



## **SCHEME OF DELEGATION**

**SEPTEMBER 2021**

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## **1. Introduction**

1.1 This scheme of delegation has been developed to clarify the responsibilities and powers of Members, Trustees and Local Governing Bodies in respect of key aspects of the leadership and management of the Aspire Schools Trust (the Trust) and its schools, and to ensure compliance with legal requirements.

1.2 It sits alongside the AST Financial Regulations Policy which covers all financial delegations and the suite of policies through which the Trust operates that further define individual and collective roles and responsibilities.

1.3 The delegations set out in this scheme are delegated to the specific committees and any individuals unless otherwise directed or agreed by the Board of Trustees.

1.4 Delegations cannot be exercised other than by the designated committee or individual unless otherwise directed or agreed by the Board of Trustees.

1.5 Decisions to delegate a function by the Board of Trustees must be recorded. Where delegation is not recorded the individual or committee has no power to act.

1.6 The Chair, or in the absence of the Chair, Vice-Chair has the power to carry out functions of their Board/committee in extreme circumstances where a delay in exercising a function is likely to be seriously detrimental to the interests of the Trust, the academy, a pupil or their parents, or a Member of staff. However, this power does not include matters relating to the alteration and/or closure of a school, a change of school category, approval of budget, discipline policies and admissions.

1.7 Delegations can be removed at any time by the Board of Trustees.

## **2. Governance Framework**

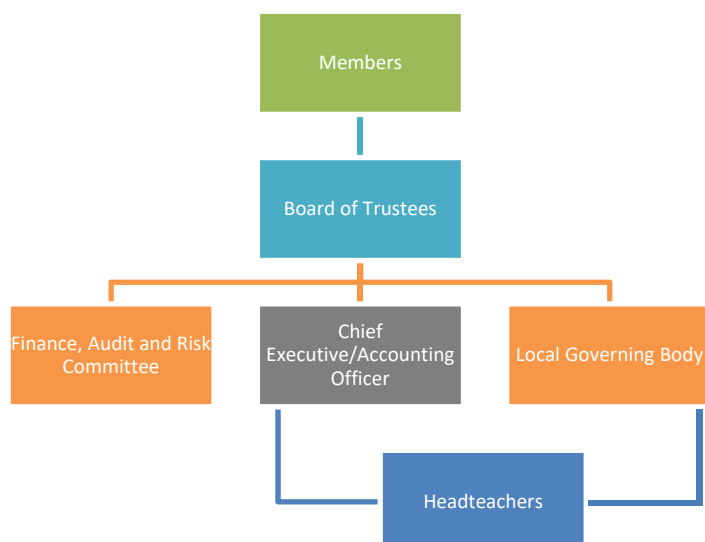
2.1 The Trust is the legal entity accountable for all the schools within the Trust. The Trust has one set of articles which govern all school in the Trust. The Trust has a master funding agreement with the Secretary of State. Each school within the Trust has a supplemental funding agreement.

2.2 The Trust is a charitable company and is responsible for the strategic direction of its schools. It has three clear layers of governance:

1. Members
2. Trustees
3. Committees and individuals

2.3 The Trust is the employer of every member of staff within the Trust.

2.4 This governance framework is built upon the ethos of ensuring that governors govern and managers manage. This framework enables all parties to fulfil their roles and responsibilities, and provides clarity on individual, collective and delegated responsibilities.



### 3. Roles and Responsibilities

#### 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 and articles of association and the funding agreement, 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
- 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 they choose 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 Governing Body and the Chief Executive so that Local Governing Bodies can share with them any celebrations or concerns they may have.

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

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

3.3.2 Board committees must have at least three Trustees in Membership, and Trustees must be in the majority for voting purposes; the Trust Board will appoint Board Committee Chairs and Committee Members according to their skills.

### **3.4 The role of the Local Governing Body**

3.4.1 The Board of Trustees delegates some governance functions to its Local Governing Body; the articles of association do not require Trustee Membership of Local Governing Body 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 The Trust Board approves the appointment of the Local Governing Body chairs, and will also approve the appointment of the majority of Local Governing Body members.

3.4.3 The Trust opts for parent representation to be at school level with parents elected to sit on the Local Governing Body as opposed to Trust wide elections for parent Trustees.

3.4.4 The Trust Board delegates responsibility for the detailed oversight of school performance and preparing pupils for the next stage of education and life to the Local Governing Body members.

3.4.5 Being close to and representative of the community the school serves, the Local Governing Body 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 thus 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 the agreed targets
  - engaging with stakeholders
  - acting as an ambassador for the Trust

3.4.6 The Trust Board will demonstrate the value they put on local governance by ensuring effective channels of communication between Trustees and Local Governing Body, 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, line managing the CEO in line with the Trust's appraisal and performance management policies.

3.5.2 The CEO is also the Accounting Officer and so is not only responsible for the performance of the Trust as a whole, but has a personal responsibility to parliament for the regularity, propriety and value for money, and for assuring the Board about compliance with the funding agreement and the Academy Trust Handbook.

3.5.3 The CEO will be 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, line managing them in accordance with the Trust's appraisal and performance management policies.

3.6.2 Headteachers share information about how the Trust is managing the school with the Local Governing Body so that committee Members build an understanding about how the school operates and are enabled to monitor and scrutinise how key policies and improvement plans are working in practice.

