

## Policy and Procedure: Scheme of Delegation

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**Review date:** Annual

### 1. Introduction

The need for a framework that provides clarity about the duties, roles and responsibilities of all parties is imperative for all organisations in order to secure effective systems of leadership, management and operation, to manage risk effectively and secure required outcomes.

The scheme of delegation needs to address:

1. who in the organisation has the power to make decisions
2. the decisions individuals or groups are empowered to make
3. where and with whom consultation needs to take place before decisions are made

The table appended to this report sets out in diagrammatic form the delegated powers between the different bodies involved in the governance and operation of the Orwell Multi Academy Trust and member academies.

The bodies may include:

1. Trust Members
2. Trust Board of Directors
3. Trust Finance, Resources & Audit Committee
4. Education & Learning Committee
5. Local Governing Body
6. Chief Executive Officer
7. Chief Finance Officer
8. Head teacher of individual schools

The delegated powers are broken down into different levels in line with the Trust's principles of governance, leadership and operation. The delegated autonomy for individual academies is aligned with the need for the Trust to fulfil its corporate responsibilities and accountabilities to the Department for Education, Education Funding Skills Agency, Charities Commission, HMRC and Companies House.

The scheme of delegation should support the objects of the Trust as set out in paragraph 4a of the Articles of Association (the Articles). The Trust's objects are 'to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing schools ("the mainstream Academies") offering a broad and balanced curriculum.....';

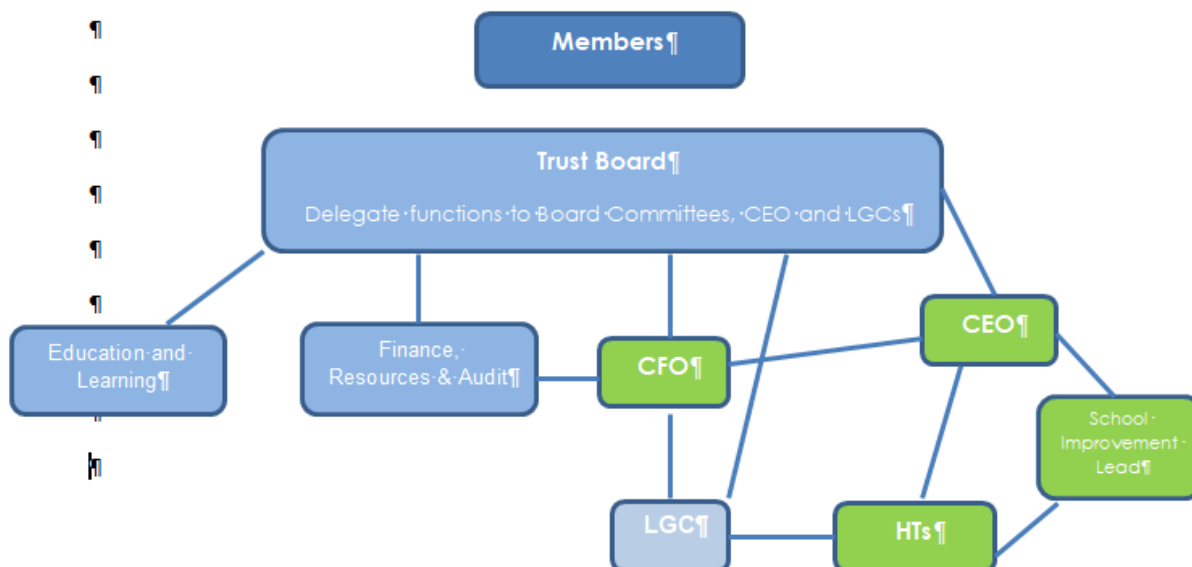
The starting point for the scheme of delegation needs to be a shared understanding across the Trust that, in accordance with the Trust's Articles and Master Funding Agreement (MFA), sole decision making power resides with the Trust board acting on behalf of the Trust in accordance with its vision and values.

