

Education and Leadership Trust

Scheme of Delegation

Last review date: 28 September 2020

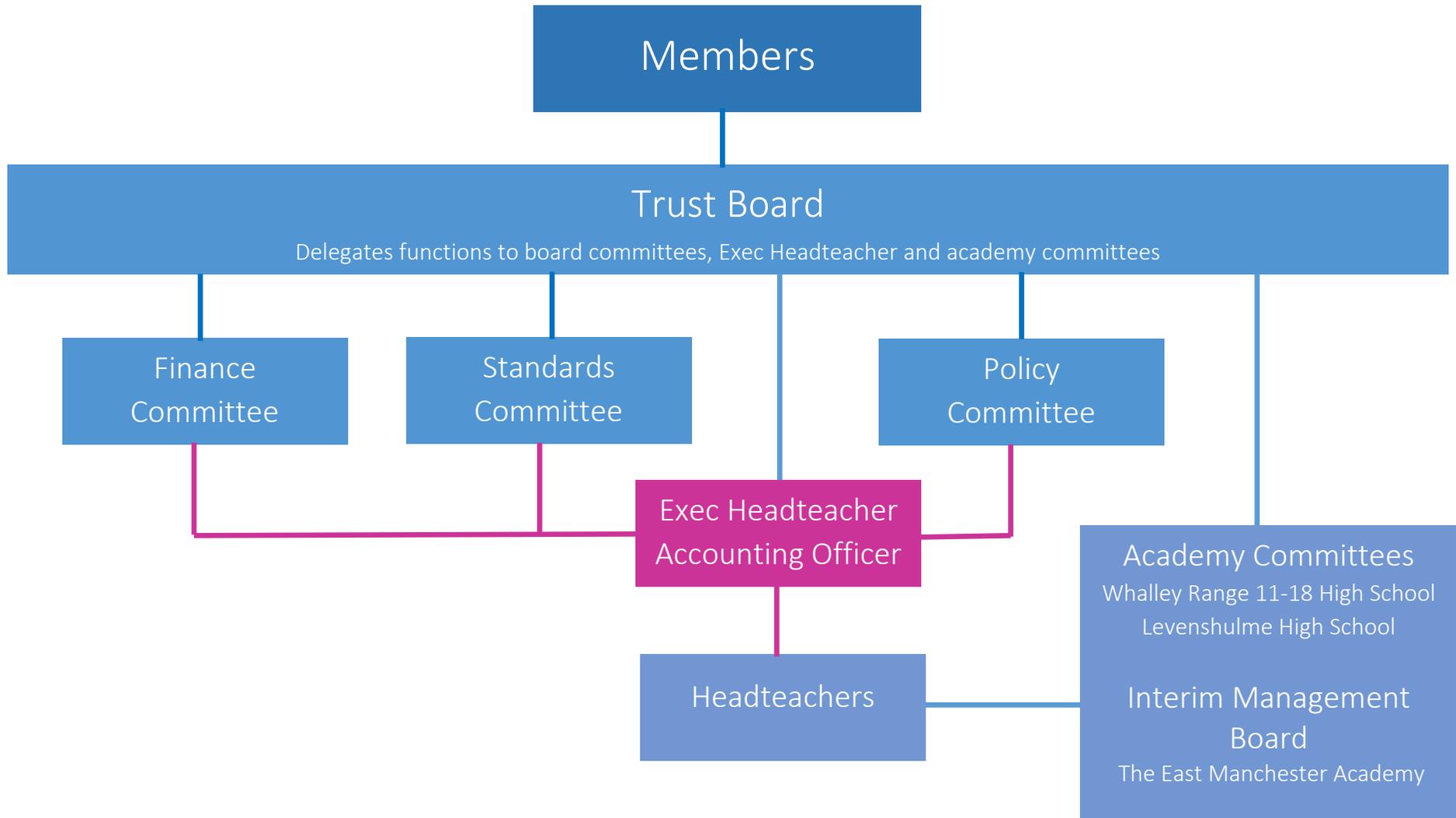
Based on NGA model scheme of delegation model 1 – delegation to Academy Committees

The NGA models do not use overly complicated legal terminology. Instead they are intended to be working documents that the trust board and executive leaders should be able to revise and adapt in response to their context and circumstances.

