

# The Active Learning Trust

## SCHEME OF DELEGATION

### 1. Introduction

1.1. This scheme of delegation has been developed to confirm the responsibilities and powers of Trustees and Local Governing Bodies at schools in respect of key aspects of the leadership and management of the Trust and its Academies and to ensure compliance with legal requirements.

1.2. This scheme sits alongside the MAT Financial Controls Manual which covers all financial delegations and the suite of policies through which the Trust operates that further define individual and collective roles and responsibilities. In particular responsibilities are set out in a range of HR policies include roles to be carried out locally on behalf of the Trust board.

1.3. The delegations set out in this scheme are delegated to the specific committees and any individuals unless otherwise directed or agreed by the Board of Trustees.

1.4. Delegations cannot be exercised other than by the designated committee or individual unless otherwise directed or agreed by the Board.

1.5. The Chair, or in the absence of the Chair, Vice- Chair has power to carry out functions of the Trust Board or Local Governing Body (LGBs) in extreme circumstances where a delay in exercising a function is likely to be seriously detrimental to the interests of the Trust or School, a pupil at the School or their parents, or a person who works at the School. Such action relates solely to those areas delegated in the scheme and through the policies of the Trust.

### 2. Governance Framework

2.1. In a Multi Academy Trust (MAT) there is only one legal entity accountable for all the academies (schools) within the Trust, i.e. the multi academy Trust (MAT). The MAT has one set of Articles which govern all the academies in that Trust. The MAT has a master funding agreement with the Secretary of State. Each academy also has a Supplemental Funding Agreement. The delegations set out in this document set out what, and by whom, can be carried out at various levels in the MAT.

2.2. The Academy Trust is a charitable company and is responsible for the strategic direction of the academy and has 4 layers of governance: the members of the Trust, the board of Trustees, Board committees, and local governing bodies.

#### Members

2.3. The members ensure the charitable company achieves its objectives, sign off the financial accounts and annual report, and appoint some of the Trustees.

## Trustees

2.4. The Trustees have delegated responsibility for the 3 core strategic functions (strategic direction, holding schools to account for educational performance and overseeing the financial performance and compliance of the academies) and the wider Trust.

2.5. Trustees are responsible for governance within each academy and with the assistance of the Chief Executive Officer (CEO) ensure compliance with charity and company law and the academy Trust's funding agreement.

2.6. The MAT Board of Trustees has delegated to its CEO, LGBs and Headteachers powers or functions, subject to any prescribed restrictions imposed by the MAT and management of conflicts of interest.

## Local Governing Bodies

### 2.7. Structure of Local Governing Bodies

The number of each LGB will be usually a maximum of 10. Most LGBs will be formed following the structures listed below:

- 1 x Chair of Governors (appointed by the Trustees)
- 1 x Headteacher or Executive Headteacher
- 2 X Parents members
- 2 x Staff representatives (as appropriate to meeting & non-voting)
- 4 x Trust Governors

2.8. Local governing bodies are committees of the Trust's board. Their members are not Trustees of the academy Trust - unless they are also members of the Trust's board of Trustees. The Governors of a local governing body are appointed members of a sub-committee and are referred to as Governors.

2.9. In line with the Trust's vision and values, the Board emphasises its commitment (wherever possible and appropriate) to academies sustaining their distinctive ethos and character, with effective governing bodies working to support their Headteachers.

2.10. It is important to remember, however, that even where responsibility is delegated to a local level, it is the academy Trust as the legal entity (not the local governing body) that is ultimately accountable, for example in terms of finance and performance, and as the employer of staff.

2.11. **Framework:** The governance framework of the Trust is built upon the ethos of ensuring that governors govern and managers manage. This framework enables all parties to fulfil their roles and responsibilities, and provides clarity on individual and collective responsibilities, and delegated responsibilities, as outlined below.

2.12. **Ethos:** The Local Governing Body will govern in line with the aims, vision and values of the Active Learning Trust:

- Establish and maintain strong and effective leadership
- Maintain the highest expectations of Trust-wide teaching and learning and recognise that each school is an integral part of its local community
- Deliver good governance as a non-negotiable element of our work
- Develop and sustain a strong and rapid trajectory of improvement in all our schools
- Ensure a calm and purposeful learning environment
- Maintain robust systems of performance management

The Board emphasises its commitment (wherever possible and appropriate) to

- individual academies sustaining their distinctive ethos and character.
- strong and effective governing bodies working to support their head teachers.
- Ensure that the outcomes and experiences of children and young people are as good as they can be.

