leadership Team		✓			✓

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
Holding to account						
Holding to account	Auditing and reporting arrangements for matters of compliance (eg safeguarding, H&S, employment): agree		✓	✓<A Audit & Finance	<A	<A
	Programme of Internal Scrutiny (Assurance) of both financial and non-financial controls.		✓	✓<A Audit & Finance		
	To produce and maintain a central record of recruitment and vetting checks (Board to monitor)		✓ (to monitor)			✓
	To have due regard to the need to prevent people from being drawn into terrorism and to oversee the incorporation of the necessary procedures and practices outlined in the <i>Prevent</i> duty into the child protection policy		✓	<A All Committees	<A	<A
	Reporting arrangements for progress on key priorities: agree		✓	✓ All Committees		<A
	Performance management of the Head teacher: undertake		✓	<A ✓ Pay Review		
	Performance management of staff: undertake			✓ Pay Review		✓

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	Establish and review procedures for addressing staff discipline, conduct and grievance		✓			
	Disciplinary Action regarding school staff: Informal Stage				✓ (Chair of Board if is regarding Head Teacher Note: may be an external consultant assisted by Trust's HR if more appropriate)	✓ (or senior member of staff)
	Disciplinary Action regarding school staff: Formal Stage – Disciplinary Hearing Committee		✓ (at least 3 Trustees from the Board of Trustees & assisted by HR Rep)			<A ✓ (to provide advice if appropriate)
	Disciplinary Action regarding school staff:		✓			

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	Formal Stage – Appeals Committee		(no fewer than 3 Trustees not involved in the original decision & assisted by HR Rep)			
	Trustee monitoring: agree arrangements		✓	✓ Teaching & Learning	✓	<A
	To review all permanent exclusions and suspensions where the pupil is either suspended for more than 15 days in a term or would lose the opportunity to sit a public examination.		✓			
	Reviewing a Formal Complaint				✓ (Chair/other trustee if regarding the Head)	✓
	Complaints Review Panel		✓ (2 Trustees and independent person)			
	To ensure that health and safety regulations are followed		✓		✓	✓<A

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	Ensure that school lunch nutritional standards are met		✓			✓
	Maintain and review a register of pupil attendance				✓	✓
	To ensure provision of free meals to those pupils meeting the criteria, including Universal Infant Free School Meals (if applicable)					✓
	Responsible for the standards of teaching		✓	✓ Teaching & Learning		✓
Ensuring financial probity						
Ensuring financial probity	Chief financial officer for delivery of trusts detailed accounting processes: appoint		✓	<A Audit & Finance		
	Trust's scheme of financial delegation: establish and review		✓	✓<A Audit & Finance	<A	<A
	External auditors' report: receive and respond/monitor		✓	<A Audit & Finance		<A
	External Auditors Plan: review		✓	<A Audit & Finance		

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	Re-appointment, retendering and remuneration of External Auditors	✓	✓	<A Audit & Finance		
	Head teacher pay award: agree		✓	✓ Pay Review		
	Staff appraisal procedure and pay progression: monitor and agree		✓	✓<A Pay Review		<A
	Benchmarking and academy trust value for money: ensure robustness		✓	<A Audit & Finance		
	Develop trust procurement strategies and efficiency savings programme			✓ Audit & Finance		
	To approve the first formal budget plan each financial year		✓	<A Audit & Finance		
	To agree annual action plans and monitor how school premiums are spent (i.e. PE and sports premium, Year 7 numeracy and maths catch up premium, service premium and the pupil premium)		✓	✓ Audit & Finance		
	To establish and agree charging and remissions policy		✓	✓ Audit & Finance		

Area	Decision	Delegation				
		Members	Trust Board	Committee	Individual trustee (Director)	Senior Executive Leader (Head Teacher)
	Buildings insurance and personal liability		✓	✓ Audit & Finance		