



# Meadowhead School Academy Trust

## Scheme of Delegation 2021



This is a policy of Meadowhead School Academy Trust.

**'Engage, Enjoy and Aspire'**

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| <b>Purpose:</b>  | Compliance   |
| <b>Reviewed:</b> | Annually   |
| <b>Status:</b>   | Public Document  |
| <b>Audience:</b> | All stakeholders, including DfE, EFSA, Members, Trustees/Governors, Staff, Parents, General Public |

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# Meadowhead School Trust Board – Scheme of Delegation

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## Introduction

Meadowhead School's Board of Trustees is accountable in law for all decisions about this school. The Board of Trustees and the Governing Body are the same – the term trustee also refers to governors. However, it does not mean that the full Board is required to make all decisions itself. Subject to certain restrictions, the Trust can decide to delegate decisions to its Headteacher (the senior executive leader), its committees and individual Trustees/Governors. The Trust's decision to delegate a function is made by the full Board of Trustees/Governors 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.

## 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/Governors, 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 Meadowhead School's Financial Regulations Policy, which contains the written scheme of delegation of financial powers referred to in the Academy Trust Handbook.**

Deciding what to retain at Trustee/Governor 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.

## 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 three key areas to reflect both the governance framework and the Three Core Functions of the Governing Board, as defined by the DfE in the Governance Handbook:

The governance framework:

- People
- Systems and structures
- Reporting

The Three 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 necessary.

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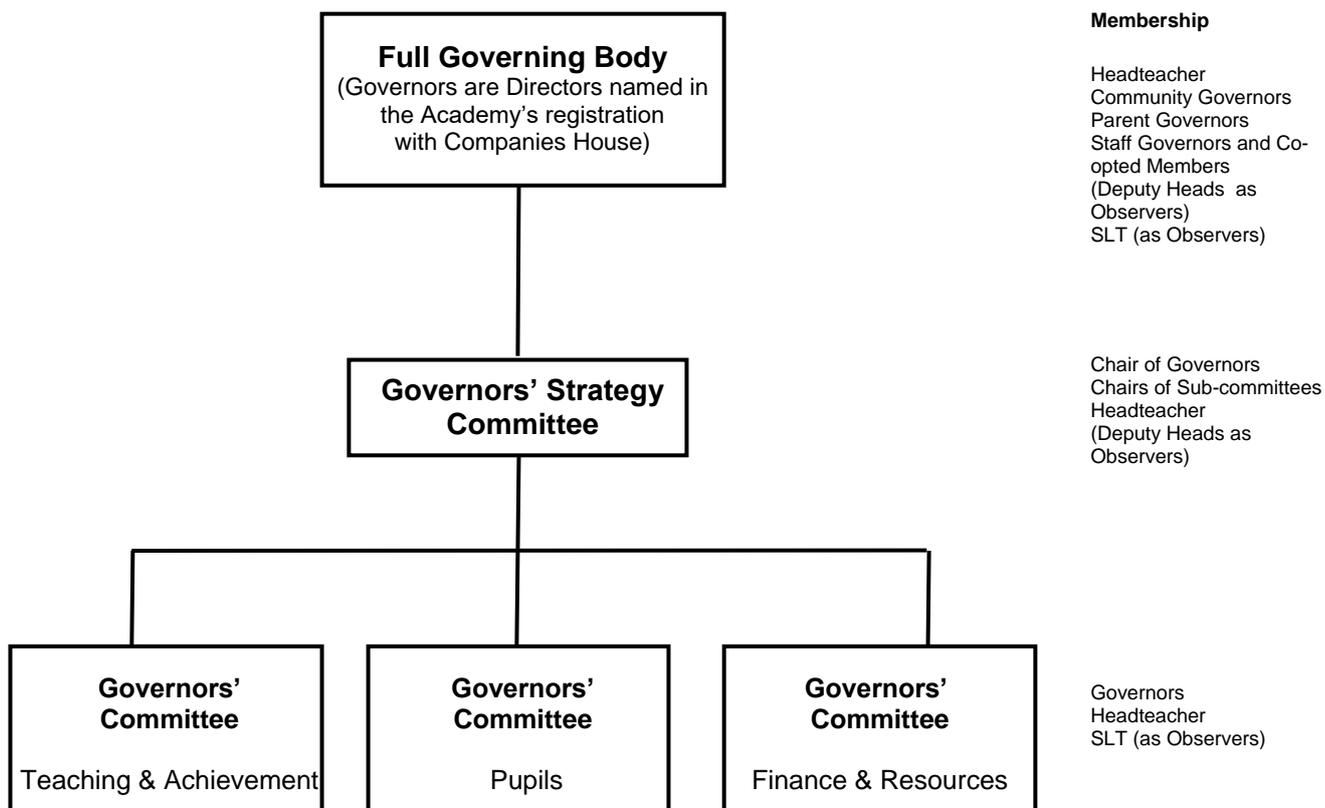
## Review and Adapt

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.