### 3. Core Organisational Structure

3.1 See Appendix 1

3.2 Additionally the following panels will be formed as and when required, on a skills/knowledge basis. All panels will refer all decisions to the LGB for confirmation, and where required to the MAT Board for endorsement.

Panels	Remit
Complaints	Consideration of complaints made under the MAT formal complaints procedure
Discipline and Grievance	To carry out investigations into staff matters
Pupil Discipline and Exclusions	To carry out investigations into pupil matters and determine on discipline and exclusions
Independent Admissions Appeal Panel	To hear appeals against decisions made in relation to the admissions policy

3.3 The MAT Board Chair will convene an appeals panel to consider all appeals regarding decisions of the LGB Panels and any Board decisions as and when required.

### 4. Powers Retained and Delegated to Committees and LGBs

The Trust Financial Controls Manual outlines the delegation of financial powers.

## 4.1 Powers to be exercised by the Members only

- i. Change the articles of association (with the approval of the Secretary of State)
- ii. Amendments to the Funding Agreement (with the approval of the Secretary of State)
- iii. Approval of the Annual Accounts

## 4.2 Powers to be exercised only by the MAT Board includes:

### Strategy

- a. Agree a long term strategy, vision and mission for the Trust, and communicate this to stakeholders
- b. Establish and monitor a strategic risk register

### Governance

- a. Establish and maintain a register of business interests for the board
- b. To review annually and consider the establishment, terms of reference and membership of committees and effectiveness.
- c. Appoint and remove internal and external auditors and the company secretary
- d. Approve the co-option, appointment and removal of persons and Chairs to the local governing bodies
- e. Elect (or remove) the Chair and Vice-Chair of the Board
- f. Approve the Scheme of Delegation of powers and responsibilities
- g. To approve the structure and appointment of LGBs
- h. Decide any changes in the times of school sessions and dates of terms and holidays

### Finance

- a. Approve the annual budget, allocating finance to individual academies, using the funding formula allocations.
- b. Approve the annual report, returns and accounts
- c. Ensure all insurances are in place
- d. Informing the appropriate government agency if it suspects any irregularity affecting resources, and approvals of any write-offs and other requirements of the EFA/DFE

e. Confirm the appointment of contractors/tenders for capital build projects.

### **People and Leadership**

a. Approve staff discipline, conduct, and grievance policy

b. Confirm appointments of a Head Teacher and Deputy Head Teacher roles

c. Review effectiveness of management structure

d. Workforce remodelling/ seeking and ensuring cross-academy collaborations for efficiency and effectiveness

e. Establish and implement a performance review process for Board and LGBs.

### **Standards**

a. Ensure that the achievement of standards, delegated to LGBs, is planned, resourced, tracked and continuously improved, with outcomes reported, within agreed frameworks, to the MAT Trustees.

b. Policies: Establish, monitor and review statutory policies and procedures as per the Scheme of Delegation

c. Identify any areas that would benefit from a MAT wide approach, including sharing of teaching and learning resources and approaches, and learning from practice.

d. Report where vulnerabilities are identified in relation to OFSTED benchmarks.

e. Monitor broad and balanced curriculum, taking into account Academy and statutory obligations.

f. Protect the individual ethos of schools

g. To ensure systems are in place to meet compliance regulations

h. To communicate levels of delegation for schools in difficulty or sponsored.

## **4.3 Powers delegated to the MAT committees**

### **4.3.1. Remuneration & Personnel Committee**

i. Medium term manpower and succession planning to enable the outcomes set by the board to be met.

ii. To establish disciplinary, complaints and staff grievance procedures and to take appropriate steps to make them known to members of staff.

- iii. To confirm any recommendations for dismissal of an employee, ensuring correct processes have been followed.
- iv. To approve pay awards of the Trust Central Team and Headteachers.
- v. To approve all HR policies and ensure these are being implemented consistently.
- vi. To ensure positive relationships and working practises with trade unions.
- vii. Ensure appropriate union negotiating arrangements are in place.
- viii. Influence and shape to Trust's CPD strategy

#### **4.3.2. Finance Committee**

**4.3.2.1. Finance:** see financial controls manual for financial matters, which include approval of a set of accounting policies.

