



## **Scheme of Delegation**

**September 2024**

**Version Control**

<b>Owner</b>	<b>Revision no.</b>	<b>Revision Date</b>	<b>Effective From</b>	<b>Distribution</b>	<b>Approved by</b>	<b>Revision Date</b>
GCO	V2.00	14.08.2024	01.10.2024	Trust wide	Board of Trustees	01/07/2025

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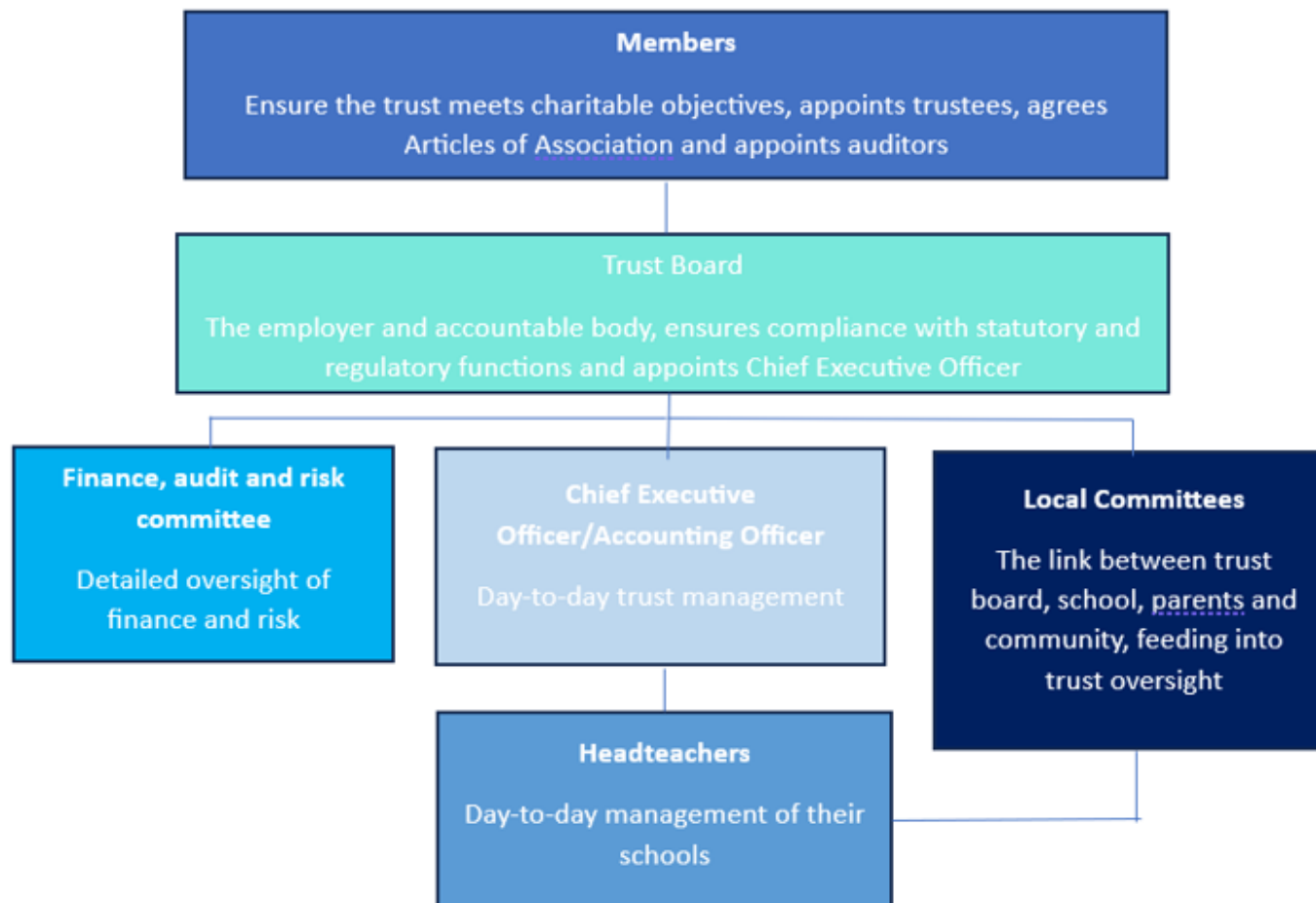
<b>Version</b>	<b>Date</b>	<b>Summary of Changes</b>
V1.00	01.09.2021	Original scheme of delegation for Aspire Schools Trust
V2.00	01.09.2024	Full review of existing SoD to reflect updates to ATH & appointment of new executive team members

