

IES Breckland Scheme of Delegation 2020-21

Introduction

An academy trust's governing body is accountable in law for all decisions about its academy. However, this does not mean that the full governing body is required to make all the decisions itself. Many decisions can be delegated to the principal (the senior executive leader in a single academy trust), governing body committees and individual governors. It is vital that the decision to delegate a function is made by the full governing body and is recorded. Without such formal delegation, the individual or committee has no power to act.

The purpose of a 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 trust members, governors, committees, and individuals are clear about who has responsibility for making which decisions.

This overarching scheme of delegation covering all decision making 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 governor level and what to delegate will not be set out in the articles of association, the academy trust's governing document. This is why it is critical that the academy trust agree a scheme of delegation that explicitly establishes who makes which decisions, and ensures this is clear to all. A detailed yet clear scheme of delegation can help prevent confusion from arising before any misunderstanding which has the propensity to lead to a loss of trust and damaged working relationships.

Format, structure and clarity

An effective scheme of delegation should clarify decision making and lines of accountability in a simple, succinct and clear format and as such must include:

1. An outline of the structure
2. A structure diagram which shows the layers of governance and reporting structures
3. Details about roles and responsibilities
4. A grid format, with columns for each layer of governance, which enables stakeholders to quickly determine who has the power to take which decisions.

A scheme of delegation should be a working document that the governing body and executive leader should be able to revise and adapt in response to their context and circumstances.

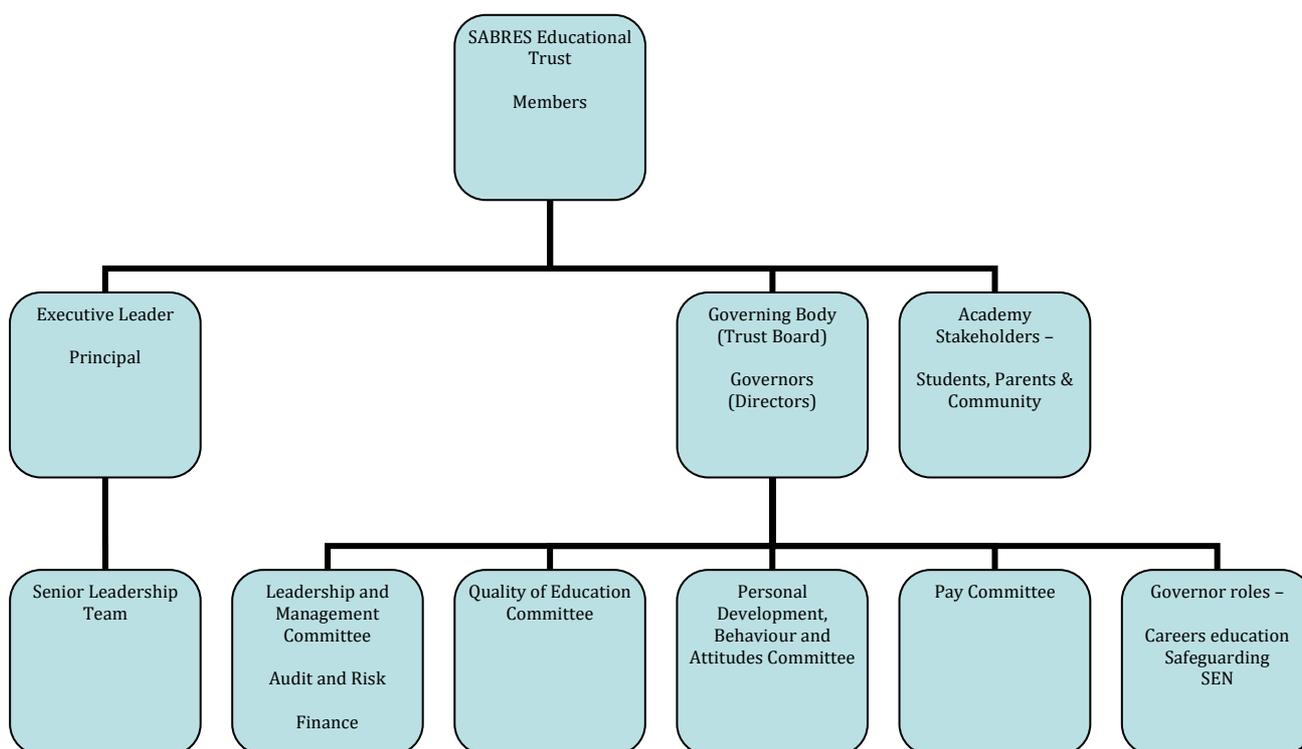
Review and adapt

The scheme of delegation should be reviewed annually, with revisions made as the context changes, if necessary each year.

Governance structure and lines of accountability

The academy trust's governing body will delegate responsibility for the day to day running of the academy to the principal. The governing body will hold the principal to account for the performance of the academy. The principal in turn holds other members of the senior leadership team to account by line managing them. While the governing body cannot ever delegate its accountability, it can delegate some of the detailed scrutiny, oversight and decision making. The principal will report to the governing body on the performance of the academy, although this will be supplemented by monitoring from the governing body committees and individual governors with any delegated responsibilities.

Governance structure



Roles and responsibilities

The role of the trust members (SABRES Educational Trust)

The members of the trust have a different status to governors. Originally they will have been the signatories to the memorandum of association and will have agreed the trust's first articles of association (the 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 governors the members can appoint to the governing body. The members appoint governors to ensure that the trust's charitable object is carried out and so must be able to remove governors if they fail to fulfil this responsibility. Members are also responsible for approving any amendments made to the trust's articles of association.

While members are permitted to be appointed as governors, in order to retain a degree of separation of powers between the members and the governing body, and in line with DfE expectations, not all members should be governors.

