



# **Unity Academy Trust**

## **Scheme of Delegation**

**November 2016**

## **Vision and Aims**

The vision of Unity Academy Trust is to provide children with the skills in order to develop academically, physically, socially, mentally and creatively so that they are well rounded individuals ready for the world beyond Primary School.

This will be achieved by ensuring that all children are developed within caring and safe environments.

## **Aims**

Unity Academy Trust main aims are:

- Build a community of schools in order to provide quality education for all.
- Work in collaborative partnership with all of the communities
- Ensure that all children and adults are safe, healthy and protected.
- Improve and develop the quality of teaching across the community of schools.
- Improve and develop the quality of leadership across the community of schools.
- Improve and develop the curriculum and make it relevant for all children
- Be creative and take appropriate risks.
- Promote high standards of behaviour and attendance.
- Promote mutual respect through a shared understanding of equality and diversity
- Provide quality CPD for all staff across the community of schools.
- Recruit and retain dedicated quality staff

## **Delegation of functions in accordance with those Aims**

A multi academy trust's (MAT) board of trustees is accountable in law for all decisions about its academies. However, this does not mean that the board is required to make all the decisions. While the board cannot ever delegate its accountability, it can delegate some of the detailed scrutiny, oversight and decision making. Many decisions will be delegated to local governing bodies, to the CEO and to board committees, where they exist. A chart showing the governance structure is at Appendix 1.

Unity Academy Trust's starting point is therefore that there is full delegation to each local governing body. This scheme sets out how that delegation is put into place, so that within the legal structure within which we operate, it is clear that the local

governing bodies and the CEO and other senior executive officers have the power that they need to act on the Trustees' behalf.

This document will be complemented by a written scheme of delegation of financial powers meeting the requirements of the Academies Financial Handbook.

There will be a need to streamline procedures across each layer of governance so that there is no duplication of effort, for example by rewriting reports in different formats. This may result in some changes in practice, but not in the level at which decisions are taken. LGBs will be invited to bring issues to the attention of the Trustees, in particular through an addendum to their minutes.

Unity Academy Trust begins with the principle that all academies will have a local governing body to which a wide range of decisions are delegated. That will include scrutiny and monitoring of the performance of the academy and its Headteacher, its pupils' outcomes and the quality of teaching and learning; ensuring compliance with trust policies; decisions about how the academy's budget is to be spent within any parameters set by the Trustees and determining, sustaining and celebrating the ethos and character of their academy.

Local governing board (LGB) responsibilities may include deciding certain policies, monitoring whether the school is working within the agreed trust and statutory policies, whether standards are being met and if money is being well spent. The LGB will use its detailed knowledge and engagement with stakeholders to ensure that its school is being well served by the executive leadership and, as a board committee, has direct access to the board if there are concerns. They will contribute fresh ideas and ways of thinking in contributing to new policies and sharing of best practice.

As schools join the Trust, existing LGBs and their governors will transfer to the new structure as they are. Any governors who are appointed as trustees will resign from the LGB as soon as a replacement can be found so that there is no conflict of interest.

From that point, where LGBs need to appoint new governors, the trustees, in consultation with LGBs will ratify all new governor appointments. Over time the LGB may wish to streamline to a structure of:

- 5 governors appointed by the Trustees – as set out above
- 2 elected parent governors
- 1 elected staff governor
- The academy headteacher ex officio

The trustees have the right to appoint additional governors where appropriate and to remove governors if needed.

Within the culture of transparency, the Trustees will expect local governing bodies to identify any issues causing them concern. There will be transparency in reporting about a school - so any advice to Trustees sought from external consultants or NLGs is shared with the school concerned.

At all levels of the trust, including at local level, Governors support the wider work of the Trust. Unity Academy Trust is committed to a continuous process of communication between all levels of Governance.

*Where the trustees have any concerns about the performance of any of the academies within the trust, their initial response would be to offer support from within the trust – with a view to maintaining current levels of delegation.*

In some circumstances the trustees may appoint additional governors as a means of supporting decision making within schools. However, the trustees will have the right to determine in certain circumstances that a Local Governing Body should have reduced decision-making powers. This will be unusual. A decision to remove delegated authority from a local governing body will be exceptional.