## **1. Introduction**

- 1.1. All multi academy trusts (MATs) are required to have a Scheme of Delegation (SoD) which details delegation of governance functions to the CEO, the Trust Board's Committees, and to Local Committees (often known as local governing bodies).
- 1.2. The SoD should be as simple and systematic as possible, so that everyone is clear about their responsibilities.
- 1.3. SoDs should be reviewed annually and immediately where there is a change in Trust management or organisational structure.
- 1.4. The SoD must be published on the Trust's website and should also feature on individual school websites.
- 1.5. This Scheme of Delegation will:
  - 1.5.1. reflect the Trust's ethos, promoting a positive climate and a culture of honesty, transparency, and accountability for the benefit of all stakeholders;
  - 1.5.2. help to inform initial discussions with schools considering joining the MAT;
  - 1.5.3. ensure the executive leadership is clear about which decisions the Trust Board retains, and the extent of executive powers;
  - 1.5.4. be clear about who appoints and performance manages the Chief Executive Officer, other senior executives, and the schools' headteachers;
  - 1.5.5. identify where the Trust Board retains responsibility for determining policy, risk management, oversight of budgets, financial management and educational performance.
- 1.6. Constructing the SoD requires input from all governance stakeholders, with trustees and the CEO taking the lead. All those involved in Trust governance, including those governing as part of a local tier are made aware of any changes to the SoD and what this means in practice.

## 2. Governance Framework and Structure

- 2.1. The Trust is the legal entity accountable for all the schools within the Trust and has one set of Articles which govern all schools in the Trust. The Trust has a Master Funding Agreement with the Secretary of State. Each school within the Trust has a Supplemental Funding Agreement.
- 2.2. The Trust is a charitable company and is responsible for the strategic direction of its schools, with three clear layers of governance:
  1. Members
  2. Trustees
  3. Committees, including Local Committees (LC) at each school
- 2.3. The Trust is the employer of every member of staff at each school within the Trust.
- 2.4. In Trusts, the purpose of governance is to provide strategic leadership, accountability, assurance and strategic engagement.
- 2.5. The Trust Board has collective accountability and strategic responsibility for the trust. It has a focus on ensuring the trust delivers an excellent education to pupils while maintaining effective financial management and **must** ensure compliance with the Trusts charitable objects, regulatory, contractual and statutory requirements, and their funding agreements.
- 2.6. The Trust Board also has:
  - strategic and statutory responsibility for safeguarding and special educational needs and disabilities (SEND) arrangements within (and across) the Trust ensuring the promotion of pupil welfare and for keeping their estates safe and well-maintained
  - a role in making sure that it delivers its commitment to other schools and academies.



### **3. Roles Descriptions and Duties**

#### **3.1 The role of the Members**

3.1.1 The Members of the Aspire Schools Trust are guardians of the governance of the Trust and must ensure it carries out its charitable objective.

3.1.2 There must be at least three Members; Members are not permitted to be employees of the Trust.

3.1.3 The Members agree the Trust's Articles of Association, appoint Trustees and appoint the Trust's external auditors.

3.1.4 The Members will receive information about the Trust's business and receive an annual report and accounts. If they have concerns that the Trust is not carrying out its charitable objective, Members should remove Trustees that are failing to fulfil this responsibility.

#### **3.2 The role of the Trustees**

3.2.1 The Trust 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 (within the terms of the Companies Act 2006).

3.2.2 Trustees are bound by both charity and company law so the terms 'trustees' and 'directors' are often used interchangeably.

3.2.3 Trustees are responsible for the general control and management of the Trust and, in accordance with the provisions set out in the Memorandum of Association, Articles of Association and Funding Agreements, are legally accountable for all statutory functions and for the performance of all the schools within the Trust. They do this by carrying out the core governance functions:

- ensuring clarity of vision, ethos and strategic direction;
- holding executive leaders to account for the educational performance of the organisation and its pupils and for the performance management of staff; and
- overseeing the financial performance of the organisation and making sure its money is spent well.

