



*Multi Academy Trust*

# **FACT SCHEME OF DELEGATION**

**2023/24**

**Approved by the Trust:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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# 1. Introduction

The arrangements for delegated authority within Fairchildes Academy Community Trust (FACT) 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.

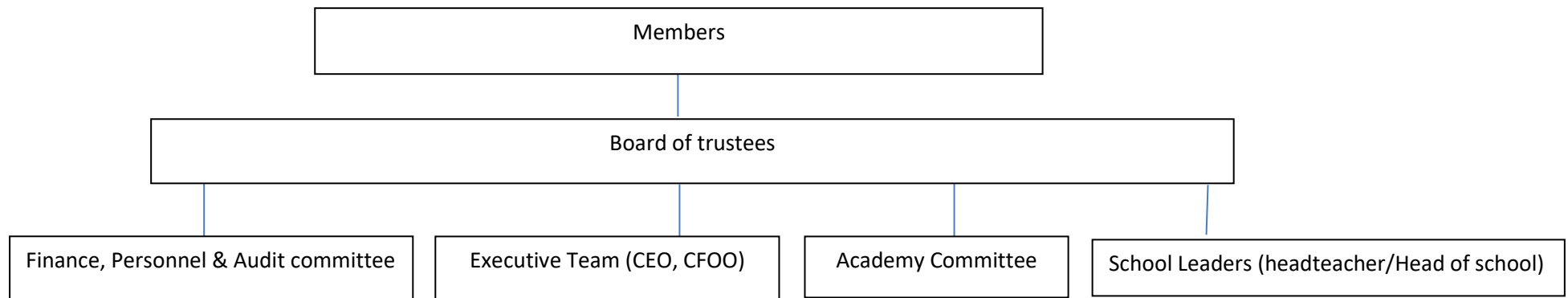
The Board will make decisions on matters which affect all academies in the trust.

FACT Trust is governed by:

- **Members** – guardians of Academy Trust, their role is like that of shareholders of a limited company.
- **Trustees** – appointed by members to oversee the Trust, agreeing the overarching strategic direction, and ensuring robust governance.
- **Executive Team** – manage the day-to-day operation of the Trust in line with policies approved by Trustees.
- **Academy Committee** – provide support to School Leadership Teams as the school implements policies and improvement plan priorities.
- **School Leadership Team** – manage the day-to-day operation of an individual school under the oversight of the Executive Team with challenge and support from the Academy Committee

## FACT GOVERNANCE STRUCTURE

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## 2. 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.

### 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 members are responsible for:

- Appointing, by special resolution, new members or removing existing members.
- Appointing trustees in line with the trust's Articles of Association.
- Where necessary, by special resolution, issuing direction to the trustees to take a specific action.
- Appointing the trust's auditors and receiving (but not signing) the trust's audited annual accounts.
- Conducting the business of the trust in accordance with company and charity law and adhering to the trust's funding agreement with the Secretary of State.
- may amend the articles of association (the articles include a definition of the trust's charitable objects and governance structure) subject to any restrictions in the articles or in the trust's funding agreement or charity law.
- have power to change the name of the company and, ultimately, wind up the academy trust

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.

## Trustees

The legal powers and responsibilities of the Trust are held with the Board of Trustees who are accountable to the Department for Education. As a group, the Board set the clarity of vision, ethos and overall strategic direction of the Trust. They scrutinise, challenge, and support the educational and operational performance data, emerging risks and opportunities. The Board can delegate powers or duties to any of its committees as set out in the Scheme of Delegation.

The trustees are responsible for:

- Applying the highest standards of conduct and governance and taking full ownership of their duties.
- Meet at least 3 times a year.
- Approving a written scheme of delegation of financial powers.
- Managing conflicts of interests and related party transactions.
- Approving a balanced budget for the financial year.
- Ensuring decisions about executive pay follow a robust evidence-based process reflecting the individual's role and responsibilities, and that the approach to pay is transparent, proportionate, and justifiable.
- Appointment of Chief Executive Officer (CEO) and Chief Finance and Operating Officer (CFOO)
- Ensure the grant from the ESFA and other Restricted funding is used for the purposes intended funds.
- Appointing an audit and risk committee to advice on the adequacy of the trust's controls and risks.
- Ensuring an appropriate, reasonable, and timely response is given to findings by auditors.
- Trust also has statutory responsibilities covering safeguarding, health and safety, and estates management.

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

### **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 and personnel committee and Audit Committee (Both committees have same members).**

### **Finance and Personnel Committee**

- plan the school budget in accordance with the priorities in the School Improvement Plan
- 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.
- consider the findings and recommendations of the internal scrutiny reports & External Audit reports.
- regular monitoring of actual expenditure and income against budget;
- Annually determine the salary progression for eligible teaching staff and support staff, following recommendations as set out in written reports.
- Confirm the inflationary increase for staff with salaries linked to STPCD. This includes the Executive Team and all Teaching Staff.
- Confirm the willingness to adopt the inflationary increase for staff with salaries linked to NJC.

### **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.
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- 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.
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- 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.

### **The Academy Committee**

Provide support and challenge to School leaders in line with the Academy Improvement Plans, policies, and procedures. Academy Committee oversees one all academies and are responsible for monitoring safeguarding, the outcomes for pupils in these academies and the engagement with parents and the wider community. 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 trustee 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;

**Executive member : 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, as well includes the role of Executive Head teacher. 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 Finance policy, 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 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.

**Executive member: 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) of FACT plays the role of chief financial officer and Chief Operations Officer including the role of Head of HR.

