



**Scheme of Delegation  
Academic Year 2023 -2024**

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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 of the DfE [Competency Framework for Governance January 2017](#).

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 (this includes Local Governing Bodies) 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, the 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 school, a pupil or their parents, or a member of staff, see Appendix A for further details. 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 or varied at any time by the Board of Trustees or the Accounting Officer.

1.8 The removal or variation of Delegations must be reviewed by the Board of Trustees at their next meeting.

# 2 Governance Framework and Structure

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 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.

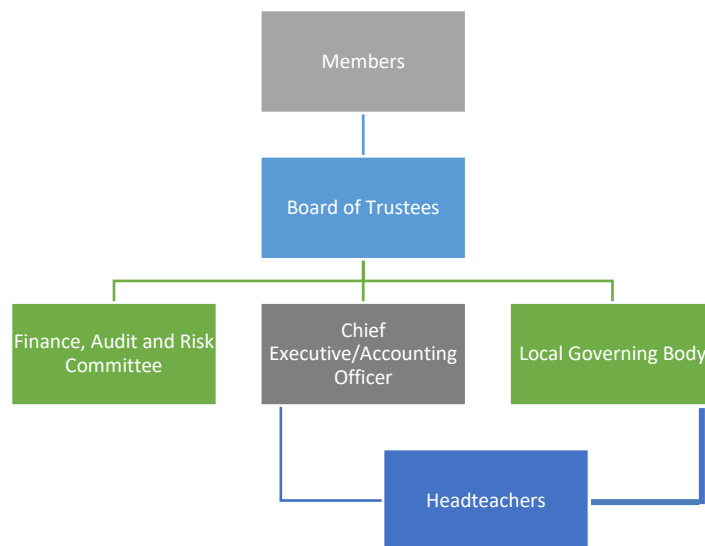
2.2 The Trust is a charitable company and is responsible for the strategic direction of its schools. It has three clear layers of governance:

1. Members
2. Trustees
3. Committees (including Local Governing Bodies (LGB) at each academy 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. As stated in the [Governance Handbook 2019 section 1.2.4](#) there should be 'clear separation between strategic non-executive oversight and operational executive leadership'.

## Governance Structure



## 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 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 Governing Body and the Chief Executive so that Local Governing Bodies 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 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 Bodies; the Articles of Association do not require Trustee membership of a 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 Each Local Governing Body is responsible for electing a Chair and recruiting new members. The Trust Board subsequently approves (or does not approve) 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 parental representation to be at school level with a minimum of two parents elected to sit on each Local Governing Body as opposed to Trust wide elections for parent Trustees.

3.4.4 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 Governing Body members.

3.4.5 Being close to and representative of the community the school serves, each 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 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 Governing Bodies, 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 Governing Bodies and share information about how the Trust is managing the school, so that each Local Governing Body 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.

### **3.7 Variations**

3.7.1 Delegation to an Intervention Board.

Where deemed appropriate by the 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 Governing Body;
- 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.

The composition and Terms of Reference for the Intervention Board will be agreed by the Trust Board according to circumstances. Intervention boards will generally consist of a small number of senior executives plus one or two non-executives (Trustees, Local Governing Body 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.



## **Appendix A            General Power to Act in Exceptional Circumstances**

In accordance with the powers and limitations in Articles 104-106 the Trustees have made the following bye law:

### **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) applies, the Chair may exercise any function of the Trust Board, Local Governing Body 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 Governing Body, 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 Governing Body or relevant Committee.

## Appendix B 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 the Finance, Audit and Risk Committee, Pay Committee and Local Governing Bodies but not the CEO, Local Governing Body or Headteacher.*

Governance function		Members	Trust Board	Committee of Trust Board	CEO / Accounting Officer	BPS LGB	SWRA LGB	WGA LGB	LGB of new academy joining Trust *	Head Teacher
	Appoint and remove Members and Trustees	✓								
	Nominate new Trustees	✓	✓							
	Removes Board Committee and LGB Chairs		✓							

	Approves appointment of Board Committee & LGB members: as elected or co-opted by Committee/LGB		✓							
	Appoint & remove Clerk to Board, Board Committees & LGBs (employee of Trust)		✓							
	Appoint & remove named Safeguarding Trustee & Safeguarding LGB governors		✓			✓	✓	✓		
Governance function		Members	Trust Board	Committee of Trust Board	CEO / Accounting Officer	BPS LGB	SWRA LGB	WGA LGB	LGB of new academy joining Trust *	Head Teacher
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 agree annually		✓		C					
	Agree Annual schedule of Trust/LGB business & work plans		✓		C	✓	✓	✓	C	C
	Self-review of Trust Board and Committees		✓	✓		✓	✓	✓		
	Chair's performance: carry out 360° review periodically		✓	✓		✓	✓	✓		
	Trustee/Governor contribution: annual review		✓			✓	✓	✓		