3.2.4 The Board of Trustees must approve a written Scheme of Financial Delegation and if it chooses to delegate to Board Committees and Local Governing Body Committees, must approve a written Scheme of Delegation and committee Terms of Reference.

3.2.5 The Trust creates information pathways between the Trust Board, the Local Committees and the Chief Executive so that Local Committees can share with them any successes or concerns they may have.

### **3.3 The role of the Trust Board Committee for Finance, Audit and Risk**

3.3.1 The Trust Board delegates some governance functions to a Trust Board Committee for Finance, Audit and Risk. This committee is responsible for detailed oversight and scrutiny of financial management and advising on the adequacy of the Trust's internal control framework and risk management arrangements.

3.3.2 Membership should be decided by the Trust Board. This may include individuals who are not Trustees, provided that a majority of members of the Committee are Trustees. Employees of the Trust should not be Audit and Risk Committee members, but the Accounting Officer and Chief Financial Officer should attend to provide information and participate in discussions.. No vote on any matter shall be taken at a meeting of a Committee of the Trustees unless the majority of members of the Committee present are Trustees. The Trust Board will appoint Board Committee Chairs and Committee Members according to their skills.

### **3.4 The role of the Local Committee (formerly Local Governing Body)**

3.4.1 The Board of Trustees delegates some governance functions to its Local Committees; the Articles of Association do not require Trustee membership of a Local Committee and by committing to the separation of individuals on each tier in the governance structure, the Aspire Schools Trust is able to demonstrate transparent decision making and prevent bias and conflicts from emerging, thus strengthening the governance checks and balances within the Trust.

3.4.2 Each Local Committee is responsible for electing a Chair and recruiting new members. The Trust Board subsequently approves (or does not approve) the appointment of the Local Committee Chairs and will also approve the appointment of the majority of Local Committee members.

3.4.3 The Trust Board delegates responsibility for first level and detailed oversight of school performance, including preparing pupils for the next stage of education/life to the Local Committee members.

3.4.5 Being close to and representative of the community the school serves, each Local Committee should be:

- a valued point of consultation and representation in the development of Trust policies;
- the recipients of detailed information about how their schools are being managed;
- tasked with scrutinising management information and providing assurance to Trustees that the school is:
  - operating within the ethos and values of the Trust and creating a positive climate for all stakeholders
  - working within agreed policies
  - meeting agreed targets
  - engaging with stakeholders

- acting as an ambassador for the Trust.

3.4.6 The Trust Board will demonstrate the value they place in local governance by ensuring effective channels of communication between Trustees and Local Committees, as well as providing specific training and development programmes for all involved in the governance of the Trust.

### **3.5 The role of the Chief Executive Officer (CEO)**

3.5.1 The Trustees delegate the day to day management of the Trust to the Chief Executive Officer, line managing the CEO in line with the Trust's appraisal and performance management procedures.

3.5.2 The CEO is also the Accounting Officer who is not only responsible for the performance of the Trust as a whole, but has a personal responsibility to Parliament for regularity, propriety and value for money in the management of public funds, and for assuring the Board regarding compliance with the Funding Agreement and the Academy Trust Handbook.

3.5.3 The CEO is responsible for the leadership and management of the Central Executive Team and the Headteachers within the Trust, and will report to the Trust Board and its committees.

### **3.6 The role of Headteachers**

3.6.1 The CEO delegates the day to day management of the Trust's academies to Headteachers. The specific responsibilities of individual Headteachers will be set out in their job descriptions and Trust policies and procedures. This will include clarification as to who is the 'headteacher in law' for a specific school.

3.6.2 The CEO will line manage Headteachers in accordance with the Trust's appraisal and performance management procedures.

3.6.3 Headteachers will support the effective operation of Local Committees and share information about how the Trust is managing the school, so that each school's Local Committee builds an understanding about how the school operates and is enabled to monitor and scrutinise how key policies and improvement plans are working in practice.