Factors which may influence the Trustees decision about the level of delegation to each local governing body include:

- School performance
- A recent Ofsted report
- Financial and administrative performance
- Leadership and governance capacity and capability
- Safeguarding and wellbeing concerns
- Health and safety issues
- Others??

## **Additional support and reduced delegation**

Where concerns arise about a school, the LGB will be responsible for addressing them and the Trust's initial response will be to support the LGB. If concerns persisted and limited progress made then Trustees would seek to establish reduced delegation. A process which the Trustees and LGBs would follow in these circumstances is attached as Appendix 2.

Any approach used would be bespoke to each situation. It may be that only some areas have reduced delegation and timeframes could be very different in different circumstances.

## **Scheme of delegation grid**

The schedule attached to this scheme as Appendix 3 demonstrates the typical approach to delegation – with the expected arrangement for all Unity Academy Trust academies. Where delegation to the local governing body is significantly reduced some or most of these delegations may be removed. In any individual situation where – following an initial period of support - the trustees determined to vary delegation, a specific schedule would be set for the circumstances of the school concerned in the form of an action plan, with the aim of returning in time to full delegation again.

# Roles and responsibilities

## The role of the members

The members of the trust have a different status to 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 executive 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.

## The role of the trustees

The trustees are the charity trustees (within the terms of section 177(1) of the Charities Act 2011) and 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. Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably. We use the term "trustee" to match the EFA and DfE current practice.

The board of trustees is the accountable body for the performance of all schools within the trust and as such must:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the executive to account for the educational performance of the 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 trust board is permitted to exercise all the powers of the academy trust. The trust board will delegate to the chief executive responsibility for the day to day operations of the trust. The trustees can determine whether to delegate any governance functions.

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

## The role of Trust Committees

The trustees may establish committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the trust board.

(Add terms of reference when appointed.)

### **The role of Local Governing Bodies**

The role of the local governing bodies is set out above. In relation to their school governors must:

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

### **The role of the chief executive officer (CEO)**

The CEO has the delegated responsibility for the operation of the trust including the performance of the trust's academies. This means that the CEO will report to the board on the performance of the trust including on the performance of the trust's schools, although this may be supplemented by monitoring reports from the LGBs.

The CEO 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. In this role the CEO will have the power to challenge decisions made by local governing bodies and may seek reconsideration of those decisions.

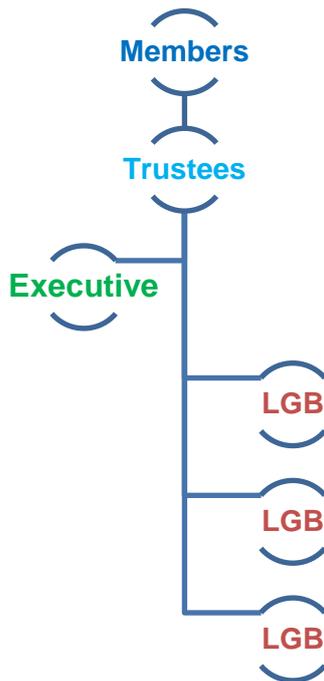
The CEO leads the executive management team of the academy trust, which includes all headteachers and the Chief Finance Officer. The CEO will delegate executive management functions to the executive management team and is accountable to the trust board for the performance of the executive management team. The executive management team will contribute to key educational policy-making decisions, establish collaborative projects and offer and receive mutual support and challenge.

### **The role of the academy headteacher**

The academy headteacher is responsible for the day to day management of the academy and may have responsibilities delegated to them by the LGB. The academy headteacher remains the lead professional in the academy and reports to the LGB on matters which have been delegated.

This scheme delegates responsibility for the annual performance management of the academy headteacher to the LGB, to be undertaken in accordance with trust policy and with the involvement of the CEO and/or an external adviser appointed by the trust board.