The Trust Board retains the right to review, intervene or remove any power or responsibility which has been delegated where it has serious cause for concern including:

1. Financial mismanagement or failure to operate within the approved budget
2. Standards of performance of pupils at the school are unacceptably below performance targets
3. Serious breakdown in the way the school is governed or managed
4. Safety of pupils or staff is threatened

## Scheme of Delegation

### 2. Orwell Multi Academy Trust Governance Structure



### 3. Roles and Responsibilities

#### Members

Members are the original signatories to the company's memorandum of association and have agreed the Trust's first Articles of Association which outlines the governance structure and how the Trust will operate.

The role of Members includes:

1. To determine the ethos and purpose of the Trust
2. Overseeing the achievement of the objectives of the Trust as set out in the articles of association and amending its articles of association when required
3. Taking part in annual and extraordinary general meetings
4. Appointing and removing members and trustees
5. Ensuring the financial stability of the Trust and approving its accounts
6. Ensuring compliance with general principles of charity law

#### Trustees

The 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. They are responsible for the general control and management of the administration of the Trust in accordance with the provisions set out in the Memorandum and Articles of Association. The Board of Trustees is the accountable body for the performance of ALL academy schools within Trust.

The role of Trustees includes:

1. Ensuring clarity of vision, ethos and strategic direction and performance framework
2. Delivering the Trust's charitable outcomes
3. Holding the Chief Executive Officer to account for the educational performance of the academy schools and their pupils and the performance management of staff
4. Overseeing the financial performance of the Trust and making sure that monies are well spent.
5. Ensuring the Trust is compliant with both company and charity law and has due regard for any other relevant legislation or regulations.

#### 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 Trust

## Scheme of Delegation

Board currently has a Finance, Resources and Audit committee and an Education and Learning Committee.

### The Chief Executive Officer (CEO)

The CEO is appointed by the Board and has the delegated responsibility for the operation of the Trust.

Role of the CEO:

1. The CEO is the Trust's accounting officer and has overall responsibility for the operation of the academy trust's financial responsibilities. The CEO must ensure that the organisation is run with financial effectiveness and stability
2. Responsible for the performance of all the Trust's schools and setting of performance targets
3. To performance manage the Headteachers, usually in conjunction with individual academy chairs.
4. To lead the executive leadership team of the academy trust.

### The Chief Finance Officer (CFO)

The CFO is appointed by the Board and has the delegated responsibility to manage the financial performance of the Trust and the schools within the Trust.

### Headteachers (HTs)

HTs are accountable to the CEO for standards in learning and teaching, outcomes for pupils and the day to day financial and operational running of the school.

### Local Governing Committees (LGC)

The trustees may establish local governing committees to carry out some of its school level governance functions.

Typically, delegated functions may include:

1. Understanding how the school is led and managed
2. Monitoring whether the school is:
  - a. Managing its finances well and operating within the approved budget
  - b. Working within agreed policies
  - c. Is meeting the agreed targets
3. Engaging with stakeholders
4. Being a point of consultation and representation
5. Reporting to the Trust board

The Trust Board retains the right to review, intervene or remove any power or responsibility delegated to the LGC where it has serious cause for concern including:

1. Financial mismanagement or failure to operate within the approved budget
2. Standards of performance of pupils at the school are unacceptably below performance targets
3. Serious breakdown in the way the school is governed or managed
4. Safety of pupils or staff is threatened

## 4. Delegated Powers

The different levels of delegated power are listed below but it should be noted that not every task requires all levels of delegated power to be defined:

- **Responsible (R)** – Person responsible for ensuring task/activity is progressed and readied for approval
- **Recommend (Re)** – Person or body who recommends approval to relevant person or body
- **Approve (A)** – Person or body with authority to sign off task/activity
- **Consult (C)** – Person or body that needs consulting/informing about the task/activity
- **Implement (I)** – Person responsible for ensuring task/activity is completed on day to day basis, including reporting and monitoring

## Scheme of Delegation

The Scheme of Delegation should be read in conjunction with the Terms of Reference for the relevant body. While the Scheme is designed to be wide-ranging it may not cover every task. **If you are in any doubt please contact the CEO or CFO in the first instance and then the Chair of the Trust.**