An effective scheme of delegation:

- Promotes a culture of honesty and accountability
- Ensures the executive leadership is clear about which decisions the trust board remain in control of
- Identifies responsibility for the appointment and performance management of the Executive Headteacher and Academy Headteachers
- Ensures that the role of the executive leadership is fully understood throughout the MAT
- Identifies responsibility for policy and practice in each academy
- Identifies responsibility for oversight of educational performance in each academy
- Identifies responsibility for oversight of each academy's budget
- Identifies responsibility for assessment of risk in each academy

Governance Structure



Lines of Accountability

- The Trust Board (TB) is responsible for the three core governance functions (see below).
- The TB appoints the Executive Headteacher (EHT), to whom it delegates responsibility for delivery of its vision and strategy, and will hold the EHT 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 EHT line manages other senior executives and the academies' headteachers, setting their targets and performance managing them.
- The TB has overall responsibility for progress and attainment, financial affairs and the use of resources efficiently to maximise outcomes for pupils. It delegates, currently, authority for Audit, Finance and Resources to the Finance Committee. As a TB committee, at least three trustees must sit on it.
- The TB delegates some of its school level monitoring and scrutinising functions to Academy Committees (previously called 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 Academy Committees (ACs), and so lines of communication to the board of trustees must be clearly established. The EHT is likely to seek input from the chair of the AC when undertaking the headteacher's performance management.
- An Interim Management Board (IMB) has been established for TEMA, replacing the Academy Committee for that school. The purpose, functions and delegated responsibilities and authority for that board are detailed in its terms of reference which are included later in this document
- As the headteacher is being line managed by the EHT, the AC no longer carries out the governance function of holding the headteacher 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 AC's role in Ofsted inspections.

Roles and responsibilities

The role and responsibilities 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 legal document which

outlines the governance structure and how the Trust will operate). 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 Multi Academy Trust (MAT).

The role and responsibilities 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. NGA uses the term Trustee as it avoids the possible confusion caused when executive leaders are called Directors but are neither Company Directors nor Trustees.

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, the TB must carry out the three core governance functions, which are to:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold executive leaders 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 TB has the right to review and adapt its governance structure at any time which includes removing delegation.

The role and responsibilities of Trust Board Committees

The TB establishes 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. The TB appoints Board Committee Chairs and Committee members according to their skills.

The Academies Financial Handbook 2016 makes it clear that the Trust Board 'should have a finance committee to which the board delegates financial scrutiny and oversight'. In this Trust the Finance Committee incorporates Audit as our income does not exceed the threshold for a separate committee to be required.

The role and responsibilities of the Executive Headteacher (EHT)

The EHT has the delegated responsibility for the operation of the Trust including the performance of the trust's academies and so the EHT performance manages the academy Headteachers. As there is the delegation of some governance functions to Academy Committees, this is usually with the Academy Committee Chair alongside.

The EHT 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 EHT leads the executive management team of the Academy Trust. The EHT 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 role and responsibilities of the Academy Committees

The Trustees establish Academy Committees to carry out some of its school level governance functions, although as Trustees are not required to sit on Academy Committees, decision making is limited. The Trustees will confirm the Chair/Vice Chair appointment, and ensure that up to three parents are appointed to the Academy Committee.

Delegated functions and duties include:

- Building an understanding of how the school is led and managed and ensuring that it is conducted in accordance with Trust ethos, values and strategic direction
- Monitoring whether the school is:
 - Working within agreed policies
 - Is meeting the agreed targets, in particular for student outcomes, behaviour and attendance and with particular regard for disadvantaged students and those with special educational needs and/or disabilities
 - Managing its finances well within the budget set by the Trust Board
 - Implementing statutory compliance and risk management
- Engaging with stakeholders and assuring itself of their views on key aspects of school life
- Being a point of consultation and representation
- Reporting to the board
- Determining the extent to which all children, including those with special educational needs and/or disabilities and those who come from disadvantaged backgrounds, have access to a broad and balanced curriculum
- Monitoring implementation of safeguarding, including through reporting from the Designated Safeguarding Lead and checking the SCR. Communicating any identified concerns to the Trust Board
- Monitoring and challenging implementation of SEND policy and the provision for and performance of SEND students

As a committee of the board, delegation can be removed at any time.

