



Multi Academy Trust

SCHEME OF DELEGATION

2022

Approved by the Trust: _____

Date: _____

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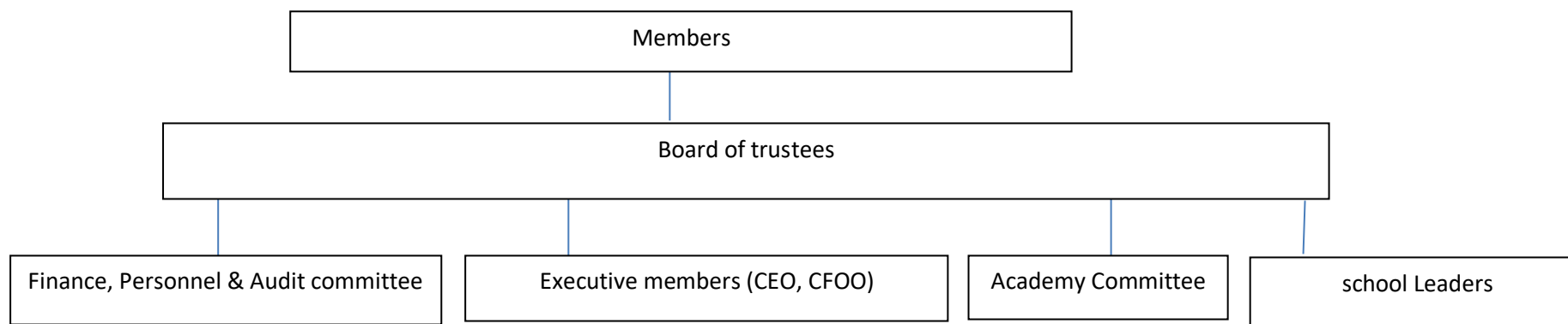
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The arrangements for delegated authority within Fairchildes Academy Community Trust are set out in this scheme of delegation. This Scheme of Delegation explains the ways in which the Board fulfils its responsibilities for the leadership and management of the Trust and its academies. It should also be read in conjunction with the Articles of Association, Finance Manuals, committee Terms of Reference and the Trust's policies and procedures.

The Board will make decisions on matters which affect all academies in the trust. Academy Committee will make decisions on matters which affect individual academies.

FACT GOVERNANCE STRUCTURE



Roles & Responsibilities

The functions of the trust are discharged by its various boards, committees and key posts. The significant roles and responsibilities within the organisation are as follows

1. Members

Members are the subscribers to the trust's memorandum of association (where they are the founding members).

Members are in effect the guardians of the governance of the trust. That means they sit right at the top of the governance structure. Like shareholders, members too have an annual general meeting (AGM) at which they can express their views. The members' role is discrete and distinct, they are tasked with assessing if the board of trustees is performing well and, as such, are ensuring that the purpose of the trust is being met, and its charitable object is fulfilled. Therefore, the members do not need regular business meetings.

The role of the Members is generally to oversee the achievement of the company's objectives, to take part in annual and extraordinary general meetings, to receive accounts and appoint trust's auditor and to make some appointments to the Board. Decisions made by the Board are scrutinised and challenged by the Members when they deem appropriate. The members appoint trustees to ensure that the trust's charitable object is carried out. They are able to remove trustees if they fail to fulfil this responsibility. Members are also responsible for approving any amendments to the trust's articles of association.

While members hold the trust board to account for the effective governance of the trust, the members themselves have a minimal role in the actual running of the trust. It is the trustees of board, not the members who are the organisation's key decision makers.

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 are trustees. The department's strong preference is for a majority of members to be independent of the board of trustees.

The trust must have at least 3 members, although DfE's strong preference is that the trust should have at least five members.

Members are not permitted to be employees of the trust, nor occupy staff establishment roles on an unpaid voluntary basis.

2. The Board of Trustees

The number of trustees shall not be less than three but (unless otherwise determined by ordinary resolution) shall not be subject to any maximum.

The trust shall have the following trustees:

- Trustees appointed by ordinary resolution as they see fit who are the first trustees.
- The chief executive officer appointed by the members and trustees
- Parent Trustees. Reserved places for parents, carers, or individuals with parental responsibilities. Trust should at least have two such places on the board or at least two such places from each academy of the Academy Committee where the trust has established them.

Trust should hold elections to fill these places.

The trustees of 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 accountable for the performance of all academies within the trust and as such must;

- 1) Ensure clarity of vision, ethos and strategic direction
- 2) Hold the executive officers and school heads to account for the educational performance of the academies 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 is accountable to external government agencies including Companies House, the Charity Commission, ESFA and the Department for Education for their activities and for the quality of the services and facilities provided by the Trust. They are required to have systems in place through which they can assure themselves of quality, safety and good practice. The FACT board is permitted to exercise all the powers of the academy trust.