<b>Date Policy approved:</b>	23/01/19	<b>Chair of Trust Governing Body:</b>	<b>Chair of Trust Finance &amp; Audit Committee:</b>
<b>Date of next review:</b>	Annual	Signed:	Signed:
		Roger Fern	Jason Kirk

	Task Key: Responsible (R) Approve (A) Recommend (Re) Consult (C) Implement (I)	Notes/Approving Trust Committee	Members	Board of Trustees	Trust Committee	CEO	CFO	LGC	Business Manager/CFL	Head
1.	<b>Governance</b>									
1.1.	Approve Trust Articles of Association		A R							
1.2.	Appointing / removing members and trustees		A R							
1.3.	Removal of auditors		A R							
1.4.	Approve Trust Board Terms of Reference			AR		Re	I			
1.5.	Approve membership of new academies			A		C, Re	RI			
1.6.	Approve Trust Scheme of Delegation			A		Re	RI	C		
1.7.	Establish (and remove) Trust Committees			AR			I	C		
1.8.	Approve Trust Committee Terms of Reference			AR	C		I			
1.9.	Establish (and remove) Local Governing Committees (LGC)			AR			I			
1.10.	Approve Local Governing Committee (LGC) Terms of Reference			AR			I	Re		
1.11.	Establish LGC working groups			C				ARI		
1.12.	Appoint (and remove) Chair / Vice Chair of Trust Board			AR			I			
1.13.	Appoint (and remove) Chair of LGC			A				Re RI		

Scheme of Delegation

	<b>Task</b> <b>Key: Responsible (R)</b> <b>Approve (A)</b> <b>Recommend (Re)</b> <b>Consult (C)</b> <b>Implement (I)</b>	<b>Notes/Approving Trust Committee</b>	<b>Members</b>	<b>Board of Trustees</b>	<b>Trust Committee</b>	<b>CEO</b>	<b>CFO</b>	<b>LGC</b>	<b>Business Manager/CFL</b>	<b>Head</b>
1.14.	Appoint (and remove) Vice Chair of LGC			C				ARI		
1.15.	Appoint (and remove) Chair(s) / Vice Chairs of Trust Committees			A	RI					
1.16.	Appoint (and remove) Trust Committee members			A	RI					
1.17.	Appoint (and remove) staff and parent local governors				C			ARI		
1.18.	Appoint (and remove) co-opted and other local governors	Sub group of 3 Trustees			A			Re RI		
1.19.	Appoint (and remove) Clerk to Trust Board			ARI		C				
1.20.	Appoint (and remove) Clerk to LGC					C		ARI		
1.21.	Annual self-review of trust board and committees		C	ARI						
1.22.	Annual self-review of LGC and committees			C				ARI		
1.23.	Organise calendar of Trust Board meetings			AR		C	C, I			
1.24.	Organise and review Local Governors training							ARI		
1.25.	Organise calendar of LGC meetings						C	ARI		
<b>2.</b>	<b>Trust &amp; School Performance, Curriculum and Teaching</b>									
2.1.	Academy Trust 3 year strategic overview/plan	Education & Learning		A	C	R	I			
2.2.	Academy School 1 Year development Plan	Education & Learning			A	C		Re		R
2.3.	Academic Performance Targets				C	A		C		R, Re, I
2.4.	Academy Performance Review				AC	RA		C		I,R e
2.5.	Trust Staff Development Plan				C	A	R,I			
2.6.	Academy Staff Development Plan					A		C		RI
2.7.	Trust Teaching & Learning	Education &			A	R,R		C		I