The role of the governors

The governing body must carry out the three core governance functions:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the principal to account for the educational performance of the school and the performance management of staff
3. Oversee the financial performance of the trust and make sure its money is well spent

The Governors must comply with the general duties set out in the Companies Act 2006, as stated in the 'Articles of Association' –

1. Duty to act within powers
2. Duty to promote the success of the company
3. Duty to exercise independent judgment
4. Duty to exercise reasonable care, skill and diligence
5. Duty to avoid conflicts of interest
6. Duty not to accept benefits from third parties
7. Duty to declare interest in proposed transaction

The governing body has the right to review and adapt its governance structure at any time which includes removing delegation.

The governing body includes committees and specific roles, assigned to individual governors according to their skills. Governor roles include:

- Careers education
- Safeguarding
- SEN

The role of governing body committees

The governors are assigned to committees to carry out some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the governing body. The membership (there must be at least three governors) and responsibilities of committees are set out in the committee's terms of reference. It is usual for the governing body to appoint governors to committees according to their skills. A governor will be required to act as a committee chair and should be selected as such according to their skills.

The governing body has the following committees:

1. Quality of Education – Intent, Implementation & Impact
 - Intent – Curriculum Design, Coverage & Appropriateness
 - Implementation – Curriculum Delivery, Teaching & Assessment
 - Impact – Student Outcomes (Progress & Attainment / Destinations)
2. Personal Development, Behaviour & Attitudes
3. Leadership & Management, Infrastructure and Finance, Audit and Risk
4. Pay Committee

The role of the senior executive leader (the academy principal in a single academy trust)

The principal has the delegated responsibility for the operation of the school, and leads the senior leadership team (SLT). The principal delegates individual roles and responsibilities to the SLT members and is accountable to the governing body for their performance.

Delegation Matrix

The governing body recognises that the principal is ultimately accountable and responsible for the delivery of positive performance and outcomes.

Function	Task	Governing Body	Committee	Individual governors	Principal
Governing body procedures	Hold full governing board meetings at least 3 times a year	✓			
	Elect a chair and vice-chair of the governing body	✓			
	Appoint a clerk	✓			
	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 individual governors	✓			
Admissions Committee 2	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	✓	✓		
	Establish an independent appeals panel when there are admissions appeals	✓			
Behaviour and exclusions Committee 2	Arrange for suitable full-time education for any student of compulsory school age who has a fixed-term exclusion of more than five school days				✓
	Convene a meeting to consider reinstating an excluded student and consider parents' representations about an exclusion in some circumstances	✓	✓	✓	

	Arrange an independent review panel to consider permanent exclusions, where requested by parents	✓			
Curriculum <i>Committee 1</i>	Make sure the school teaches a broad and balanced curriculum to the age of 16				✓
	Make sure all students at the school are provided with independent careers guidance from year 8 to year 11	✓	✓		✓
	Designate a member of the governing body to have oversight of the school's arrangements for careers education	✓			
Finance and budgets <i>Committee 3</i>	Governing body makes day-to-day spending decisions above £10,000 (the finance committee can make spending decisions between £4,000 and £10,000 and the principal can make spending decisions up to £4,000).	✓	✓		✓
	Appoint an accounting officer for the trust and a chief financial officer	✓			
	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	✓			
	Appoint a registered statutory auditor and prepare annual financial statements in line with the ESFA's academies accounts direction	✓	✓		
	Make sure that the trust has adequate insurance cover or has opted into the academies risk protection arrangement	✓	✓		
	Establish an audit committee or committee with an audit function	✓			
	Approve a balanced budget each financial year and submit to the ESFA	✓			
	Maintain a published register of interests, including the business and pecuniary interests of SLT, members and governors	✓			
	Monitor impact of pupil premium funding	✓	✓		✓
Monitor impact of year 7 catch-up funding	✓	✓		✓	

Health and safety <i>Committee 3</i>	Monitor the implementation of the health and safety policy		✓		
	Make sure there is an appointed person in charge of first aid				✓
Parents and the community <i>Committee 3</i>	Make sure the required information is published on the school website	✓	✓		✓
	Approve a complaints procedure	✓			
	Establish a complaints panel to consider formal complaints about the school and any community facilities or services it provides	✓			
	Make sure the school complies with the Freedom of Information Act 2000	✓	✓		
Student wellbeing <i>Committee 2</i>	Make sure the provision of free school meals to those students meeting the criteria	✓	✓		✓
	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 students with medical conditions	✓	✓		✓
Safeguarding <i>Committee 2</i>	Designate a member of the governing body to have oversight of the school's arrangements for safeguarding	✓			
	Check that the school complies with statutory guidance on safeguarding	✓	✓		
	Make sure that safeguarding arrangements take into account the procedures and practice of the LA, as part of inter-agency safeguarding procedures set up by the Local Safeguarding Children Board	✓	✓		✓
	Make sure a member of the governing body is nominated to liaise with the designated officer(s) from the relevant local authority and partner agencies if allegations are made against the principal	✓	✓		
	Monitor the implementation of the child protection policy	✓			
	Appoint a member of staff to be the designated safeguarding lead				✓

	Make sure that effective support is provided for any employee facing an allegation	✓	✓		✓
Special Educational Needs and Disabilities (SEND) <i>Committee 1</i>	Designate a member of the governing body to have oversight of the school's arrangements for SEND	✓			
	Make sure that the necessary special education provision is made for any pupil who has SEND, 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 SEND 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 SEND and providing appropriate teaching				✓
Staffing matters <i>Committee 3</i>	Appoint a 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 school staff				✓
	Dismiss and members of the SLT, including the principal	✓			