- i. Ensure that the trust meets its statutory obligations for the timely production of statutory accounting and other financial information as required by the Charities Commission, company law and by direction from the Education Funding Agency.
- ii. To agree Budget Setting for all academies.
- iii. To ensure Financial Monitoring processes are in place and advise LGB on aspects which need attention
- iv. Approval levels of expenditure
- v. To approve Risk Management processes

#### **4.3.2.2. Premises**

- i. Monitor the contracts for building maintenance and estates management for all academies
- ii. Establish and recommend to the Board a medium/long term premises management plan and strategy
- iii. To agree a health and safety policy, monitor risk assessments and set up arrangements to manage health and safety.
- iv. Ensure all statutory inspections and health and safety procedures and policies are implemented and that all schools and the Trust are compliant with statutory legislation.
- v. Recommend all capital programmes.
- vi. Make arrangements to ensure that the Trust's property assets are properly secured and maintained.

### 4.3.3. Audit Committee

- i. Appointment of registered external Auditor.
- ii. To ensure that annual internal and external audits are completed and subsequent recommendations acted upon.
- iii. Preparation and submission of annual financial accounts.

## 4.4 Powers delegated to the Local Governing Bodies

4.4.1. Subject to provisions of these Terms of Reference, the Companies Act 2006, the Articles and to any directions given by special resolution of the Trustees, the business of the Academy shall be overseen by the Local Governing Body who may exercise all the powers of the Company, other than matters reserved to the Board and its subcommittees which either are strategic in nature or cannot legally be delegated.

4.4.2. The Directors delegate the running of the Academy to the Local Governing Body to take responsibility for supporting the School and its leadership and management team in improving the:

- i. Effectiveness of leadership and management
- ii. Quality of teaching, learning and assessment
- iii. Personal development, behaviour and welfare
- iv. Outcomes for children and learners

*And specifically:*

- i. Setting the aims and objectives of the Academy
- ii. Ensure the school vision and ethos are aligned to the aims and vision of the Active Learning Trust including determination of the Academy's development plan which itself should be completed in consultation with the relevant MAT officers
- iii. Establish and implement a local, relevant, broad and balanced curriculum
- iv. Develop and implement a school improvement plan, and any OFSTED improvement plan
- v. Ensure high quality teaching, learning and assessment takes place and is continuously improved
- vi. To ensure that school teachers receive a regular appraisal of their performance
- vii. Contribute to the research and preparation of the school's annual Self Evaluation including the analysis of performance data or information directed from the Trustee's Performance and Effectiveness Committee.

viii. Maintaining a fixed asset register and notifying the Board of any changes to fixed assets used by the Academy

ix. Implementation of actions required to comply with statutory regulations and the Funding Agreements.

## 4.5 Local Governing Body Committees and Panels

4.5.1. The Local Governing Body may establish sub-committees and/or Panels as it considers desirable to carry out its responsibilities. In making this decision, the LGB needs to recognise the wish of the Trust board to ensure that the number of committees reflect the level of delegation from the Trust board and the need for all governors to be able to take part in key discussions locally. The powers of any such committees, their terms of reference and membership shall be determined by the Local Governing Body. Sub-committees may include eligible members who are not Governors. Except where it is otherwise constrained within its terms of reference, a sub-committee may invite attendance by persons who are not Governors or committee members where such attendance is considered by the members of the committee to benefit its deliberations. Outcomes of sub-committees should be reported to one of the six full LGB meetings. The Trust only require copies of minutes from full LGB meetings.

## 5. Delegation

### Active Learning Trust - Delegation of Directors' responsibilities

These tables identify responsibilities which are assigned to the Directors of the Trust in the main Scheme of Delegation (including the sections on the Functioning of Local Governing Bodies and Procurement Regulations) The table also includes a section on decisions taken centrally because they exceed the authorisation limit of the Local Governing Body). It shows those responsibilities that are reserved to the full Board, and those which the Board has delegated to its committees or executive staff.

Key:	Board	Full board of Directors	AUD	Audit Committee
	FIN	Finance Committee	R & P	Remuneration and Personnel Committee
	CEO	Chief Executive Officer	CoSec	Company Secretary
	DoSI	Director of School Improvement	DoHR	Director of Human Resources
	DoFin	Director of Finance	LGB	Local Governing Body

#### A. SCHEME OF DELEGATION

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Directors powers and responsibilities										
Delegate powers to LGBs.	✓									
Determine constitution of LGBs.	✓									
Constitution of the Local Governing Body										
Appoint the Chair of each LGB.	✓									
Elect Vice-Chair of each LGB annually										✓