If effective, 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

## Meadowhead School Governance Structure as at September 2021



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## Governance structure and lines of accountability

The Board of Trustees/Governors delegates responsibility for the day-to-day running of the academy to the Headteacher. The Trustee/Governor 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.

## Roles and responsibilities

The Members of Meadowhead Trust have a different status to its Trustees/Governors. Originally, they were the signatories of the Memorandum of Association and agreed the Trust's first Articles of Association (a document that 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/Governors to ensure that the Trust's charitable object is carried out and so must be able to remove Trustees/Governors 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/Governors in the current Articles of Association for the Trust, in order to retain a degree of separation of powers between the Members and the Trust Board, in line with DfE expectations, not all Members should be Trustees/Governors.

As the responsibility to conduct the academy trust's business sits with the Academy Trustees/Governors, it is important Members do not overstep their powers or undermine the trust boards' discretion when exercising its responsibilities. The DfE's strong preference is therefore for at least the majority of Members to not sit on the trust board. It is important for Members to be kept informed about academy trust business so they can be assured that the trust board is exercising effective governance. This must include providing the Members with the academy trust's audited annual report and accounts. One way in which some academy trusts decide to keep Members informed and engaged is for one or more Members to also serve as an Academy Trustee/Governors on the trust board, which may be through appointing the Chair of the Academy Trustees/Governors as a Member.

When operating as an Academy Trustee/Governor such Members have no greater power than other Academy Trustees/Governors, and should remain conscious of the corporate nature of the trust board's identity and decision making and not seek to dominate the trust board because they are also Members.

The Governance Handbook 2020 also states:

"If a Member is operating as an academy trustee/governor, any such Member shall have no greater power than other academy trustees/governors and should remain conscious of the corporate nature of the board's identity and decision making and not seek to dominate the board because they are also a Member"

Members are not permitted to be employees of the academy Trust.

## **The role of the Trustees**

The academy Trust is a charitable company and so Trustees/Governors are both charity Trustees (within the terms of section 177(1) of the Charities Act 2011) and company directors. Because Trustees/Governors 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.

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In addition, the Board of Trustees/Governors 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/Governors has the right to review and adapt its governance structure at any time which includes removing delegation.**

## The role of Meadowhead School Trust's Committees

Committees have been established to carry out some of the Trust's governance functions which include making decisions; decisions 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 Academy Trust Handbook 2021 makes clear that the Board of Trustees *'should have a finance committee to which the Board delegates financial scrutiny and oversight'*. The Finance & Resources Committee has been established to meet that requirement.

## The role of the 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.

## Acknowledgement

This Scheme of Delegation draws upon the guidance models drawn up by National Governance Association (NGA) (2016).

## Other sources

- a) Academies Financial Handbook 2021
- b) Ofsted Framework 2019 (Governance)
- c) Governance Handbook 2020
- d) Governors' Competency Framework 2017
- e) The Essential Trustee
- f) The Requirements of GIAS (Get Information about Schools) – replaced Edubase 2017
- g) Website Requirements (NGA)