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	Framework	Learning				e				
2.8.	School Teaching & Learning Policy				A	C		Re		RI
2.9.	Sex Education policy				A	C		C, Re		RI
2.10.	Religious Education policy				A	C		C, Re		RI
2.11.	Trust Inset Days	Education & Learning			C	A				R,I, Re
<b>3.</b>	<b>Staff Policies and Pay</b>									
3.1.	Trust Pay Policy	Finance, Resources & Audit			A	Re, R	I			I
3.2.	Trust Appraisal Policy				A	R, Re	I			I
3.3.	Changes to Employee Terms & Conditions or Collective Agreements				A	R,	Re		I	I
3.4.	Adoption of Transferring Policies and Collective Agreements				A		RI			
3.5.	Teachers Annual Pay Award				A	R,C	I, Re			
3.6.	Support Staff Annual Pay Award				A	R, C	I, Re			
3.7.	Head Individual Performance Pay awards	Finance, Resources & Audit			A	R, Re	I	C		
3.8.	Deputy Head and other leadership roles Individual Performance Pay awards including potential movement to UPR and awarding of TLRs.	Finance, Resources & Audit			A	R, Re	I			C, Re
3.9.	Teacher & support staff Individual Performance Pay Awards.					C	C	CA	I	R, Re
3.10.	CEO Individual Performance Pay Award			A	CR		I			
3.11.	CFO Individual Performance Pay Awards				A	CR, Re				
3.12.	Trust Disciplinary Policy				A	R, Re				I

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3.13.	Trust Grievance Policy				A	R Re				I
3.14.	Trust Capability Policy				A	R Re				I
3.15.	Trust Whistleblowing Policy				A	R Re				I
3.16.	Trust Employee Health & Safety Policy				A	RR e				I
<b>4.</b>	<b>Central Team Staff Management –</b>									
4.1.	Authorisation to recruit				A	Re	I			
4.2.	Staffing, structure and grades			A		R	I, Re			
4.3.	CEO appointment			A	RI					
4.4.	CFO appointment			A	C	RI				
4.5.	Suspension of CEO			A	RI					
4.6.	Return of CEO after suspension			A	RI					
4.7.	Suspension of CFO			A	C	RI				
4.8.	Return of CFO after suspension			A	C	RI				
4.9.	Support staff appointments					A	RI			
<b>5.</b>	<b>School Staff Management –</b>									
5.1.	Authorisation to recruit leadership and teaching staff					A	Re			Re, I
5.2.	Authorisation to recruit support staff						A			Re I
5.3.	Staffing, structure and grades	Reviewed following any changes <b>FRA</b>			A	C, Re	C	Re	I	R
5.4.	Head Teacher appointment	Following authorisation to recruit		A		R,R e, I		C		
5.5.	Deputy Head and leadership appointment	Following authorisation to recruit				A		C		RIR e
5.6.	Teaching & senior support staff appointments	Following authorisation to recruit				C		C	I	AR

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5.7.	Support staff appointments	Following authorisation to recruit					C	C	I	AR
5.8.	Suspension of Head, Deputy Head or senior leadership team			A		RI		C		
5.9.	Return of Head Teacher, Deputy Head or senior leadership team after suspension			A		RI		C		
5.10.	Suspension of teaching and support staff					C		A		RI
5.11.	Return of teaching and support staff after suspension					C		A		RI
5.12.	Dismissal of staff	Hearings / Appeals panel drawn from Trustees / Governors			A	RI		C		C
5.13.	Re-structure/Redundancy of staff			A	C	R	C	C		I,Re
5.14.	Contractual changes eg flexible working requests					A	C			Re, I
<b>6.</b>	<b>Finance, Governance &amp; Management</b>									
6.1.	Trust & Academy Financial Regulations (inc. key policies & procedures)			A	R	C	I,Re		I	C
6.2.	Record of Financial Responsibility (RoFR)			A	C		RIRe		I	
6.3.	Trust Procurement Policy				A		R,Re		I	C
6.4.	Appoint Trust Auditors		AR		Re		I, C			
6.5.	Trust 3 year Budget Plan			A	Re	C	R, C			
6.6.	Trust 1 year Budget			A		C	R,Re			
6.7.	Central MAT Budget & Central Service Charge			A	Re	C	R, C			
6.8.	Setting of Schools 3 year Strategic Financial Plan	FRA			A	C	C Re	Re	C	R,I
6.9.	Setting Schools 1 year Budget Plan	FRA			A		C Re	Re, C	C	C R,I