<b>Responsibility</b>	<b>Board</b>	<b>FIN</b>	<b>AUD</b>	<b>R &amp; P</b>	<b>CEO</b>	<b>CoSec</b>	<b>DoSI</b>	<b>DoHR</b>	<b>DoFin</b>	<b>LGB</b>
Prescribe the format of the written commitment required from persons seeking membership of a LGB	✓									
Ensure number of people on the LGB is limited to a maximum of 10 (except in exceptional circumstances)						✓				✓
Appoint four Trust members to each LGB that add value to the work of the LGB and are representative of the local community					✓					
Oversee election of Parent governors, including determining whether candidates are eligible						Advise				✓
Remove members from a LGB					✓					
Notify the Trust board of the resignation of any member of the LGB and ensure school information is updated (including websites)										✓
Receive notification of the resignation/removal of a governor of a LGB and adjust records accordingly						✓				
Receive notification if a LGB governor becomes disqualified, e.g. criminal conviction and ensure actions taken to amend records at trust and school level						✓				
Ensure LGB register of interests is legally compliant										✓
Ensure LGB information is up-to-date and compliant on school website										✓
<b>Delegated Powers – general provisions</b>										
Determine what constitutes a strategic issue (and therefore not within the remit of a LGB)					✓					

<b>Responsibility</b>	<b>Board</b>	<b>FIN</b>	<b>AUD</b>	<b>R &amp; P</b>	<b>CEO</b>	<b>CoSec</b>	<b>DoSI</b>	<b>DoHR</b>	<b>DoFin</b>	<b>LGB</b>
Authorise bank account signatories									✓	
Authorise school's use of on-line banking facilities.									✓	
Approve issue of credit cards for school staff, including setting of monthly credit limits									✓	
<b>Ethos and Values</b>										
Determine Trust aims, vision and values	✓									
Ensure school ethos and values align to Trust vision and values and are adhered to										✓
Ensure school is conducted in accordance with the Funding Agreement and the finance manual of the Trust					✓					
<b>Curriculum and Standards</b>										
Ensure school provides a broad and balanced curriculum	✓						✓			
Advice and recommendations to LGB on standards.							✓			
Monitor outcomes achieved by pupils	✓						✓			✓
Monitor standards of teaching							✓			✓
Expansion of a school	✓									
Ensure safeguarding procedures are secure in schools	✓				✓					✓
<b>Finance</b>										
Annual determination of funds retained centrally (currently 4%)	✓									
Consent to expenditure above £20,000 (primary school) or £50,000 (secondary school).	>over OJEU								>up to OJEU	

<b>Responsibility</b>	<b>Board</b>	<b>FIN</b>	<b>AUD</b>	<b>R &amp; P</b>	<b>CEO</b>	<b>CoSec</b>	<b>DoSI</b>	<b>DoHR</b>	<b>DoFin</b>	<b>LGB</b>
Annual school budgets	Approve								recommend	monitor
Annual Central Budget	Approve				recommend					
Approve travel beyond the UK paid from the School's delegated funds									✓	
Determine format of financial information required from schools									✓	
Receive monthly management accounts provided in format requested by Board									✓	✓
Monitor budget to ensure remains in line with that set and approved by Board									✓	✓
Impose requirements on schools for the safeguarding of funds									✓	
Require HT to provide reports of the financial health of the School									✓	
Receive requests from HTs for any significant unplanned expenditure									✓	
Monitor processes and procedures to ensure they are in-line with the Trust Financial Controls Manual									✓	✓
Ensure adequate insurance cover in compliance with legal obligations (Schools to be members of DfE's RPA									✓	✓
Ensure registered external Auditor appointed			✓		✓					
Ensure annual internal and external audits are completed and subsequent recommendations acted upon			✓						✓	
Ensure preparation and submission of annual financial accounts as legally required			✓						✓	

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Novel and Contentious Payments										
Advise academies on the propriety of a proposed payment									✓	
Premises										
Approve any disposals or acquisition of land	✓									
Insurance of land and buildings via RPA									✓	
Implement capital programme to meet school building needs within resources available	✓								✓	
Resources										
Appointment of the Headteacher					✓					
Performance management of the Headteacher					✓					
Appointment of Finance Lead in School									Advise	✓
Appointment of Senior School Staff					Advise					✓
Appointment of Clerk to Governors					Advise					✓
Pay terms and conditions	Approve							Advise		
Issue standard contracts of terms and conditions								Advise		✓
Advise on the management of claims and disputes								✓		
Approve policies and procedures for the performance management of school staff				✓				Advise		
Ensure policies and procedures for school staff are adhered to, including secure performance management								✓		✓