The main responsibilities of the CFOO are as follows:

- Participate in the implementation of the Trust's policies and procedures in ensuring they are embedded across all academies.
- Responsible for Human Resource, premises management, administration, and ICT infrastructure of all schools within the trust.
- Collaborate with and assist the central team of Finance, HR/Payroll r, ICT, Premises and Admin 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;
- Liaising with auditors to ensure that the annual accounts are properly presented and adequately supported by the underlying books and records of the Trust.

### **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.

### 3. Delegated Authority (Governance)

Authority/Responsibility	Delegated to	Approved by
Amending Article of Association		Authority rests with the members alone.
Appoint and remove of members and trustees and auditors.	The Board of Trustees	Members
Approve new convertor, sponsored academies and existing academies joining MAT	The Board of Trustees	Members
Agree amendments to any funding agreement with the Secretary of State for Education	The Board of Trustees	Members
Approve and remove chair of the Academy Committee	CEO/Academy Committee	The Board of Trustees
Quality assuring the schedule of work for Academy committee.	CEO	The Board of Trustees
Establish Trust Committees	Executive team	The Board of Trustees
Term of reference	Executive team	The Board of Trustees
Appoint and remove of Accounting Officer, CFOO, Clerks, Company Secretary	Finance, Personnel & Audit committee	The Board of Trustees

Managing a programme of risk review and checking of financial controls, in accordance with the Academy Trust Handbook.	Executive team	Internal/External auditors reporting to the Audit Committee as a supplementary programme of work
Scheme of Delegation	Executive team	The Board of Trustees
Setting the values, vision, and strategic aims for the Trust	Executive team	The Board of Trustees
Establish and implement trust policies.	Executive team	The Board of Trustees
Ensuring the Trust's strategic plan is robust, accountable and promotes outstanding teaching and learning	CEO/Academy Committee	The Board of Trustees
Ratify the changes impacting the ethos & vision of the Trust.	Executive team	The Board of Trustees

#### 4. 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	The Board of Trustees
Preparation of Budget Plans for all academies	CFOO	Finance, Personnel & Audit committee
Approve the formal budget plan for the financial year	Finance, Personnel and Audit committee	The Board of trustees
Approve the Financial Policies & Procedures	CFOO	The Board of Trustees
Carry out financial processes in line with the Finance Policies	CFOO	Finance, Personnel & Audit committee
Service Level Agreements / Contracts	CFOO/CEO	Over £172,514- E U Threshold Finance, Personnel & Audit committee
Producing management report	CFOO	Finance, Personnel & Audit committee
Monitor Academy expenditure	CFOO	Finance, Personnel & Audit committee.

Produce and Review Year End Accounts	CFOO	The Board of Trustees
Maintenance of adequate fixed asset registers	CFOO	Finance, personnel & Audit Committee
Maintenance of effective systems of internal control	CFOO	Finance, personnel & Audit Committee
Ensuring that all statutory policies and documents are in place at each school	Executive Team	Academy Committee/Board of Trustees
Maintenance of Buildings & Facilities and Asset management Strategy	Executive Team	Finance, Personnel & Audit committee
Arranging Trust Insurance	CFOO	
Review Risk register for the trust	Executive Team	The board of Trustees
Review Risk register for each school	School leaders/executive team	Academy Committee/Board of trustees
Oversight of websites	Executive team	
Ensure Health & Safety regulations are followed within schools.	CFOO	CEO
Ensure that proper security is maintained for all buildings and assets.	CFOO	Finance, Personnel & Audit committee
Ensuring compliance with GDPR	Executive team	Board of trustees

## 5. Delegated Authority (Curriculum and teaching)

Preparation & updating of School Development Plan for each school	School leaders/Executive team/AC	Board of Trustees
Setting and review of curriculum in accordance with all elements required by law or by funding agreement	CEO	Academy Committee/Board of trustees
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	CEO	Board of trustees
Establish and implement curriculum policy.	School leaders	CEO
Development of the curriculum which meets the Academy's specific needs and has regard to: <ul style="list-style-type: none"> <li>• Any nationally recognised curriculum priorities and initiatives</li> <li>• The obligation to provide religious education, sex education and physical education</li> <li>• Special educational needs</li> <li>• National testing and attainment targets and</li> </ul>	School leaders, Academy Committee	CEO
Set Admissions policy.	CEO	Board of trustees
Academy Hours – setting the opening & closing times of the schools	CEO	Board of trustees
Term dates and length of schools	CEO	Board of trustees
Propose, monitor & ratify pupil Achievement.	School leaders	AC
Monitor and ratify pupil behaviour policies.	School leaders	AC

Individual school issues including attendance, exclusions, disciplinary, safeguarding and child protection, religious education and annual review.	School leaders	CEO
Promoting and safeguarding the welfare of pupils and reporting any child protection or staffing issues to Academy Committee	School leader	CEO

## 6. Delegated Authority (Human Resources)

Pay & Remuneration Policy, Changes to employee's term & conditions	Executive team	Finance, Personnel & Audit committee
Annual pay award for Teachers & Support Staff	Executive team	The Board/Finance, Personnel & Audit committee R
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	Finance, Personnel & Audit committee
Support staff (Finance, administration, HR, premises, IT) appointments	CFOO	Finance, Personnel & Audit committee
Disciplinary and dismissal cases	Executive team/school leaders	Finance, Personnel & Audit committee
Disciplinary and dismissal cases & grievances (SLT)	Executive team	Finance, Personnel & Audit committee
Disciplinary and dismissal cases & grievances of other staff	Executive team	Finance, Personnel & Audit committee
Restructures, redundancies, early retirements, creation of new posts	Executive team	The Board/Finance, Personnel & Audit committee

Review and approval of Trust-wide policies (including recruitment, pay, procurement, performance management, discipline, capability, grievance, charging & remissions, Health & Safety etc)	Executive team	Board of Trustees
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