	Power to suspend all delegations prior to review of suspension by Trustees				✓					
	Review of suspension of delegations made by CEO		✓							
Governance function		Members	Trust Board	Committee of Trust Board	CEO / Accounting Officer	BPS LGB	SWRA LGB	WGA LGB	LGB of new academy joining Trust *	Head Teacher
Governance framework: reporting	Publish governance arrangements on Trust and schools' websites				✓				✓	✓
	Annual report on the performance of Trust: submit to Members and publish		✓		C					
	Annual self-review/ triannual External Review of Board effectiveness (ERG): submit to Members		✓		C					
	Annual self-review: submit to Trust Board					✓	✓	✓		
	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	C
	Establish, maintain and publish a register of pecuniary and business interests		✓			✓	✓	✓		
	<b>Governance function</b>	<b>Members</b>	<b>Trust Board</b>	<b>Committee of Trust Board</b>	<b>CEO / Accounting Officer</b>	<b>BPS LGB</b>	<b>SWRA LGB</b>	<b>WGA LGB</b>	<b>LGB of new academy joining Trust *</b>	<b>Head Teacher</b>
<b>Being strategic</b>	Determine Trust wide policies which reflect the Trust's ethos and values: approve		✓		C					
	Determine school level policies: approve					✓	✓	✓	✓ Trust C	C
	Management of risk: establish register, review and monitor			FAR Committee	C	C	C	C	C	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	C

	Chief executive officer: appoint and dismiss		✓							
	Accounting Officer: appoint and dismiss		✓							
	<b>Governance function</b>	<b>Members</b>	<b>Trust Board</b>	<b>Committee of Trust Board</b>	<b>CEO / Accounting Officer</b>	<b>BPS LGB</b>	<b>SWRA LGB</b>	<b>WGA LGB</b>	<b>LGB of new academy joining Trust *</b>	<b>Head Teacher</b>
<b>Being strategic (continued)</b>	Headteachers: 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	C	C	✓	✓
	Trust's staffing structure: agree		✓		C					
	Schools' staffing structure: recommend				C	C	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	C
<b>Governance function</b>		<b>Members</b>	<b>Trust Board</b>	<b>Committee of Trust Board</b>	<b>CEO / Accounting Officer</b>	<b>BPS LGB</b>	<b>SWRA LGB</b>	<b>WGA LGB</b>	<b>LGB of new academy joining Trust *</b>	<b>Head Teacher</b>
<b>Holding to account</b>	Ensuring compliance with all statutory and reporting arrangements		✓		C	✓	✓	✓	C	C
	Ensuring implementation of and compliance with policies		✓		✓	✓	✓	✓	✓	✓
	Monitoring progress on key priorities: agree reporting arrangements		✓		C					

	Monitoring standards of teaching and pupil attainment/achievement				✓	✓	✓	✓	✓	✓
	Performance management of the Chief Executive Officer: undertake		✓							
	Performance management of HTs: undertake				✓	✓	✓	✓		
<b>Governance function</b>		<b>Members</b>	<b>Trust Board</b>	<b>Committee of Trust Board</b>	<b>CEO / Accounting Officer</b>	<b>BPS LGB</b>	<b>SWRA LGB</b>	<b>WGA LGB</b>	<b>LGB of new academy joining Trust *</b>	<b>Head Teacher</b>
<b>Financial Oversight</b>	External auditors: appoint	✓	C							
	Internal auditors: appoint		✓		C					
	Determine internal auditor programme of works			✓	C					
	CFO: appoint		✓		C					
	External auditors' report: receive and respond		✓							
	Trust's Scheme of Financial Delegation: establish, monitor and review			✓	C					



Trust finance policies: recommend and approve			✓	C					
Headteachers' pay award: review and agree (as warranted)*			*Review panel	C					
CEOs' pay award: review and agree (as warranted)*			*Review panel						
Staff pay progression (Not CEO or HT): review process/procedure followed			*Pay Committee	C				C	C
Benchmarking and Trust wide value for money: ensure robustness				✓					
Monitoring budgets: agree reporting		✓		C					
Receiving Budget Monitoring reports to inform planning			FAR Committee	C	✓	✓	✓	C	C
Note spending of pupil premium, PE and sport premium (and other relevant premiums); ensure that funding is spent effectively and is having the intended impact on pupil outcomes			FAR Committee						

	Monitor spending of pupil premium, PE and sport premium (and other relevant premiums); ensure that funding is spent effectively and is having the intended impact on pupil outcomes					✓	✓	✓		
Governance function		Members	Trust Board	Committee of Trust Board	CEO / Accounting Officer	BPS LGB	SWRA LGB	WGA LGB	LGB of new academy joining Trust *	Head Teacher
Curriculum	Provide a broad and balanced curriculum as per funding agreement: ensure					✓	✓	✓	C	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					✓	✓	✓		
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*\* In conjunction with independent advisor*