

Lingfield Education Trust

Scheme of Delegation

Introduction

A multi academy trust's (MAT) 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 local 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 size of the MAT, both in terms of the number of schools and the number of pupils in the MAT, and the way in which leadership is structured, as well as the geographical spread and the context of the schools. As a general rule, the larger the MAT, the more likely the need will be to delegate to regional or cluster committees as well as to local governing bodies. It is also possible for a MAT to mix models of delegation, for example delegating functions to Local governing bodies in its secondary schools and to a cluster committee for its primary schools.

A scheme of delegation (SoD) is the key document defining the lines of responsibility and accountability in a MAT. It should be a simple yet systematic way of ensuring that the members, trustees, board committees, local governing bodies, executive leadership and academy head teachers 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.

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 MAT's governing document. This is why it is critical that MATs agree a SoD that explicitly establishes who makes which decisions and who carries out which functions, and ensures that this is clear to both all those within the MAT, as well as to the governing bodies of schools who may be potentially looking to join.

Once determined the 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 local governing body (LGB), 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.

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

A scheme of delegation must be fit for purpose which means it demonstrates clearly the lines of accountability. Where there is duplication or overlap, questions should be asked as workload issues may develop (e.g. the need to produce reports for and attending meetings of more than one layer of governance) and cracks can develop as assumptions are made about who is responsible for what with the result that decisions are either not made or different decisions are reached by different people or committees.

Format, structure and clarity

While schemes of delegation will vary from trust to trust depending on size, structure and geographical spread, there are basic principles to follow. The scheme of delegation aims to 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 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