The trustees delegate certain governance functions and these are set out in this scheme of delegation.

The board has the right to review and adapt its governance structure at any time, which includes removing delegated authority in certain circumstances.

The board is accountable for all of the academies within the trust. However, it can choose to delegate governance functions to Academy Committee (AC).

The Board has overall responsibility for the administration of the academy's finances, having regard to any guidance issued by the Chief Finance and Operating Officer and subject to the oversight and approval of the trustees.

The main responsibilities of the Trust are prescribed in the Funding Agreements with the ESFA. The key responsibilities include:

- Ensure the grant from the ESFA and other restricted funding is used for the purposes intended
- Approval of the annual budget and any material changes
- Appointment of auditors
- Appointment of CEO (as Accounting Officer)
- Appointment of Chief Financial Officer
- Ensure assets are managed
- Ensure accurate accounting records are maintained
- Ensure a Scheme of Delegation is in place
- Ensure regularity, propriety and value-for-money in relation to the management of public funds
- Boards should carry out regular audits of governors' skills in the light of the skills and competences they need, and actively seek to address any gaps they identify through either recruitment or training. They should also reflect regularly on whether they have the right overall balance of people and skills

Subject to provisions of the Companies Act 2006, the Articles and to any directions given by special resolution, the directors/trustees who may exercise all the powers of the Company will manage the business of the Company.

The board of trustees of FACT delegate responsibility for delivery of its objectives and strategy to the lead professional of the MAT i.e. the Executive Team.

The MAT board holds the CEO to account for the performance of the trust, including the performance of the academies within the trust.

Some responsibilities concerning the performance of each academy are delegated to Academy Committee. The Academy Committee will use its detailed knowledge and engagement with stakeholders to ensure that their academy is performing to the highest possible standards, and that it is being well served by the executive leadership of the trust.

The performance management of the Chief Executive Officer (Accounting Officer) is the responsibility of the trust board.

3. Finance, Personnel & Audit Committee

The Board decided to take the responsibility for financial functions being carried centrally, leaving the Academy Committee free to focus on teaching and learning. Therefore, the schools within the trust have their financial systems, corporate governance and legal issues managed for them by the trust. This in turn, may mean AC is free to focus on the core business of their pupils' attainment and progress.

The board operates a combined Finance and audit committee.

The Finance, Personnel and audit committee is a combined committee of Finance committee and Audit Committee (Both committees have same members).

Finance Committee

- determine the school's annual budget
- plan the school budget in accordance with the priorities in the School Improvement Plan
- operate the arrangements for obtaining quotations and inviting tenders
- submit to the Board any proposed write-offs and disposals of surplus stock and equipment
- determine matters relating to building maintenance, health and safety and lettings outside school hours.
- determine insurance arrangements
- consider the findings and recommendations of the internal scrutiny reports & External Audit reports.
- regular monitoring of actual expenditure and income against budget;

Audit Committee

The role of the Audit Committee is to maintain an oversight of the Academy Trust's governance, risk management, internal control and value for money framework.

The committee's duty is to focus on providing assurances to the board of trustees that risks are being adequately identified and managed by

- Reviewing the risks to internal financial control at the trust and
- Agreeing a programme of work to address, and provide assurance on, those risks and recommendation reported in internal scrutiny reports.
- Review the external auditor's annual planning document and approve the planned audit approach.

- Receive reports (scrutiny reports, annual reports, management letters etc.) from the internal and external auditors and other bodies, for example the ESFA and NAO, and consider any issues raised, the associated management response and action plans. Where appropriate, reports deemed should be referred to the Board or other committee for information and action.

- Review the Trust's fraud response plan and ensure that all allegations of fraud or irregularity are managed and investigated appropriately.
- Ensure appropriate cooperation and coordination of the work of the external auditor and internal auditor.
- The outcome of the work should inform the governance statement that accompanies the annual accounts and, so far as possible, provide assurance to the external auditors.

4. The Academy Committee

The Board of Trustees determines the constitution, membership and proceedings of the Academy Committee.

The membership of the academy Committee includes head of schools, staff representatives and elected governors from the academies within the trust, where there should be two reserved places for parents, carers or other individuals with parental responsibilities.

To separate out Academy Committee roles from trust level roles, the chair or any other member of the Academy Committee cannot be a member of the trust.

Responsibilities concerning the performance of the academies in the Trust are delegated to one Academy Committee to form inter-school governance. The Academy Committee will use its detailed knowledge and engagement with stakeholders to ensure that the academies in the trust are performing to the highest possible standards, and that it is being well served by the leadership of the trust.