## Governance Structure



### Members

Appoint the Board of Trustees and delegate responsibility for governance and running the MAT to the Board of Trustees

### Trustees

Legal **accountability** sits here  
 Delegate *responsibility* to local governing bodies – through a scheme of delegation

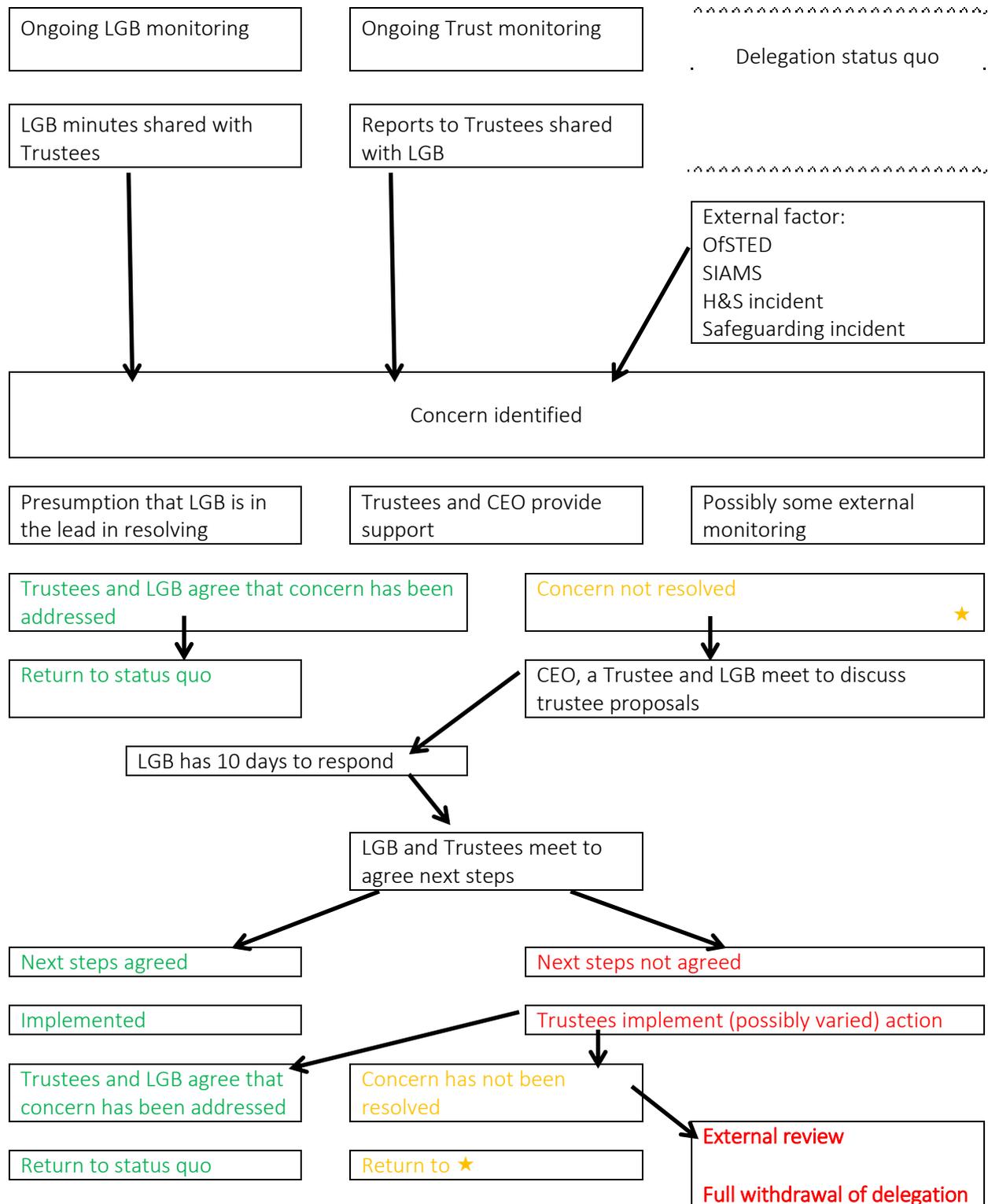
### Executive Officers (CEO, Heads, CFO)

*enact governance* on behalf of the Trustees through implementing the Trust's vision and values and through monitoring of achievement, standards, quality of teaching, finance, safeguarding, health and safety and HR.

### Local governing bodies

are responsible but not legally accountable for ensuring that their academy achieves good outcomes for all its pupils and complies with statutory and Trust policies and procedures.