The role and responsibilities of the Academy Headteacher

The Academy Headteacher is responsible for the day to day management of the academy and is managed by the Executive Headteacher but reports to the Academy Committee on matters which have been delegated to it which may include an element of monitoring and scrutiny of the school's management processes.

Delegation of Decisions

Key

Column 1: Members

Column 2: Board of trustees of the multi academy trust

Column 3: Trust board finance committee

Column 4: Chief executive officer/Executive Headteacher [note – some responsibilities ascribed to the EHT will flow through other Executive staff]

Column 5: Academy committee

Column 6: Academy headteacher

Blue box Function **cannot** be legally carried out at this level.

Accountable: Ultimately answerable for the task being delivered. Delegates the task to those responsible.

Responsible: Responsible for the delivery. Does the work to achieve the task. Can be shared between groups/individuals

Consulted: Should be involved before the decision is made. Communication is usually two-way. These are important stakeholders and/or may have specialist knowledge in the area and can advise those responsible and accountable

Informed: Those to be kept up-to-date on progress. Communication is one-way, and may be updated only when the decision has been taken or the task completed.

Area	Decision	Delegation					
		Members	Trust Board	TB Finance Committee	ExecHT	Academy Committee	Academy Headteacher
People	Members: Appoint/Remove	A + R					
	Trustees: Appoint/Remove	A + R	A + R				
	Role descriptions for members	A + R					
	Role descriptions for trustees/chair/ specific roles/committee/council members: agree		A + R		C		
	Parent committee/council member: appointed		A			A + R	R
	Board committee chairs: appoint and remove		A+R		C		
	Academy committee/council chairs: appoint and remove		A		C	R	
	Clerk to board: appoint and remove		A + R				
	Clerk to academy committee/council: appoint and remove		A + R			I	
Systems and structures	Articles of association: review and agree	A + R	C		C		
	Governance structure (committees) for the trust: establish and review annually		A + R		C		
	Terms of reference for board committees and scheme of delegation for academy committees: agree annually		A + R		C		
	Skills audit: complete and recruit to fill gaps		A + R (Trust)		C	A + R (School)	C

Area	Decision	Delegation					
		Members	Trust Board	TB Finance Committee	ExecHT	Academy Committee	Academy Headteacher
Systems and structures	Annual self review of trust board and committees: complete annually		A + R		C		
	Annual self review of academy committees/councils: complete annually		I			A + R	C
	Chair's performance: carry out review periodically		A + R			A + R	
	Trustee / academy committee/council member contribution: review annually		A + R	C	C	A + R	C
	Trustee/Governor Succession: plan		A + R		C	A + R	C
	Annual schedule of business for trust board: agree		A + R	A + R	C		
	Annual schedule of business for academy committee/council: agree		C		C	A + R	C
Reporting							
Reporting	Publication on trust and schools' websites of all required details on governance arrangements: ensure		A		R	A	R
	Annual report on performance of the trust: submit to members and publish		A + R		C		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		A	R	R		
	Annual report work of academy committee/council: submit to trust and publish		I			A + R	C

Area	Decision	Delegation					
		Members	Trust Board	TB Finance Committee	ExecHT	Academy Committee	Academy Headteacher
Being Strategic							
Being Strategic	Determine trust wide policies which reflect the trust's ethos and values (facilitating discussions with unions where appropriate) including: admissions; complaints; health and safety; data protection and FOI; safeguarding; Behaviour for Learning; staffing policies including capability, discipline, conduct and grievance: approve		A Separately named policies delegated, too, to Policy Committee for review and approval	A + R (finance)	R	I	I
	Determine school level policies which reflect the school's ethos and values to include e.g. SEND; CEIAG; Supporting Children with Medical Needs: approve		A		C	I	R
	Central spend / top slice: agree		A	R	C	I	I
	Management of risk: establish register, review and monitor		A + R (Trust)	C	C	A + R (School)	C
	Engagement with stakeholders	A	A + R	R	R	A + R	R
	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 + R	C	C	I	I
	Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		A		C	A	R
	Chief executive officer: appoint and dismiss		A + R				