### **3.7 Variations**

#### **3.7.1 Delegation to an Intervention Board**

Where necessary, the Aspire Schools Trust will use an Intervention Board as an effective way of managing a school which requires rapid improvement across a range of operational areas, as well as to the local governance function. The Intervention Board will generally consist of a small number of senior executives plus one or two non-executives (Trustees or Local Governing Body Members) who will meet very regularly (e.g. fortnightly or every three weeks or so) to monitor and evaluate agreed actions and to take key decisions. The Board should be chaired by the CEO.

The Intervention Board does not include parents, so the Trust will establish a parent council or similar in the school as soon as it is practicable. The Intervention Board will be time limited with the aim of establishing a local governance function as soon as possible.

## Appendix A – Scheme of Delegation

Key	
✓	Governance function and decision making at this level
C	To be consulted prior to decision being made

Note: Decisions delegated to the Trust Board may be delegated to a Board committee but not the CEO, Local Governing Body or Headteacher

Governance function		Members	Trust Board / Board committees	CEO / accounting officer	Local Governing Body	HT
Governance framework: people	Appoint & remove Members & Trustees	✓				
	Nominate new Trustees (Articles prescribe 9 in total for Board)	✓	✓			
	Appoint Board Committee & LGB Chairs: as elected				✓	
	Remove Board Committee & LGB Chairs		✓			
	Appoint Board Committee & LGB members: as elected or co-opted		✓		✓	
	Remove Board Committee & LGB		✓			
	Appoint & remove Clerk to Board, Board Committees & LGBs (employee of Trust)		✓			
	Appoint & remove named Safeguarding Trustee & LGB governors		✓		✓	
Governance framework: systems and structures	Articles of association: review and agree	✓				
	Governance structure for the Trust: establish and review annually		✓	C		
	Committee terms of reference and scheme of delegation: agree annually		✓	C		
	Annual schedule of Trust/LGB business & work plans: agree		✓	C	✓	C
	Self-review of Trust Board and Committees: complete annually		✓			
	Self-review of Local Governing Body: complete annually				✓	
	Chair's performance: carry out 360° review periodically		✓		✓	
	Trustee/ Local Governing Body Member contribution: review annually		✓		✓	
	Publish governance arrangements on Trust and schools' websites: ensure			✓		✓
	Annual report on the performance of the Trust: submit to Members and publish		✓	C		

Governance function		Members	Trust Board / Board committees	CEO / accounting officer	Local Governing Body	HT
<b>Governance framework: reporting</b>	Annual self-review/triannual external review of Board effectiveness: submit to Members		✓	C		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit to Members and Companies House		✓	C		
	ESFA required reports and returns: submit		✓	C		
	Annual report on work of LGB (including impact statement): submit to Trust and publish				✓	C
	Establish, maintain and publish a register of pecuniary and business interests		✓		✓	
<b>Being strategic</b>	Determine Trust wide policies which reflect the Trust's ethos and values: approve		✓	C		
	Determine school level policies: approve				✓	C
	Management of risk: establish register, review and monitor		✓	C		
	Engagement with stakeholders: ensure		✓	✓	✓	✓
	Determine Trust's vision, strategy and key priorities: approve		✓	C		
	Determine schools' vision, strategy and key priorities: approve			C	✓	C
	Chief executive officer: appoint and dismiss		✓			
	Accounting officer: appoint and dismiss		✓			
	HTs: appoint and dismiss			✓		
	Budget plan to support delivery of Trust key priorities: agree		✓	C		
	Budget plan to support delivery of schools' key priorities: agree			✓	C	✓
	Trust's staffing structure: agree		✓	C		
	Schools' staffing structure: recommend			C	C	✓
	Develop and review Board/Committee/LGB training plan		✓		✓	
	Admission of new academies to the Trust		✓	C		
Determine the school's asset and premises maintenance strategy, ensuring premises are adequately maintained				✓	C	
<b>Holding to account</b>	Ensuring compliance with all statutory and reporting arrangements		✓	C	✓	C
	Ensuring implementation of and compliance with policies		✓	✓	✓	✓
	Monitoring progress on key priorities: agree reporting arrangements		✓	C		



Governance function		Members	Trust Board / Board committees	CEO / accounting officer	Local Governing Body	HT
	Monitoring standards of teaching and pupil attainment/achievement			✓	✓	✓
	Performance management of the chief Executive Officer: undertake		✓			
	Performance management of HTs: undertake			✓	✓	
<b>Financial oversight</b>	External auditors: appoint	✓	C			
	Internal auditors: appoint		✓	C		
	Determine internal auditor programme of works		✓	C		
	Chief financial officer: appoint		✓	C		
	External auditors' report: receive and respond		✓			
	Staff appraisal procedure		✓	C		
	CEO pay award: review and agree (as warranted)		✓			
	Headteachers' pay award: review and agree (as warranted)			✓	✓	
	Staff pay progression (Not CEO or HT): review and agree (as warranted)		✓	C	✓	C
	Benchmarking and Trust wide value for money: ensure robustness			✓		
	Monitoring budgets: agree reporting		✓	C		
Receiving Budget Monitoring reports to inform planning				✓	C	
<b>Curriculum</b>	Provide a broad and balanced curriculum as per funding agreement: ensure				✓	C
	Produce termly report from each school to include key information such as attendance, behaviour, standards, results					✓
	Assist in the annual formulation and review of school self-evaluation				✓	
	Ensure compliance with requirements of the Ofsted Framework				✓	
	Governance responsibility for discussing school performance with Ofsted				✓	