# Meadowhead School Academy Trust – Scheme of Delegation

| Function                        | Task  | Members | Full Governing Body | Committee | Individual governor | Headteacher | We have delegated this to: |
|---------------------------------|---|---------|---------------------|-----------|---------------------|-------------|----------------------------|
| <b>Admissions</b>               | Determine the school's admissions arrangements annually, including the published admission number (PAN) and the oversubscription criteria   |         | ✓                   | ✓         |                     |             |                            |
|                                 | Make sure the school's admissions arrangements comply with the School Admissions Code and are fair, clear and objective   |         | ✓                   | ✓         |                     |             |                            |
| <b>Behaviour and exclusions</b> | Arrange for suitable full-time education for any pupil of compulsory school age who has a fixed-term exclusion of more than five school days  |         |                     |           |                     | ✓           |                            |
|                                 | Convene <a href="#">a meeting to consider reinstating an excluded pupil</a> and consider parents' representations about an exclusion in some circumstances  |         | ✓                   | ✓         | ✓                   |             |                            |
|                                 | Arrange an <a href="#">independent review panel</a> to consider permanent exclusions, where requested by parents  |         | ✓                   |           |                     |             | Local Authority            |
| <b>Curriculum</b>               | Make sure the school teaches a broad and balanced curriculum to the age of 16   |         |                     |           |                     | ✓           |                            |
|                                 | Make sure all pupils at the school are provided with independent <a href="#">careers guidance</a> from year 8 to year 13  |         | ✓                   | ✓         |                     | ✓           |                            |
| <b>Finance and budgets</b>      | Make day-to-day spending decisions under the amount of £10,000  |         |                     |           |                     | ✓           |                            |
|                                 | Appoint a senior executive leader as the accounting officer and a chief financial officer of the trust  |         | ✓                   |           |                     |             |                            |
|                                 | Maintain adequate accounting records and prepare an annual report and accounts in line with the Charity Commission's Statement of Recommended Practice (SORP) and Education and Skills Funding Agency's (ESFA) Accounts Direction |         | ✓                   | ✓         |                     |             |                            |

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|-----------------------------------|--|---------|---------------------|-----------|---------------------|-------------|----------------------------|
|                                   | Appoint an auditor   |         | ✓                   | ✓         |                     |             |                            |
|                                   | Participate in annual accounts consolidation exercises as communicated by the Department for Education   |         | ✓                   | ✓         |                     |             |                            |
|                                   | Refer potentially novel and contentious transactions to Education and Skills Funding Agency (ESFA) for explicit prior authorisation                        |         | ✓                   |           |                     |             |                            |
|                                   | Make sure that the trust has adequate insurance cover or has opted into the academies risk protection arrangement (RPA)                                    |         | ✓                   | ✓         |                     |             |                            |
|                                   | Establish an <a href="#">audit and risk committee</a><br>If your trust's annual income is less than £50 million, you can combine it with another committee |         |                     | ✓         |                     |             |                            |
|                                   | Approve a balanced budget each financial year and submit to the ESFA   |         |                     | ✓         |                     |             |                            |
|                                   | Maintain a published <a href="#">register of interests</a> , including the business and pecuniary interests of members, trustees and local governors       |         |                     | ✓         |                     |             |                            |
|                                   | Monitor impact of pupil premium funding  |         |                     | ✓         | ✓                   |             | ✓                          |
| <b>Governing board procedures</b> | Hold full governing board meetings at least 3 times a year   |         | ✓                   |           |                     |             |                            |
|                                   | Members: appoint and remove  | ✓       |                     |           |                     |             |                            |
|                                   | Trustees/Governors: appoint and remove   | ✓       | ✓                   |           |                     |             |                            |
|                                   | Role descriptions for members  | ✓       |                     |           |                     |             |                            |
|                                   | Role descriptions for Trustees / Chair / specific roles / committee members: <b>agree</b>  |         |                     | ✓         | ✓                   |             |                            |

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| Function                   | Task   | Members | Full Governing Body | Committee | Individual governor | Headteacher | We have delegated this to: |
|----------------------------|--|---------|---------------------|-----------|---------------------|-------------|----------------------------|
|                            | Elect a chair and vice-chair of trustees   |         | ✓                   |           |                     |             |                            |
|                            | Appoint a clerk  |         | ✓                   |           |                     |             |                            |
|                            | Parent governor elections  |         | ✓                   |           |                     |             |                            |
|                            | Determine the constitution, membership and terms of reference of any committee it decides to establish and review this annually. Appoint or elect a chair for each committee |         | ✓                   |           |                     |             |                            |
|                            | Check that all statutory policies and documents are in place   |         | ✓                   |           |                     |             |                            |
|                            | Delegate functions to committees and individuals   |         | ✓                   |           |                     |             |                            |
|                            | Articles of Association: <b>agree and review</b>   | ✓       |                     |           |                     |             |                            |
|                            | Annual self-review of Trust Board and committee's performance  |         | ✓                   |           |                     |             |                            |
|                            | Skills audit: complete and recruit to fill gaps  |         | ✓                   |           |                     |             |                            |
|                            | Succession Planning  |         | ✓                   |           |                     |             |                            |
|                            | Annual review of governor contributions  |         | ✓                   |           |                     |             |                            |
|                            | Register of all interests, business, pecuniary, loyalty for Members / Trustees: <b>establish and publish</b>   |         | ✓                   |           |                     |             | Company Secretary/Clerk    |
| <b>Health &amp; Safety</b> | Monitor the implementation of the health and safety policy   |         | ✓                   | ✓         |                     |             |                            |
|                            | Make sure there is an appointed person in charge of first aid  |         | ✓                   | ✓         |                     | ✓           |                            |
|                            | Make sure the required information is published on the school website  |         | ✓                   | ✓         |                     | ✓           | Company Secretary/Clerk    |