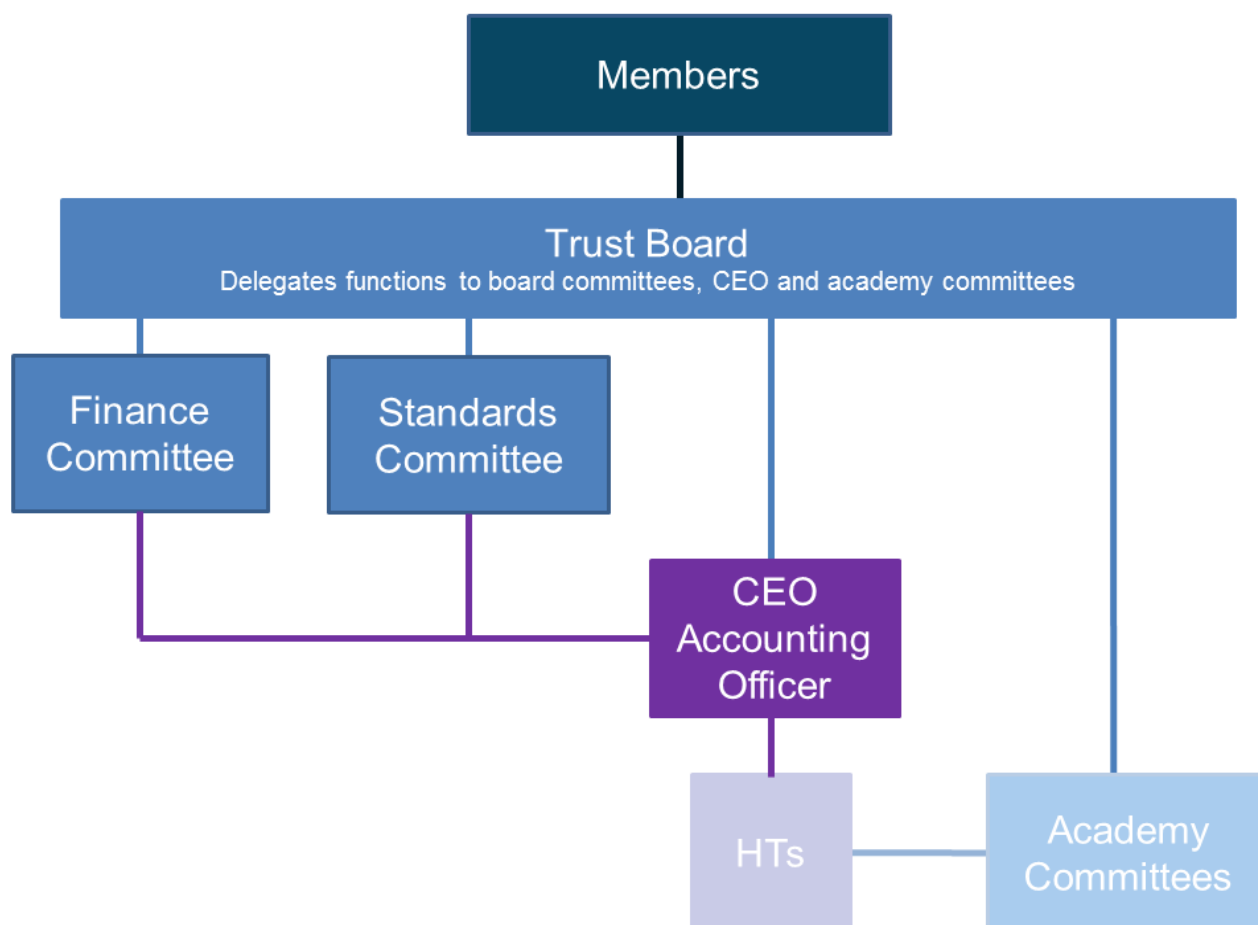
Review and adapt

As MATs mature and grow the workings of the MAT, both in terms of governance and management are likely to change. The SoD should 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 academy principals
- 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

Model 1: delegation to Local governing bodies



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 the academy head teachers and heads of school, setting their targets and performance managing them.
- the board constitutes committees for finance, audit & personnel and curriculum & 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 local governing bodies, and uses these committees to promote stakeholder engagement and as a point of consultation and representation. Trustees do not need to sit on local governing bodies, 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 local governing body when undertaking the head teacher's performance management.

- As head teachers and heads of school are line managed by the CEO, the local governing body no longer carries out the governance function of holding the head teacher to account. However they 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 local governing body'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 articles of association will also 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. 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 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 trust 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 2019 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 performance manages the Deputy CEO, Executive Head Teachers and Head Teachers. As there is the delegation of some governance functions to local governing bodies, this is usually with the local governing body 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 CEO can delegate any of his/her responsibilities at any time if necessary.

The role of the local governing bodies

The trustees have established local governing bodies to carry out some of its school level governance functions, although as trustees are not required to sit on local governing bodies, decision making is limited. As a committee of the board, delegation can be removed at any time.

The role of the academy executive head teacher / head teacher / head of school

The academy executive head teacher / head teacher / head of school is responsible for the day to day management of the academy and is managed by the chief executive officer but reports to the local governing body on matters which have been delegated to it which may include an element of monitoring and scrutiny of the school's management processes.

Key

Column 1: Members

Column 2: Board of trustees of the multi academy trust

Column 3: Trust board finance'audit & personnel committee (FA&P)

Column 4: Trust board curriculum standards committee (C&S)

Column 5: Chief executive officer

Column 6: Local governing body

Column 7: Academy Executive Head / Head Teacher or 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

Area	Decision	Delegation						
		members	board of trustees	finance, audit & personnel committee (FA&P)	curriculum, standards & pupil welfare committee (C&S)	chief executive officer	local governing body	exec head / head or head of school
Governance framework								
People	Members: Appoint/Remove	✓						
	Trustees: Appoint/Remove	✓						
	Role descriptions for members	✓						
	Role descriptions for trustees/chair/specific roles/committee/local governing bodies: agree		✓			<A		
	Process for election of parent governors to the local governing body	✓						
	Board committee chairs: appoint and remove		✓	✓	✓	<A		
	Local governing body chairs: appoint and remove		✓			<A	<A	
	Local governing body governors: appoint and remove		✓			<A	<A	
	Clerk to board: appoint and remove		✓			<A		
	Clerk to Local governing body: appoint and remove		✓			<A		
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: agree annually		✓			<A		
	Skills audit: complete and recruit to fill gaps		✓			<A		