<b>Responsibility</b>	<b>Board</b>	<b>FIN</b>	<b>AUD</b>	<b>R &amp; P</b>	<b>CEO</b>	<b>CoSec</b>	<b>DoSI</b>	<b>DoHR</b>	<b>DoFin</b>	<b>LGB</b>
Oversee procedures for appointment and management of staff (apart from headteacher & those indicated in scheme of delegation)								✓		✓
Refer to Headteacher on specific elements of HR processes, who will seek clarification as necessary										✓
Institute health & safety policies	✓				✓					
<b>Extended Schools and Business Activities</b>										
Approve policies in relation to extended schools or activities designed to generate business income	✓									
<b>Regulatory Matters</b>										
Issue directions to LGBs in relation to regulatory and legal matters					✓					
<b>Operational Matters</b>										
Issue recommendations to LGBs about the review of its policies and practices					✓	✓	✓	✓	✓	
Consider structure & responsibilities of LGB	✓									
Remove delegated powers in the event of intervention by the Secretary of State					✓					
Approve closure of schools for temporary period due to emergency circumstances					✓				✓	
<b>Annual Review</b>										
Review annually and alter Schemes of Delegation, having regard to any views of LGBs					✓					
Consider proposal to change to a school's admission arrangements	✓									
Review annually admission arrangements for schools	✓									

## B. FUNCTIONING OF THE LOCAL GOVERNING BODY

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Remove Chair, Vice-Chair or Trust governors					✓					
Determine any disagreement between LGB and the Headteacher					✓					
Receive minutes of all LGB meetings						✓				
Notify LGBs if subcommittee minutes are to be provided						✓				
Impose conditions on LGB's power to further delegate their delegated powers	✓									
Issue directions to LGBs in relation to the convening of meetings					✓					
Consider committee functions in line with Board recommendations										✓
Discipline panels as appropriate (pupil & staff)										✓
Ensure LGB meet at least three times per year										✓
Determine development needs of governors and implement appropriate programme of training										✓
Appoint link governors as required to carry out statutory obligations										✓
Induction of new governors	✓				✓					✓

## C. PROCUREMENT REGULATIONS

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Agree exceptions to the Procurement Regulations (Reserved to the Board)	✓									

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Safe keeping of sealed documents, e.g. contracts above the EU threshold									✓	
Exercise right to inspect schools registers of contracts									✓	
Authorise and accept contracts for school activities above EU threshold (Table 5.1(a))		✓								
Accept contracts for school activities on behalf of schools within parameters set										✓
Authorise and accept contracts for central activities (Table 5.1(b))		>EU threshold			<EU threshold	<£50k			<£50K	
Waive procurement regulations in the event of an emergency									✓	
Approve school opt-out from consortia and corporate purchasing arrangements									✓	
Agree pre-contract award meeting where tender clarification is required for a Trust contract									✓	
Ensure contracts above EU threshold value are sealed and kept safe									✓	
Consider any proposal by a school to enter into a leasing agreement									✓	

#### D. DECISIONS BEYOND THE AUTHORISATION LIMITS OF LOCAL GOVERNING BODIES

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Consent to expenditure above £20,000 (primary school) or £50,000 (secondary school).									✓	
Consent to schools entering into ICT related procurements/contracts exceeding £1k									✓	

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Write off bad debts above £5,000 and up to 1% of school's grant income for single debt or 2.5% of grant income per year. <i>[Amounts &gt; 1%/2.5% of school income approved by SoS]</i>									✓	
Disposal of assets and removal from asset register for items >£20,000 <i>[excludes freehold, leasehold and tenancy agreements – these require SoS approval]</i>									✓	
Removal of school staff					✓			Advise		
Staff severance payments outside normal or contractual requirements up to £50,000 <i>[Payments in excess of £50,000 require EFA approval in advance].</i>					✓			Advise		
Compensation payments up to £50,000. <i>[Payments in excess of £50,000 require EFA approval in advance]</i>					✓			Advise		

### E. OTHER DELEGATIONS

Responsibility	Board	FIN	AUD	R & P	CEO	CoSec	DoSI	DoHR	DoFin	LGB
Approve staffing structure and establishment for centrally-employed staff	✓	✓		✓						
Approve issue of corporate credit cards to centrally-employed staff and associated monthly credit limit					✓					
Attendance and cost of professional development/training courses or conference/event fees where beneficial to the Trust				✓ For CEO	✓					
Provide Risk Register in format requested by Board. Monitor risks and develop appropriate risk management strategies					✓					✓
Be aware of, and ensure all policies approved by Board are complied with										✓