The Academy Committee is responsible for school improvement (outcomes, progress, attendance and closing gaps). This includes being the Trust's representative for Ofsted/DfE, CPD, teaching & learning, monitoring and quality assurance, operational policies and operating procedures, governance, safeguarding and SEN/PP/Sports premium strategy.

It should exercise its powers and functions with a view to fulfilling a largely strategic leadership role in the running of the academy, addressing such matters as:

- policy development and strategic planning, including target-setting to keep up momentum on school improvement;
- ensuring sound management and administration of the academy, and ensuring that managers are equipped with relevant skills and guidance;
- establishing and maintaining a transparent system of prudent and effective internal controls.
- monitoring performance and the achievement of objectives, and ensuring that plans for improvement are acted upon;
- helping the academy be responsive to the needs of parents and the community and making it more accountable through consultation and reporting;
- Maintaining Trust's standards of conduct and values;

5. Chief Executive Officer (CEO) / Accounting Officer

The CEO is responsible for oversight of all the schools under the trust to ensure the successful development and implementation of the trust's ethos and standards. Within the framework of the academy development plan as approved by the Board, the CEO has overall executive responsibility for the academy's activities including financial activities.

The CEO is appointed as accounting officer of the trust, under the guidance of the board of Trustees. The accounting officer role includes specific responsibilities for financial matters. It includes a personal responsibility to Parliament, and to ESFA's accounting officer, for the trust's financial resources.

Much of the financial responsibility has been delegated to the CFOO but the CEO still retains responsibility for:

- Approving new staff appointments within the authorised establishment.
- Authorising contracts up to the amount stated in the Scheme of Delegation (Appendix 1), reporting these decisions to the Finance, Personnel & Audit Committee.
- ensuring any actions resulting from the annual audit are implemented.

The funding agreement identified the CEO as the Accounting Officer who is personally responsible to the Board for:

- Ensuring regularity and propriety
- Prudent and economic administration
- Avoidance of waste and extravagance

- ensuring value for money
- Efficient and effective use of available resources; and

The executive CEO is responsible for the performance management of the head of schools but will seek contributions from representatives of the Academy committee to this process.

6. Chief Finance and Operating Officer (CFOO)

The academy trust must have a chief financial officer appointed by the trust's board. The CFO plays both a technical and leadership role, including ensuring sound and appropriate financial governance and risk management arrangements are in place, preparing and monitoring of budgets, and ensuring the delivery of annual accounts. The Chief Finance and operating Officer (CFOO) also plays the role Chief Operations Officer including the role of Head of HR. The main responsibilities of the CFOO are as follows:

- Assist, as part of the Senior Management Team, in the preparation of the Academy's annual development plan.
- Participate in the implementation of the Academy's HR policies and procedures in ensuring they are embedded across all academies.
- Collaborate with and assist others such as the School Business Manager, Finance Manager, HR/Payroll Officer, ICT Officer, Premises Manager and Admin officers in the performance of their duties.
- Proactively implement the Trust's policies and procedures.
- Day to day management of financial issues including the establishment and operation of a suitable accounting system for the Multi Academy Trusts central individual academies budgets.
- Management of the academy financial position at a strategic and operational level within the framework for financial control determined by the FPA Committee;
- Ensuring that the annual accounts are properly presented and adequately supported by the underlying books and records of the academy;
- Authorising payments in conjunction with other authorised signatory
- Ensuring forms and returns are sent to the ESFA in line with the timetable in the ESFA guidance.
- Liaising with auditors to ensure that the annual accounts are properly presented and adequately supported by the underlying books and records of the Trust
- Annual returns are filed to companies' house

7. School Leaders (Head of school/Headteacher)

The trustees, in consultation with the Academy Committee, must appoint a Head of School to the academy who will also act as an ex-officio Academy Committee member. The Academy Leader is responsible for the internal organisation, management, and control of their Academy, for advising on and implementing the Trust’s strategic framework, for the implementation of all policies approved by the Trustees for the direction of the teaching and the curriculum at the Academy.

The Academy Leader will contextualise aims, objectives and policies for the Board to consider, and will report to the AC on progress at each meeting in accordance with a schedule drawn up annually with the Chair of the AC. The school Leader will work closely with the senior management team to this end.

The school Leader will comply with any reasonable direction by the Trust Board or Executive Team when acting on the Trust’s behalf.

The school leader is responsible for the

- the implementation of all curriculum policies approved by the Academy Committee.
- for promoting the educational achievement of registered pupils at the school.
- the direction of teaching and the curriculum.
- Security, safeguarding and welfare of pupils
- The head of school reports to the local Academy Committee on the overall performance of the school, the progress of pupils and any other matters which have been delegated.

