

## TRUST SCHEME OF DELEGATION

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### 1.0 INTRODUCTION

Brentside Primary Academy's Board of Trustees is accountable in law for all decisions about Brentside Primary Academy. However, this does not mean that the full Board is required to make all the decisions itself. Subject to some restrictions, the Trust can decide to delegate decisions to its Headteacher (the senior executive leader), its committees and individual Trustees. The Trust's decision to delegate a function is made by the full Board of Trustees and must be recorded. Without formal delegation, the individual or committee has no power to act. Once delegation has been determined the Scheme of Delegation (SoD) must be published on the Trust's website.

### 2.0 THE PURPOSE OF THE SCHEME OF DELEGATION

A scheme of delegation 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 Brentside Primary Academy's Financial Policy, which contains 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 varies from Trust to Trust. The detail will not be set out in the Articles of Association, the academy Trust's Governing document. This is why the academy Trust is required to agree a SoD that explicitly establishes who makes which decisions, and ensures this is clear to all. A detailed yet clear SoD should help prevent confusion from arising before any misunderstanding arises which has the propensity to lead to a loss of Trust and damaged working relationships.

### 3.0 FORMAT, STRUCTURE AND CLARITY

The grid format, with columns for each layer of governance, should enable stakeholders to quickly determine who has the power to take which decisions within the Trust. The grid is divided into 3 key areas to reflect both the governance framework and the 3 Core Functions of the Governing Board, as defined by the DFE in the Governance Handbook:

The governance framework:

- People
- Systems and structures
- Reporting.

The 3 Core Functions:

1. Being strategic
2. Holding to account
3. Ensuring financial probity.

The SoD is intended to be a working document, which the Trust can revise and adapt as needed.

## 4.0 REVIEW

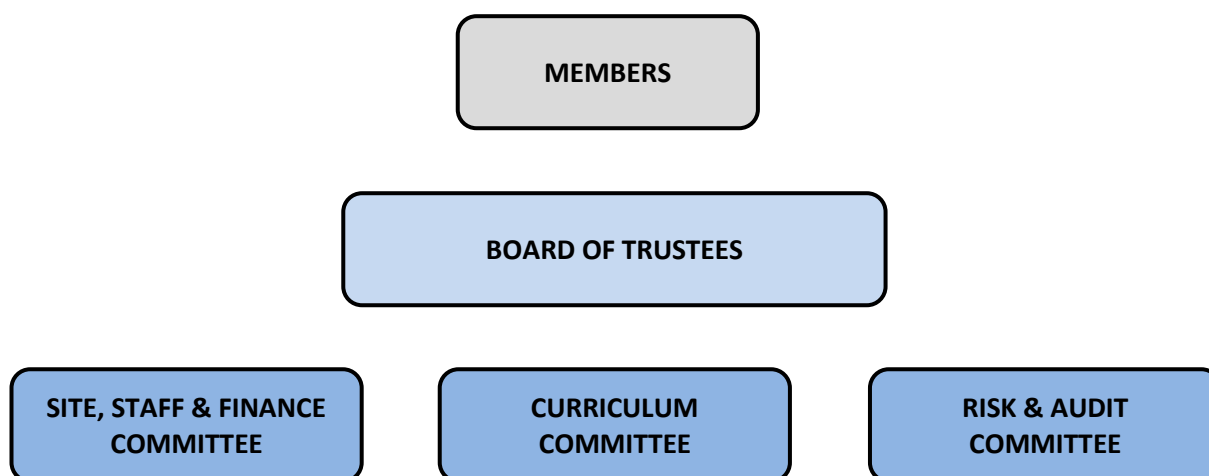
The SoD should be reviewed annually, with revisions made as the context changes. All those involved in governance, and delivering the Trust's objectives, must be made aware of any changes and the impact of those changes.

## 5.0 AIMS OF THE SCHEME OF DELEGATION

The SoD will:-

- Ensure the school leadership is clear about which decisions the Trust Board retains
- Ensure that the role of the Headteacher is fully understood
- Promote a culture of honesty and accountability
- Identify responsibility for the appointment and performance management of the Headteacher
- 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.

## 6.0 GOVERNANCE STRUCTURE



The Board of Trustees delegates responsibility for the day-to-day running of the academy to the Headteacher. The Trustee Board holds the Headteacher to account for the academy's performance.

The Headteacher in turn holds other Members of the senior leadership team (SLT) 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 Headteacher reports to the Board on the performance of the academy; that reporting is supplemented by the monitoring undertaken by the Trust's Committees.

## 7.0 ROLES AND RESPONSIBILITIES

### 7.1 Members

The Members of Brentside Primary Academy Trust have a different status to its Trustees. Originally they were the signatories to the Memorandum of Association and 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 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.

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.

### 7.2 Trustees

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, along with 'Governors'.

The Board of Trustees is 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 the Trust's funding agreement, 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 the Board of Trustees must carry out the 3 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.

### 7.3 Committees

Committees have been established to carry out some of the Trust's governance functions which include making decisions; decisions made will be deemed decisions of the Trust Board. The membership and responsibilities of the Committees are set out in the Committee's Terms of Reference, which are reviewed annually.

The Academies' Financial Handbook makes clear that the Board of Trustees '*should have a finance committee to which the Board delegates financial scrutiny and oversight*'. The Site, Staff & Finance Committee has been established to meet that requirement.

## 7.4 Senior Executive Leader (The Headteacher)

The Headteacher has the delegated responsibility for the operation of the Trust.

The Headteacher 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 Headteacher leads the senior leadership team (SLT) of the academy Trust. The Headteacher will delegate management functions to the SLT and is accountable to the Trust Board for the performance of the SLT.