Procedure for reviewing extent of delegation



## Schedule of delegation

Key	
Blue box	Function cannot be legally carried out at this level.
✓	Action to be undertaken at this level
A	Provide advice and support to those accountable for decision making
<>	Direction of advice and support
Grid 1 – delegation to LGB	
Level 1: Members	
Level 2: Board of Trustees	
Level 3: Chief executive officer	
Level 4: Local governance committee (LGB)	
Level 5: Academy Headteacher	

***This grid illustrates full delegation to the LGB which is the default assumption in Unity Academy Trust. In practice, if there were to be concerns sufficient for the Trustees to consider changing the level of delegation, they may propose a more targeted and variation of Grid 1.***

## Delegated decision making – Local Governing Board

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Academy HT
<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		✓	<A		
	Parent governor/committee member: elected				✓	
	Committee chairs: appoint and remove		✓	<A		
	LGB chairs: appoint and remove			<A	✓	
	Clerk to board: appoint and remove		✓			
	Clerk to LGB: appoint and remove				✓	
<b>Systems and structures</b>	Articles of association: agree and review	✓	<A	<A		
	Governance structure (committees) for the Trust: establish and review annually		✓	<A		
	Terms of reference for Trust committees (including audit if required, and scheme for school committees): agree annually		✓	<A		
	Terms of reference for LGB/local committees: agree and review annually		✓	<A		
	Skills audit: complete and recruit to fill gaps		✓	<A>	✓	A
	Annual self-review of Trust board and committee performance: complete annually		✓			
	Annual self-review of LGB performance: complete annually				✓	

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Academy HT
	Chair's performance: carry out 360 review periodically		✓		✓	
	Trustee / committee member contribution: review annually		✓		✓	
	Succession: plan		✓	<A>	✓	A
	Annual schedule of business for Trust board: agree		✓	<A		
	Annual schedule of business for LGB: agree			A>	✓	A
<b>Reporting</b>						
Reporting	Trust governance details on Trust and academies' websites: ensure		✓	<A		
	Academy governance details on academy website: ensure		✓	<A		
	Register of all interests, business, pecuniary, loyalty for members/Trustees/committee members: establish and publish		✓	<A		
	Annual report on performance of the Trust: submit to members and publish		✓	<A		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	<A		
	Annual report work of LGB: submit to Trust and publish				✓	A
<b>Being Strategic</b>						
Being	Determine Trust wide policies which reflect the Trust's ethos and values (facilitating discussions with unions where appropriate) including: charging and remissions; complaints; expenses; health and safety, pay and performance management; premises		✓	<A		

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Academy HT
<b>Strategic</b>	management; data protection and FOI; staffing policies including capability, discipline, conduct and grievance: approve					
	Determine school level policies which reflect the school's ethos and values to include e.g. admissions; SEND; safeguarding and child protection; curriculum; behaviour: approve				✓	A
	Central spend / top slice: agree		✓	<A		
	Management of risk: establish register, review and monitor		✓	<A>	✓	A
	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		✓	<A		
	Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine			A>	✓	A
	Chief executive officer: Appoint and dismiss		✓			
	Academy principal : appoint		✓	<A	<A	
	Academy principal : dismiss		✓	<A		
	Budget plan to support delivery of Trust key priorities: agree		✓	<A		
	Budget plan to support delivery of school key		✓		✓	A

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Academy HT
	priorities: agree					
	Trust's staffing structure: agree		✓	<A		
	School staffing structure: agree			A>	✓	A
<b>Holding to account</b>						
<b>Holding to account</b>	Auditing and reporting arrangements for matters of compliance (eg safeguarding, H&S, employment): agree		✓	<A>	✓	A
	Reporting arrangements for progress on key priorities: agree		✓	<A>	✓	A
	Performance management of the Chief Executive Officer: undertake		✓			
	Performance management of academy principal : undertake			A>	✓	
	Trustee monitoring: agree arrangements		✓	<A		
	LGB member monitoring: agree arrangements				✓	A
<b>Ensuring financial probity</b>						
<b>Ensuring</b>	Chief financial officer for delivery of Trusts detailed accounting processes: appoint		✓	<A		
	Trust's scheme of financial delegation: establish and		✓	<A		

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Academy HT
financial probity	review					
	School's scheme of financial delegation: establish and review		✓	<A		
	External auditors' report: receive and respond		✓	<A	✓	A
	CEO pay award: agree		✓			
	Academy principal pay award: agree			A>	✓	
	Staff appraisal procedure and pay progression: monitor and agree		✓	A>	✓	A
	Benchmarking and Trust wide value for money: ensure robustness		✓	<A		
	Benchmarking and academy value for money: ensure robustness				✓	A
	Develop Trust wide procurement strategies and efficiency savings programme			✓		