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6.10.	Delivery against the approved budget						C	C		R,I
6.11.	Trust Annual Accounts			A	R		I Re			
6.12.	Trustees Report			A	R		I Re			
6.13.	Trust Academies Accounts Return to ESFA			C	R	A	I Re			
6.14.	Response to Auditor's Management Letter			A	R		I Re			
6.15.	Response to Internal audit reports				A		R Re I		I	I
<b>7.</b>	<b>Financial Authorisation</b>									
7.1.	Expenditure or contracts up to £1,000	Refer to RoFR							A, R, I	
7.2.	Expenditure or contracts up to £5,000	Refer to RoFR							I	A, R
7.3.	Expenditure or contracts up to £40,000	Refer to RoFR				A	A		RI	
7.4.	Expenditure or contracts >£40,000	Finance, Resources & Audit			A		C		RI	
7.5.	Expenditure or contracts up to £181K	Finance, Resources & Audit			A		C			
7.6.	Expenditure over £181k or over OJEU limit	Refer to RoFR		A			C			
7.7.	Disposals or write off of stock, assets or debts up to lower limit	Limit defined in RoFR					C		ARI	
7.8.	Disposals or write off of stock, assets or debts from lower limit to upper limit	Limit defined in RoFR					A		RI	
7.9.	Disposals or write off of stock, assets or debts over upper limit (up to AFH limit)	Finance, Resources & Audit			A		C		RI	
7.10.	Compensation payments up to £50,000	ESFA > £50,000		A	C	Re	RI	C		
7.11.	Virements involving staffing budgets up to Limit	Limit defined in RoFR					A	C, Re		RI

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7.12.	Virements involving staffing budgets above Limit	Finance, Resources & Audit			A		C, Re	C,		RI
7.13.	Virements between non-staffing budgets up to Limit	Limit defined in RoFR					A	C, Re		RI
7.14.	Virements between non-staffing budgets above Limit	Finance, Resources & Audit			A		C, Re	C,		RI
<b>8.</b>	<b>School Policies &amp; Procedures</b>									
8.1.	School times, terms and holidays			A		R, Re				CI
8.2.	Expansion of School (PAN or NOR)			A		R, Re	C	C		I
8.3.	Extension of School provision (Nursery)			A		R, Re	C	C		I
8.4.	Trust Safeguarding Policy & Child Protection Policy			A		R, Re		C		IC
8.5.	School Attendance Policy	Education & Learning			A	C, Re		C		R, I
8.6.	School Pupil Behaviour Policy	Education & Learning			A			C		RI
8.7.	School Pupil Exclusions Policy	Education & Learning			A	R		C		IC
8.8.	School Fixed-term exclusion									A,I
8.9.	School Return after short-term exclusion									A,I
8.10.	School Permanent Exclusions					C		A		RI
8.11.	Appeals against Permanent Exclusion					C		A		RI
8.12.	Trust Complaints and Appeals Policy			A		R				I
8.13.	Trust Admissions Policy			A		R				I
8.14.	Admissions Appeal Hearings					C		C		RI
8.15.	Academy Trust brand and branding guidelines			A		R	I			C
8.16.	School prospectus	Within trust branding guidelines				C		A		R, I
8.17.	School website	Within trust				C		A		R, I

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		branding guidelines								
8.18.	School name, logo & branding	Within trust branding guidelines				A		C, Re		RI
8.19.	School uniform	Within trust branding guidelines				A		C, Re		R
8.20.	School Educational Visits Policy					C		A		R
8.21.	Extended services on-site	Within approved budget					C	A		R
8.22.	Academy Trust Pupil Premium Strategy	Education & Learning			A	R				C
8.23.	School Pupil Premium Strategy	Education & Learning				C A	C	Re		RI
9.	<b>Premises &amp; Assets</b>									
9.1.	School Estate Management Policy & Plan	FRA			A	C	C			I,R
9.2.	School Health & Safety Policy	FRA			A	C	C			R, I