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		Members	Trust Board	TB Finance Committee	ExecHT	Academy Committee	Academy Headteacher
Being Strategic	Academy headteacher: appoint and dismiss				A + R	C	
	Budget plan to support delivery of trust key priorities: agree		A	R	C		
	Budget plan to support delivery of school key priorities: agree			A	R	C	R
	Trust's staffing structure: agree		A + R	C	R		
	School staffing structure: agree				C	I	A+R
Holding to account	Auditing and reporting <u>arrangements</u> for matters of compliance (e.g. safeguarding, H&S, employment): agree		A (Trust)	A + R (finance)	R	A + R (school)	R
	Reporting arrangements for progress on key priorities: agree		A (Trust)	C	R also consulting Standards Committee	C (school)	R
	Performance management of the Chief Executive Officer: undertake		A + R				
	Performance management of academy headteacher: undertake				A + R	C	

Area	Decision	Delegation					
		Members	Trust Board	TB Finance Committee	ExecHT	Academy Committee	Academy Headteacher
	Trustee monitoring: agree arrangements		A + R		C		
	Academy committee member monitoring: agree arrangements				C	A + R	C
	Academy committee overall performance monitoring: agree arrangements		A + R		C		
Ensuring financial probity							
Ensuring financial probity	Appoint Chief/Trust financial officer for delivery of trusts detailed accounting processes		A + R	C	C		
	Trust's scheme of financial delegation: establish and review		A	R	R	I	I
	School's scheme of financial delegation: establish and review			A + R	C	I	I
	External auditors' report: receive and respond		A	R	C	I	I
	CEO pay award: agree		A + R	C			
	Academy principal pay award (ie recommendation from performance management): agree				A + R	C	
	Staff appraisal procedure and pay progression: review and agree		A + C			R	

Area	Decision	Delegation					
		Members	Trust Board	TB Finance Committee	ExecHT	Academy Committee	Academy Headteacher
	Benchmarking and trust wide value for money: ensure robustness			A + R	R		
	Benchmarking and academy value for money: ensure robustness			A	C	C	R
	Develop trust wide procurement strategies and efficiency savings programme				A + R		
	Review and approve trust wide procurement strategies and efficiency savings programme			A + R	C		

TERMS OF REFERENCE for the East Manchester Academy improvement board (the INTERIM MANAGEMENT BOARD, or IMB)

Reviewed and agreed 10 March 2020

Background and Purpose

The IMB has been established by the Education and Leadership Trust Board to secure the rapid turnaround of the school, following the school being placed in Special Measures by Ofsted on inspection. The IMB will be potentially be in existence for the period up to June 2022, and the position will be reviewed periodically by the Trust Board. Should the school move out of Special Measures and secure sustainable improvement before that time, the Trust will establish a normally-constituted Academy Committee for its governance.

The IMB shall meet usually every 3-4 weeks and report to the Trust Board. Additional reporting may also be required to the Department for Education and/or the Office of the Regional Schools Commissioner. Information about the IMB members and the work of the IMB will be made available on the school website. Initial memberships of the IMB is as follows:

- Fiona O’Sullivan – chair
- Phil Beswick
- Alan Braven
- Elaine Morrison
- Michelle Bernasconi

The IMB will ensure that the action plan for the school is being implemented and will advise on the development and review of the plan, focusing initially on the 8 Areas for Improvement identified in the inspection report. It will also, over time, ensure that the school is meeting the expectations of the full Ofsted Inspection Framework in readiness for its next section 5 inspection.