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| Function                         | Task  | Members | Full Governing Body | Committee | Individual governor | Headteacher | We have delegated this to: |
|----------------------------------|---|---------|---------------------|-----------|---------------------|-------------|----------------------------|
| <b>Parents and the community</b> | Approve a complaints procedure  |         | ✓                   | ✓         | ✓                   | ✓           |                            |
|                                  | Make sure the school complies with the Freedom of Information Act 2000  |         | ✓                   | ✓         |                     |             |                            |
|                                  | Make sure the school complies with the General Data Protection Regulations ( <a href="#">GDPR</a> )   |         | ✓                   | ✓         |                     |             |                            |
| <b>Pupil wellbeing</b>           | Make sure eligible pupils receive free school meals   |         | ✓                   | ✓         |                     | ✓           |                            |
|                                  | Appoint a designated teacher to promote the educational achievement of looked after children (LAC) and post-LAC and that they undertake appropriate training              |         | ✓                   | ✓         |                     | ✓           |                            |
|                                  | Make sure the school complies with the Equality Act 2010 and the Public Sector Equality Duty and publishes equality objectives and information about how it is doing this |         | ✓                   |           |                     |             |                            |
|                                  | Make arrangements for supporting pupils with medical conditions   |         | ✓                   | ✓         |                     | ✓           |                            |
| <b>Safe-guarding</b>             | Check that the school complies with statutory guidance on safeguarding  |         | ✓                   | ✓         |                     |             |                            |
|                                  | Make sure there's a child protection policy in place  |         | ✓                   |           |                     |             |                            |
|                                  | Make sure a senior board level governor takes leadership responsibility for safeguarding and that they receive training   |         | ✓                   | ✓         |                     |             |                            |
|                                  | Make sure governors receive safeguarding training   |         | ✓                   | ✓         | ✓                   | ✓           |                            |
|                                  | Appoint a member of staff to be the designated safeguarding lead  |         |                     |           |                     | ✓           |                            |
|                                  | Make sure that effective support is provided for any employee facing an allegation  |         |                     | ✓         | ✓                   |             | ✓                          |
| <b>Special Educational</b>       | Designate a member of the governing board or a committee to have oversight of the school's arrangements for SEND  |         | ✓                   |           |                     |             |                            |

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|--------------------------------------|---|---------|---------------------|-----------|---------------------|-------------|----------------------------|
| <b>Needs and Disabilities (SEND)</b> | Make sure that the necessary special education provision is made for any pupil who has SEN, and monitor its effectiveness                   |         |                     | ✓         | ✓                   | ✓           |                            |
|                                      | Make sure that parents are notified by the school when special educational provision is being made for their child                          |         |                     |           |                     | ✓           |                            |
|                                      | Make sure the school produces and publishes online its school SEN information report  |         | ✓                   | ✓         |                     | ✓           |                            |
|                                      | Co-operate with the local authority in developing the local offer   |         |                     | ✓         |                     | ✓           |                            |
|                                      | Make sure the school follows the statutory SEND Code of Practice  |         | ✓                   |           |                     | ✓           |                            |
|                                      | Make sure that there is a qualified teacher as the special educational needs co-ordinator (SENCO) for the school                            |         | ✓                   | ✓         |                     | ✓           |                            |
|                                      | Make sure that the teachers in the school are aware of the importance of identifying pupils who have SEN and providing appropriate teaching |         |                     |           |                     | ✓           |                            |
| <b>Staffing matters</b>              | Appoint a senior executive leader (who should be the academy's principal)   |         | ✓                   |           |                     |             |                            |
|                                      | Make sure safer recruitment procedures are applied (for example, disclosure and barring checks)   |         | ✓                   | ✓         |                     |             |                            |
|                                      | Make sure employment law and guidance is being followed   |         | ✓                   | ✓         |                     |             |                            |
|                                      | Approve staffing structure changes  |         | ✓                   | ✓         |                     |             |                            |
|                                      | Dismiss the Headteacher   |         | ✓                   |           |                     |             |                            |