Delegated Authority (Governance)

Authority/Duty	Delegated to	Additional Information
Amending the Articles of Association	Authority rests with the members alone.	
Appoint and remove of members and trustees and auditors	Members	
Approve new convertor, sponsored academies and existing academies joining MAT	The Board of Trustees	
Agree amendments to any funding agreement with the Secretary of State for Education	The Board of Trustees	
Approve and remove chair of the Academy Committee	The Board of Trustees	

Establish Trust Committees	The Board of Trustees	
Approve all Terms of Reference,	The Board of Trustees	
Appoint and remove of Accounting Officer, CFOO, Clerks, Company Secretary (and approval of financial statements)	The Board of Trustees	In consultation with FP&A committee
Managing a programme of risk review and checking of financial controls, in accordance with the Academies Financial Handbook.	Finance personnel & Audit Committee	Internal/External auditors reporting to the Audit Committee as a supplementary programme of work
Approve Scheme of Delegation	The Board of Trustees	
Approve Trust Policies	The board of Trustees	
Establish and implement trust policies	Executive team	
Ratify the changes impacting the ethos & vision of the Trust	The Board of Trustees	

Delegated Authority (Finance, Resources and Operations)

Ensuring schools are financially viable at all times, operating within budgets and meeting all statutory and Trust requirements for transparency, probity and robust financial management	Executive team	
Preparation of Budget Plans for all academies	Executive team	
Approve the formal budget plan for the financial year	The Board of trustees	Recommended by Executive team
Approve the Financial Policies & Procedures	The Board of trustees	Recommended by Executive team
Carry out financial processes in line with the Finance Policies	CFOO	
Service Level Agreements / Contracts	CFOO	
Producing management report	CFOO	
Monitor Academy expenditure	The Board of Trustees	
Produce and Review Year End Accounts	CFOO	
Maintenance of adequate fixed asset registers	CFOO	
Maintenance of effective systems of internal control	Finance personnel & Audit Committee	
Ensuring that all statutory policies and documents are in place at each school	Executive Team	
Maintenance of Buildings & Facilities and Asset management Strategy	Executive Team	
Arranging Trust Insurance	CFOO	

Oversight of websites	CFOO	
Ensure Health & Safety regulations are followed within schools	CFOO	
Ensure that proper security is maintained for all buildings and assets.	CFOO	
Ensuring compliance with GDPR	CFOO	

Delegated Authority (Curriculum and teaching)

Preparation & updating of School Development Plan for each school	CEO	In consultation with CEO, CFO & Head of school
Setting and review of curriculum in accordance with all elements required by law or by funding agreement	CEO	In consultation with CEO, AC & Head of school
Review progress against SDP, evaluating standards of teaching & learning, and ensuring that proper standards of professional performance are established.	CEO	In consultation with Head of school & AC
Ratify and review progress across the trust against all school development plans	The Board	
Establish and implement curriculum policy	Head of school	In consultation with CEO
Set Admissions policy	The Board	On the recommendation of the executive Head
Academy Hours – setting the opening & closing times of the schools	The Board	On the recommendation of the executive Head
Term dates and length of schools	The Board	On the recommendation of the executive Head
Propose, monitor & ratify pupil Achievement	AC	
Monitor and ratify pupil behaviour policies	AC	Recommended by school leader
Individual school issues including attendance, exclusions, disciplinary, safeguarding and child protection, religious education and annual review.	School leader	In consultation with Executive team
Promoting and safeguarding the welfare of pupils and reporting any child protection or staffing issues to LGB	School leader	In consultation with CEO

Delegated Authority (Human Resources)

Pay & Remuneration Policy, Changes to employee's term & conditions	The Board/Finance, Personnel & Audit committee	Recommended by Executive team
Annual pay award for Teachers & Support Staff	The Board/Finance, Personnel & Audit committee	Recommended by Executive team
Establish HR Policies	The Board/Finance, Personnel & Audit committee	Recommended by Executive team
Appointment Head of school / Headteacher	The Board	Supported by AC
Appointment of SLT roles within agreed staffing structure	CEO	In consultation with the Head of school
Teachers and Teaching assistants appointments within agreed staffing structure	CEO	In consultation with the Head of school
Support staff (Finance, administration, premises, IT) appointments	CEO	In consultation with the CFOO
Disciplinary and dismissal cases (Executive Head, Finance Director & school leaders)	The Board	
Disciplinary and dismissal cases & grievances(SLT)	Executive team	In consultation with the Board
Disciplinary and dismissal cases & grievances of other staff	Executive team	In consultation with the Head of school/Headteacher
Restructures, redundancies, early retirements, creation of new posts	Executive team	Subject to approval by trust committees.
Review and approval of Trust-wide policies (including recruitment, pay, procurement, performance management, discipline, capability, grievance, charging & remissions, Health & Safety etc)	The Board	Recommended by executive team