## **4. Variations**

### **4.1. Delegation to an Intervention Board**

4.1.1. Where deemed appropriate by the Trust Board, Aspire Schools Trust will use an Intervention Board as an effective way of governing a school. Circumstances where this may happen include, but are not limited to, where there:

- are concerns about the capacity or capability of the Local Committee
- is a need to secure matters of safeguarding, finance or compliance
- is a need to make rapid improvement
- is a need to secure rapid improvement in education performance
- are concerns about reputational risk for the school or Trust.

4.1.2. The Trust Board will agree the composition and Terms of Reference for the Intervention Board according to circumstances. Intervention boards will generally consist of a small number of senior executives plus one or two non-executives (Trustees, Local Committee members and others as agreed by the Board) who will meet very regularly (e.g. fortnightly or every three weeks) to monitor and evaluate agreed actions and to take key decisions. The Intervention Board should be chaired by the CEO unless the Trust Board deems it appropriate to make alternative arrangements. The Intervention Board will not normally include elected parents. Where this is the case, the Trust will establish a parent council or similar in the school, as soon as it is practicable. The Intervention Board will be in place for a time limited period, with the aim of establishing and transitioning to a local governance function as soon as possible.

### **4.2. General Power to Act in Exceptional Circumstances**

4.2.1. In accordance with the powers and limitations in Articles 105-106 the Trustees have made the following bye law:

#### 4.2.1.1. Power for the Chair or Vice Chair of Governors to act in exceptional circumstances

1. In addition to any provision within the Articles, approved policies and procedures, in exceptional circumstances where paragraph 2 (below) applies, the Chair may exercise any function of the Trust Board, Local Committee or relevant Committee which can be delegated to an individual.
2. The circumstances are that the Chair is of the opinion that a delay in exercising the function would be likely to be seriously detrimental to the interests of:
  - the school

- any pupil(s) at the school, or their parent; or
  - a person who works at the school.
3. In paragraph 2, “delay” means delay until the earliest date on which it would be reasonably practicable for a meeting of the Trust Board, Local Committee, or of a Committee to which the function in question has been delegated, to be held or for a decision to be made in writing or via email.
4. Where it appears to the Vice Chair that
- the circumstances mentioned in paragraph 2 apply, and
  - the Chair (whether by reason of vacancy in the office or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered, the reference in paragraph 1 to the “Chair” is to be read as if it were a reference to the “Vice Chair”.
5. Wherever practicable, the power for the Chair or Vice Chair to act in exceptional circumstances should be exercised in consultation with the Vice Chair or another Trustee or Governor (such as the Chair of a relevant Committee or Link Governor). Exercise of this function shall be communicated as soon as is reasonably practicable to all Trustees/Governors and recorded with the minutes of the next meeting of the Trust Board, Local Committee or relevant Committee.

# Scheme of Delegation Matrix

Key	
A Accountable (and approver)	Answerable for the task being delivered. Delegates the task to those responsible. There should be only one group/person accountable for each task/decision.
R Responsible	Responsible for delivery and does the work to achieve the task. Can be shared between groups/individuals.
C Consulted	Needs to be involved before the decision is made. Communication is two-way – these are important stakeholders or have relevant specialist knowledge.
*Highlighted	Statutory expectation or necessary to comply with articles of association or funding agreement.
*Highlighted	Delegated to Finance, Audit and Risk Committee

		Members	Trust board	CEO	Local committees	Headteachers
<b>Board Business</b>						
1.1	Appoint/remove members	*A/R				
1.2	Appoint/remove trustees	*A/R	*A/R			
1.3	Elect chair of trustees		*A/R			
1.4	Appoint and remove board committee chairs		*A/R			
1.5	Determine powers of chair in urgent situations		A/R			
1.6	Establish and review trust governance structure		*A/R	C		
1.7	Agree named safeguarding trustee		*A/R			
1.8	Agree named trustee for special educational needs and disabilities (SEND)		*A/R			
1.9	Agree named careers trustee <i>(required in secondary schools)</i>		*A/R			
1.10	Appoint/remove school local committee chairs		*A/R		C	
1.11	Appoint/remove local committee members (local governors)		*A/R		C	