The Role, Delegated Authority and Duties of the IMB

- The core function of the IMB is to secure a sound basis for accelerated current and future improvement in the school and its governance. This includes the promotion of high standards of educational achievement, personal development and safeguarding for all such that the school can be removed from Special Measures within the period of 30 months designated by Ofsted
- The IMB will take on the responsibilities and functions of the normally constituted Academy Committee, meeting the three core strategic functions of governing bodies described in the government’s Governance Handbook (2019)
- When appropriate, the IMB will promote the establishment of the Academy Committee for the school, carrying out a skills and capacity audit of potential governors and advising the leadership team and Trust Board of any shortages and governor training needs
- Support the transition to an Academy Committee, when ready, through supporting training and collaboration as new governors take up their roles

- Advise and report to the Trust Board and Executive leaders on the implementation of the action plan, identifying and communicating any need for additional Trust or external support that may need Trust Board authorisation, for example significant capital funding
- Have regard to the Equalities Act in the performance of any duty
- Act in accordance with the terms of the Trust funding agreement, Articles of Association and current ESFA Academies Financial Handbook in the performance of any duty
- Ensure that the school is meeting legal requirements and duties and implementing Trust and school policies appropriately
- Ensure that any funds delegated to the school are safeguarded and their use is astutely and appropriately directed to address the requirements of the action plan and meet students' needs

The IMB will fulfil its responsibilities through the following three sets of activities:

1. Ensuring clarity of vision, ethos and strategic direction by:

- Ensuring that the school aligns with the Trust's vision
- Setting targets for school improvement, with particular reference to the Areas for Improvement from inspection
- Overseeing the effectiveness of the school leadership and management
- Monitoring appraisal arrangements
- Support the Executive Headteacher in the line management and appraisal of the headteacher
- Ensuring that the staffing structure of the school supports improvement needs effectively and is financially viable
- Support the school's leadership team in ensuring that all staff, teaching and non-teaching, meet the expected standards of professional performance
- Working closely with the Trust, the Department for Education, the office of the Regional Schools Commissioner and Local Authority to secure a future for the school

2. Acting as a critical friend to senior leaders and holding the Headteacher to account for the educational performance of the school and its students by:

- Monitoring performance against targets set by the IMB and/or in the post-Ofsted action plan through a range of evidence, including receiving regular information from the Headteacher and senior leaders on the performance of all aspects of the school
- Visiting the school during the working day to carry out assurance activities (such as student, staff and parent feedback), work with school leaders and identify any further strategies and support needed
- Monitoring the quality of provision and standards of achievement of all students within the school – particularly for SEND and other vulnerable students
- Quality assuring safeguarding in the school
- Monitoring the implementation of Trust policies and resultant impact on standards and provision
- Contributing their expertise to advise and support school leaders and access/facilitate additional, external expertise and capacity where needed

- Monitoring school self-evaluation and satisfying itself to the accuracy of this, including via external support/reviews as determined by the IMB
- Ensuring that the school complies with statutory requirements, including the equalities duty
- Providing challenge and support to the Headteacher and senior leaders - including finance, discipline (student) and HR (including staff disciplinary or competence) support needed to effect change and secure improvement
- Supporting the school in responding to complaints received
- Monitoring and evaluating progress towards the requirements of the full Ofsted inspection framework in readiness for a section 5 inspection when relevant
- Monitoring Health and Safety in the school and directing action needed to address concerns arising
- Supporting school and executive leaders on estate management and any building works needed to improve the quality of provision and safeguarding for staff and students

3. Overseeing the financial performance of the school and making sure its money is well spent:

- Ensuring that the devolved budget is appropriately spent for the good of the learners currently in the school, targeted on improvement priorities and to best secure the school's future
- Ensuring that the school maintains an up-to-date and appropriate risk register
- Ensuring that sound financial management systems are in place in line with statutory and good practice requirements and that school complies with the Trust Financial Scheme of Delegation
- Evaluating any requests for additional funding and liaising with the Trust Finance Committee and Trust Finance Officer in facilitating and supporting such requests deemed appropriate by the IMB

Learners, Parents, Staff and the Community

The IMB will further fulfil its duties to the above stakeholders by:

- Ensuring that the school website is informative, regularly updated and meeting statutory requirements
- Determining, with school leaders, how the school's relationships with parents will be managed, including what will be communicated about improvements, in what medium and how frequently and liaising with parents
- Receiving appeals on issues related to staff grievance, capability, complaints and exclusions