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Systems and structures	Annual self review of trust board and committees: complete annually		✓					
	Annual self review of local governing bodies: complete annually		✓			<A	<A	
	Chair's performance: carry out 360 review periodically		✓				✓	
	Trustee / local governing body contribution: review annually		✓				✓	
	Succession: plan		✓			<A>	✓	A
	Annual schedule of business for trust board: agree		✓	✓	✓	<A		
	Annual schedule of business for local governing body: agree		✓			<A		
Reporting								
Reporting	Publication on trust and schools' websites of all required details on governance arrangements: ensure					✓		✓
	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 to members and publish		✓	<A		<A		

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		members	board of trustees	finance, audit & personnel committee (FA&P)	curriculum, standards & pupil welfare committee (C&S)	chief executive officer	local governing body	exec head / head or head of school
	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		
	Determine school specific policies which reflect the school's ethos and values					A>	✓	A
	Admissions		✓					
	Permanent Exclusions					✓		A
	Central spend / top slice: agree		✓	<A		<A		
	Management of risk: establish register, review and monitor		✓	✓	✓	<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	<A	<A		
Schools vision and improvement planning, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine					A>	A>	✓	

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		members	board of trustees	finance, audit & personnel committee (FA&P)	curriculum, standards & pupil welfare committee (C&S)	chief executive officer	local governing body	exec head / head or head of school
Being Strategic	Chief executive officer: appoint, suspend and dismiss		✓					
	Deputy CEO/exec head teacher/head teacher/head of school/director of operations/senior management team/staff on leadership pay scale: appoint, suspend and dismiss (trust and school)		✓			<A		
	Central Trust staff: appoint and suspen					✓		
	Teaching and support staff: appoint within the agreed staffing structure with the authorised Approval to Recruit Form						A>	✓
	Teaching and support staff: suspend					✓		✓
	Central Trust staff, Teaching and support staff: 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>		✓		A
	Trust's staffing structure: agree		✓	<A	<A	<A		
	School staffing structure: agree					✓		A
Holding to account								

Area	Decision	Delegation						
		members	board of trustees	finance, audit & personnel committee (FA&P)	curriculum, standards & pupil welfare committee (C&S)	chief executive officer	local governing body	exec head / head or head of school
Holding to account	Auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment): agree		✓	✓				
	Reporting arrangements for progress on key priorities: agree		✓			<A		
	Performance management of the Chief Executive Officer: undertake		✓					
	Performance management of deputy CEO/exec head teacher/head teacher/head of school: undertake		✓			✓	<A	
	Trustee monitoring: agree arrangements		✓			<A		
	Local governing body member monitoring: agree arrangements		✓			<A		
	Local governing body overall performance monitoring: agree arrangements		✓			<A		
Ensuring financial probity								
Ensuring financial probity	Appoint Chief financial officer / finance director for delivery of trusts detailed accounting processes		✓	<A		<A		
	Trust's scheme of financial delegation: establish and review		✓	<A		<A		

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		members	board of trustees	finance, audit & personnel committee (FA&P)	curriculum, standards & pupil welfare committee (C&S)	chief executive officer	local governing body	exec head / head or head of school
	School's scheme of financial delegation: establish and review		✓	<A		<A		
	External and internal auditors' report: receive and respond		✓	<A		<A		
	CEO pay award: agree		As the Pay Review Committee					
	Academy deputy CEO/exec head teacher/head teacher/head of school pay award: agree		As the Pay Review Committee			<A	<A	
	Teachers appraisal procedure and pay progression: review and agree		As the Pay Review Committee			<A	<A	A
	Benchmarking and trust wide value for money: ensure robustness		✓	<A		<A		
	Appointment of auditors	✓		<A		<A		
	Benchmarking and academy value for money: ensure robustness		✓	<A		<A		A
	Develop trust wide procurement strategies and efficiency savings programme					✓		
	Review and approve trust wide procurement strategies and efficiency savings programme			✓		<A		