		Members	Trust board	CEO	Local committees	Headteachers
1.12	Appoint trust governance professional as per Academies Trust Handbook		*A	R		
1.13	Agree school committee clerking arrangements		*A/R	C (delegated to GCO)	C	
1.14	Articles of association: review annually for changes		*A/R	C (delegated to GCO)		
1.15	Articles of association: ratify changes	*A/R				
1.16	Agree committee terms of reference		*A/R	C (delegated to GCO)	C	C
1.17	Complete annual review of scheme of delegation		*A	R (delegated to GCO/CFO)	C	C
1.18	Commission external review of trust board effectiveness every three years	C	A/R	C (delegated to GCO)		
1.19	Complete annual trust board self-review		A/R (facilitated by GCO)		C	
1.20	Complete review of local governance		A/R	R (delegated to GCO)	C	C
1.21	Publish governance arrangements on trust and school websites		*A	R (delegated to GCO)		
1.22	Ensure trust website is compliant and effective		*A	R (delegated to Trust Executive Team)		
1.23	Ensure school websites are compliant and effective		*A	A		R
1.24	Submit annual report on the performance of the trust to members and publish		A	R		
<b>Vision and Strategy</b>						
2.1	Determine trust's vision, strategy and key priorities		A/R	R	C	C
2.2	Ensure engagement with stakeholders regarding vision, values and strategic priorities		A	R	R	R
2.3	Apply trust vision and strategy to individual academies		A	R	C	R

		Members	Trust board	CEO	Local committees	Headteachers
2.4	Agree trust growth plans		A/R	R		
2.5	Determine trust-wide policies		*A	R		
2.6	Determine school level policies		*A	R	C	R
2.7	Establish risk register and conduct regular review		*A/R	R		
2.8	Determine a programme of internal audit in line with the risk register and monitor its delivery		*A	R		
<b>Finance and Operations</b>						
3.1	Appoint and remove external auditors	*A/R	C (facilitated by CFO)			
3.2	Appoint and performance manage CFO		*A	R		
3.3	Produce trust's scheme of financial delegation		*A	R (delegated to CFO)		
3.4	Receive external auditor's report	*A/R				
3.5	Action recommendations made arising from audits		*A	R		R
3.6	Produce annual report and accounts		*A	R (delegated to CFO)		
3.7	Submit ESFA required reports and returns		*A	R (delegated to CFO)		
3.8	Agree budget plan to support delivery of trust strategic priorities		A	R		
3.9	Agree budget plan to support delivery of school strategic priorities		*A	A	C	R
3.10	Monitor trust budget		*A/R	R (delegated to CFO)		
3.11	Carry out benchmarking and trust-wide value for money evaluation		C	A/R (delegated to CFO)	C	C
3.12	Agree reporting and monitoring arrangements for trust and school budgets		*A/R	R (delegated to CFO)	C	C
3.13	Monitor school estates to ensure safe and well maintained		*A	R	C	R
3.14	Agree data protection policy (and privacy notice)		*A	R	C	C

		Members	Trust board	CEO	Local committees	Headteachers
3.15	Agree health and safety policy		*A	R	C	C
3.16	Agree premises management documents, including <i>Estate vision, Estate strategy and Asset management plan</i>		*A	R (delegated to CFO)	C	C
<b>Workforce</b>						
4.1	Appoint and dismiss CEO/Accounting Officer		*A/R			
4.2	Performance manage CEO		*A/R (delegated to CEOPM Committee)			
4.3	Agree CEO remuneration including the CEO's role as headteacher at Sir William Robertson Academy		*A/R (delegated to the AST Pay Committee)			
4.4	Conduct executive team performance management		C	A/R		
4.5	Conduct headteacher performance management			A/R	C	
4.6	Agree headteacher remuneration (Westgate Academy and Bassingham Primary School only)			A/R	C	
4.7	Review and agree school staff appraisal procedure and pay progression		A	R		C
4.8	Determine executive team staffing structure		A	R	C	C
4.9	Determine school staffing structure			A	C	R
4.10	Headteacher appointments and dismissal		C	A/R	C	
4.11	Trust wide pay policy, terms and conditions of employment		*A	R (delegated to DPW)		
4.12	Determine disciplinary, grievance and capability policies		*A	R (delegated to DPW)		
4.13	Undertake panel hearings for disciplinary and capability matters relating to the CEO		A/R			