Constitution, Terms of Office and Proceedings

- Members of the IMB will hold office for the period that the IMB is in existence, although individual members may resign at any time (subject to a one month notice period)
- The Trust Board may appoint additional members of the IMB at any time and may remove existing members for reasons of incapacity or conduct
- The IMB may make such arrangements as it sees fit for the discharge of its functions by any other person

- Whilst it is for the IMB to determine the regularity of meetings, it is anticipated that it will meet at least monthly during term time to ensure the pace of improvement is maintained and to monitor improvement
- IMB members will commit to attending all meetings, unless due to unavoidable prior commitments or urgent personal circumstances, in which case chair and clerk will be informed in advance of the meeting
- All IMB members, the Executive Headteacher and the Headteacher, unless the Executive Headteacher or Headteacher is being discussed, and members of any shadow governing body which may be established, may attend meetings of the IMB and its committees where established, although non-members will not have voting rights
- Other individuals and observers may only attend with the agreement of the IMB
- Where confidential matters are being discussed it will be for the IMB to determine if non-members may be present
- As much notice as possible will be given of IMB meetings and papers will be circulated in advance of the meeting where possible. The minutes will be made public following their approval by the IMB at its next meeting, except where items have been deemed by the IMB to be confidential
- The quorum for all meetings will be 3 members of the IMB

The role of the Headteacher

- The Headteacher will be responsible for the internal organisation, the leadership and management and control of the school, and for advising on the implementation of the IMB's strategic framework
- The Headteacher will provide the IMB with regular information on the performance of the school and will comply with any reasonable request from the IMB for information. It is for the IMB to determine the range, content and regularity of these reports. The IMB may request any member of SLT to attend its meetings to provide information on the performance of any aspect of the school for which they are responsible
- The Headteacher will facilitate the IMB in carrying out any QA work in school, including such activities as talking to staff or students
- Where the IMB delegates any function to the Headteacher the IMB has the power to give the Headteacher reasonable directions in relation to that function and oblige them to comply with these directions

Conduct of the IMB

- The IMB will conduct its business in an open and transparent way, though meetings are closed and attendance is by invite only
- The IMB is a corporate body and consequently no individual has the power to act alone, unless delegated to do so by the IMB
- Where functions have been delegated to an individual, or a group, they must report back to the full IMB on actions taken under delegation at the earliest possible opportunity. The IMB remains responsible for any action undertaken on its behalf under delegation

- Individual members of the IMB must respect confidentiality. It is for the IMB to determine which parts of meetings, and the associated minutes, should remain confidential. Serious breaches of confidentiality may result in the ELT removing an individual member from the IMB
- All dialogue with press agencies will be through Manchester City Council Press Office and through the headteacher and chair of the IMB. No member of the IMB should have contact otherwise with press agencies, unless authorised by the chair and the chair of the Trust Board
- Clerking of the meetings will be provided by a clerk from One Education. The clerk will also be bound by confidentiality and will be required to sign the code of conduct

Procedures

- IMB minutes will be collated and sent to the chair within one week for approval before circulation to the members of the IMB, by email
- The agenda for IMB meetings will be determined by the chair of the IMB in the first instance, at least 3 days before the meeting
- The chair may waive the normal notice period for a meeting where business is deemed to be urgent
- On request, the Headteacher will present reports to the IMB on information it requests in order to fulfil its monitoring responsibilities
- The IMB will abide by the Financial Scheme of Delegation for the Trust
- The chair has the delegated power to take decisions on behalf of the IMB between meetings, where it is not practicable to call a full IMB meeting. All such decisions will be reported back to the next meeting of the IMB
- The decision-making processes of the IMB will be open and transparent and in partnership in the best interests of the school and its progress towards addressing the key issues identified in the Ofsted inspection report and the statement of action. In the event of a split decision, the chair of the IMB will have the casting vote
- The IMB, in consultation with the Headteacher, will contribute to regular communications to update parents on the progress the school is making, and will also inform parents of the outcomes of HMI/Ofsted visits to the school
- IMB members will be available for Ofsted visits where possible