## 8.0 SCHEME OF DELEGATION

AREA	DECISION	Members	Trust Board	Committee	Individual Trustee	Head
<b>GOVERNANCE FRAMEWORK</b>						
<b>PEOPLE</b>	Members: Appoint/Remove	✓				
	Trustees: Appoint/Remove	✓	✓			
	Role descriptions for Members	✓				
	Role descriptions for Trustees/Chair/ specific roles/committee members: agree		✓	SSF Curric R&A		
	Parent Trustee: elections		✓			
	Committee Chairs: appoint and remove		Remove	Elect		
	Clerk to Board: appoint and remove		✓			
<b>SYSTEM AND STRUCTURES</b>	Articles of Association: agree and review	✓				
	Governance structure (committees) for the Trust: establish and review annually		✓			
	Terms of reference for Trust committees (including audit if required, and scheme of delegation): agree annually		✓	SSF Curric R&A		
	Skills audit: complete and recruit to fill gaps		✓			
	Annual self-review of Trust Board and Committees' performance: complete annually		✓	SSF Curric R&A		
	Chair's performance: carry out 360 review annually		✓			
	Trustee contribution: review annually		✓			
	Succession: plan		✓			
	Annual Schedule of Business for Trust Board: agree		✓	SSF Curric R&A		

AREA	DECISION	Members	Trust Board	Committee	Individual Trustee	Head
<b>REPORTING</b>						
<b>REPORTING</b>	Ensure Trust governance details on Trust website		✓			Company < Sec
	Establish and publish on website: Register of all interests, business, pecuniary, loyalty for members/Trustees		✓			Company < Sec
	Trust governance details on Trust website:		✓			
	Annual report on performance of the Trust: submit to Members and publish		✓	Curric		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	SSF		
	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		✓			Company < Sec
	Publish and update at least annually a SEND information report (meeting requirements set out in the Special Educational Needs and Disability Regulations 2014)		✓	Curric		<SENDCo
<b>BEING STRATEGIC</b>						
<b>BEING STRATEGIC</b>	Determine 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		✓	SSF Curric R&A		<HT
	Determine Trust staffing policies which reflect the Trust's ethos and values including appraisal, capability, discipline, conduct and grievance: approve		✓	SSF		<HT
	Determine Trust policy for complaints, health and safety, accessibility plan, premises management, data protection and FOI: approve		✓	SSF Curric		<HT

AREA	DECISION	Members	Trust Board	Committee	Individual Trustee	Head
BEING STRATEGIC	Establish Trust policy for sex education, careers guidance			Curric		<HT
	Determine a behaviour and discipline policy that promotes good behaviour among pupils and defines the sanctions to be adopted where pupils misbehave		<HT	Curric		<HT
	To draft content of school behaviour policy and publicise it to staff, students and parents.					✓
	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.		✓	< Ealing Admissions		
	Ensure a broad & balanced curriculum is in place			Curric		<HT
	Set the times of school sessions and the dates of school terms and holidays			Curric		
	Agree enrichment/extra-curricular offer including any additional services required			SSF Curric R&A		<HT
	Embed agreed curriculum and enrichment offer within the day to day operation of the academy Trust					✓
	Establish and agree a Pay policy			SSF		
	Management of risk: establish register, review and monitor		✓	SSF R&A	✓	<HT
	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		✓	SSF Curric		<HT
	Headteacher: Appoint and dismiss		✓			
	Decide whether to join or form a multi-academy Trust		✓			
	Budget plan to support delivery of Trust key priorities: agree		✓	SSF		
	Academy staffing structure: agree		✓	SSF		<HT
	Appoint teaching staff					✓
	Appoint non-teaching staff					✓

AREA	DECISION	Members	Trust Board	Committee	Individual Trustee	Head
<b>HOLDING TO ACCOUNT</b>						
<b>HOLDING TO ACCOUNT</b>	Auditing and reporting arrangements for matters of compliance (eg safeguarding, H&S, employment): agree		✓	R&A		<HT
	To produce and maintain a central record of recruitment and vetting checks					✓
	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		✓	Curric		✓
	Agree reporting arrangements for progress on key priorities		✓	SSF Curric R&A		<HT
	Performance management of the Headteacher			Govs PM		
	Performance management of staff: undertake					✓
	Establish and review procedures for addressing staff discipline, conduct and grievance			SSF		<HT
	Trustee monitoring: agree arrangements		✓			
	Review all permanent exclusions and suspensions where the pupil is either excluded for more than 15 days in a term if they would lose the opportunity to sit a public examination.			Curric		
	Ensure that health and safety regulations are followed			SSF		✓
	Ensure that school lunch nutritional standards are met					✓
	Maintain a register of pupil attendance					✓
	Ensure provision of free meals to those pupils meeting the criteria					✓

AREA	DECISION	Members	Trust Board	Committee	Individual Trustee	Head
<b>ENSURING FINANCIAL PROBITY</b>						
<b>ENSURING FINANCIAL PROBITY</b>	Appoint a Chief Financial Officer (CFO) for delivery of Trusts detailed accounting processes		✓	SSF		
	Establish and review the Trust's scheme of financial delegation		✓	SSF		
	Receive and respond to External auditors' report		✓	R&A		
	Agree the Headteacher pay award			PM Review SSF		
	Monitor and agree staff appraisal procedure and pay progression:			SSF		
	Ensure robustness Benchmarking and academy Trust value for money			SSF		
	Develop Trust procurement strategies and efficiency savings programme			SSF		
	To approve the first formal budget plan each financial year		✓	SSF		
	To agree annual action plans and monitor how school premiums are spent (i.e. PE and sports premium, catch up premium, service premium and the pupil premium)			SSF Curric		
	To establish and agree charging and remissions policy			SSF		
	Ensure BPA has in place buildings insurance and personal liability			SSF		<CFO