		Members	Trust board	CEO	Local committees	Headteachers
4.14	Undertake panel hearings for disciplinary, grievance and capability matters relating to the central team		A/R			
4.15	Undertake panel hearings for disciplinary, grievance and capability matters relating to school staff		A	C (facilitated by DPW)	R	C
4.16	Approval of exit payments/early retirement/pension discretion (above a certain threshold)		*A/R	C (facilitated by DPW)		
4.17	Agree whistleblowing policy		*A/R			
<b>Pupils and Learning</b>						
5.1	Agree safeguarding and child protection policy		*A	R	C	C
5.2	Agree attendance policy		*A	R	C	C
5.3	Agree school uniform policy		*A	R	C	C
5.4	Agree policy for pupils with SEND		*A	R	C	C
5.5	Agree policy for supporting pupils with medical conditions		*A	R	C	C
5.6	Agree charging and remissions policy		*A	R	C	C
5.7	Agree behaviour policy		*A	R	C	C
5.8	Agree careers provider access policy statement		*A	R	C	C
5.9	Agree relationships education (primary) and relationships and sex education (secondary) policy		*A	R	C	C
5.10	Agree equality information and objectives (public sector equality duty) statement and monitor delivery		*A/R	R	C	C
5.11	Approve trust-wide curriculum		A	R	C	C
5.12	Ensure high standards of teaching and learning		A	R	C	R
5.13	Set targets for trust outcomes		A	R		
5.14	Plan and deliver individual school improvement interventions and strategies			A	C	R
5.15	Determine & monitor use of pupil premium and sports premium		A	R	C	C
5.16	Ensure provision of religious education		A	R	C	C
5.17	Ensure delivery of collective worship		A	R	C	C

		Members	Trust board	CEO	Local committees	Headteachers
5.18	Set the dates of school terms and holidays		A	R	C	C
5.19	Set the times of school sessions		A	C	C	R
5.20	Review headteacher decision to suspend/exclude pupils		*A/R		R	
5.21	Monitor rates of suspension and exclusion across the trust		A/R	R	C	C
5.22	Agree admissions policy		*A	R	C	C
5.23	Implement admissions appeal process		*A	R	C	C
5.24	Determine complaints procedure		*A/R	C	C	
5.25	Implement complaints procedure		*A	R	R	R
5.26	Review complaints at panel stage		A/R		R	
<b>Community</b>						
6.1	Develop stakeholder partnerships across the trust		A	R	C	C
6.2	Develop stakeholder partnerships at school level			C	A	R
<b>Health &amp; Safety and Estates</b>						
7.1	Adopt a trust-wide health and safety policy to ensure that the trust operates within all relevant health and safety legislation and that all pupils and staff are kept safe at all times within the procedures and practices of the trust		A/R	R	R	R
7.2	Ensure all staff receive statutory health and safety training		A	R		R
7.3	Ensure there is appropriate emergency planning and continuity plans in place		A	R	C	C
7.4	Ensure compliance with health and safety accident reporting (inc. RIDDOR)		A	R		R
7.5	Ensure completion of statutory compliance testing		A	R		C
7.6	Ensure completion of appropriate risk assessments		A	R	C	R
7.7	Ensure each school has a designated member of staff with overall responsibility for every aspect of health and safety		A	R	C	R



		Members	Trust board	CEO	Local committees	Headteachers
7.8	Ensure that the Trust's estate is maintained so it is fit for purpose and provides a safe, attractive and appropriate environment for learning		A	R (delegated to CFO)	C	C
7.9	General monitoring and action plans in relation to safety of sites and building conditions		A	R (delegated to CFO)	C	C
<b>Information Management, Communication and Marketing</b>						
8.1	Adopt a trust-wide data protection policy and monitor trust compliance with data protection legislation		A	R (delegated to GCO)	C	C
8.2	Ensure the Trust and schools communicate effectively with pupils, parents, carers, staff and the wider community		A	R	C	R
8.3	Ensure that all branded items follow Trust branding guidelines (e.g. stationery, staff ID badges, email signatures etc.)			A/R	C	R
8.4	Review and approve any long-life marketing materials (e.g. logo, website, prospectus etc.)			A/R		