

## Scheme of Delegation

<b>Category:</b>	
<b>Authorised By:</b>	Board of Directors
<b>Signature:</b>	
<b>Signed By:</b>	Barry Nolan, Chair of the Directors
<b>Author:</b>	
<b>Version:</b>	
<b>Status:</b>	Approved
<b>Issue Date:</b>	13 <sup>th</sup> January 2016
<b>Next Review Date:</b>	January 2018

### Key points and summary

This document outlines:

- The requirements of the Articles of Association regarding delegation
- The principles of decision making within the Academy Trust
- The scheme of delegation within the Academy Trust
- The respective roles of the Directors, the governors, the Chief Executive, and senior staff at the Academy

## Contents

<u>Section</u>	<u>Page</u>
1. Scope and applicability	3
2. Articles of Association	3
3. Responsibilities for the Policy	4
• Board of Directors	4
• Committees	5
• Delegations to other staff	6
Appendix – Decision Matrix	7

## Introduction and statement of intent

The Academy Trust believes that:

- The strategic vision for the Academy should be set by the Board of Directors
- Responsibility for the delivery of the vision for Eden Academy should be delegated to the Principal and Heads of School.

### 1. Scope and applicability

This policy outlines the framework for decision making within the Academy Trust. It applies to all Directors and staff.

### 2. The Articles of Association

The following are the relevant clauses from the Articles of Association that outline what can, and cannot, be delegated:

- Clause 93: Subject to provisions of the Companies Act 2006, the Articles and to any directions given by special resolution, the business of the Company shall be managed by the Directors who may exercise all the powers of the Company. No alteration of the Articles and no such direction shall invalidate any prior act of the Directors which would have been valid if that alteration had not been made or that direction had not been given. The powers given by this Article shall not be limited by any special power given to the Directors by the Articles and a meeting of Directors at which a quorum is present may exercise all the powers exercisable by the Directors.
- Clause 100 and 101: Subject to these Articles, the Directors may establish any committee. Subject to these Articles, the constitution, membership and proceedings of any committee shall be determined by the Directors. The establishment, terms of reference, constitution and membership of any committee of the Directors shall be reviewed at least once in every twelve months. The membership of any committee of the Directors may include persons who are not Directors, provided that (with the exception of the Local Governing Bodies) a majority of members of any such committee shall be Directors. Except in the case of a Local Governing Body, no vote on any matter shall be taken at a meeting of a committee of the Directors unless the majority of members of the committee present are Directors.
- Clause 105: The Directors may delegate to any Director, committee (including any Local Governing Body), the Chief Executive Officer or any other holder of an executive office, such of their powers or

functions as they consider desirable to be exercised by them. Any such delegation shall be made subject to any conditions the Directors may impose, and may be revoked or altered.

- Clause 106: Where any power or function of the Directors has been exercised by any committee (including any Local Governing Body), any Director, the Chief Executive Officer or any other holder of an executive office, that person or committee shall report to the Directors in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Directors immediately following the taking of the action or the making of the decision.
- Where any power or function of the Directors is exercised by any committee, any Governor, Principal or any other holder of an executive office, that person or committee shall report to the Directors in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Directors immediately following the taking of the action or the making of the decision.
- Clause 107: The Directors shall appoint the Chief Executive Officer and shall appoint the Principal of the Academy. The Directors may delegate such powers and functions as they consider are required by the Chief Executive Officer and the Principal for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Directors and for the direction of the teaching and curriculum at the Academy).

Functions that can be delegated to a committee but cannot be delegated to an individual include those that relate to:

- the approval of the first formal budget plan of the financial year;
- academy discipline policies;
- the exclusion of pupils (except in an emergency when the chair has the power to exercise these functions);

### **3. Responsibilities under the policy**

#### **3.1 Board of Directors**

The Board of Directors is able to exercise all of the powers of the Academy Trust. It is responsible for the performance of the Trust. Accordingly, it will approve the policies for the Trust.

The Board of Directors will offer support, constructive advice, a sounding board for ideas, a second opinion on proposals and help where needed, but may also challenge, ask questions, seek information, improve proposals and so seek to arrive at the best solution for the Trust.

### 3.2 Committees

- a. The Board of Directors may establish a structure of Committees as appropriate. These Committees will act in an advisory capacity to the Board of Directors except where powers have been specifically delegated to them by the Board of Directors.
- b. The Board of Directors shall appoint the following committees:
  - A 'Local Governing Body' (to be known as a Governing Body) for each Academy (members of which will be known as Governors)
  - A finance committee
  - An audit committee
  - An asset management committee

The terms of reference for each committee are shown in Appendix 2.

- c. Committees are expected to meet according to their term of reference. The functions and proceedings of the committees are subject to regulations made by the Directors from time to time pursuant to the powers contained in the Articles of Association.
- d. Each committee, including the Governing Body will elect a Chair from amongst its number. The Chair of the committee must be a Governor or Director. Each committee will establish its clerking arrangements. In the case of the Governing Body, the appointment of the Chair will be for 3 years. The Chair will be entitled to a seat on the Board of Directors which they may choose to take or alternatively nominate a representative. If this is the case, the nominated representative must be a governor. This nomination must be seconded by the Board of Directors.
- e. The committee may co-opt additional committee members who are not Directors. The committee will decide whether non-governor members are able to vote.
- f. A committee may choose to establish its own committees; any such committee will act in an advisory capacity to the Board of Directors or to the Governing Body. The functions and proceedings of the committees are subject to regulations made by the Directors from time to time pursuant to the powers contained in the Articles of Association.

### 3.3 Delegations to other staff

- a. The Chief Executive will, in consultation with the Board of Directors, formulate the aims, objectives, policies and targets for the Trust. The Principal will report to the Board of Directors on progress at each meeting in accordance with a schedule drawn up annually with the Chief Executive.
- b. The Principal is responsible for the internal organisation, management and control of the academy, and implementing the Trust's strategic framework, for the implementation of all policies approved by the Directors and for the direction of the teaching and the curriculum at the Academy. For these purposes the Directors shall delegate those powers and functions required by the Principal.
- c. The Chief Executive, Principal and staff are accountable to the Governing Bodies and to the Board of Directors for the academy's performance. The Governing Bodies and Board of Directors will be prepared to explain its decisions and actions to anyone who has a legitimate interest. This may include staff, pupils and parents as well as the local authority or the Secretary of State.
- d. The Principal will continue in the official (and legal) capacity as Head Teacher of each school within the Trust.
- e. The Chief Executive will comply with any reasonable direction by the Board of Directors when acting on the Trust's behalf.
- f. The Chief Executive will agree and monitor appropriate delegations of authority with other staff.

## Appendix 1: Decision Matrix

- **BOD** Board of Directors
- **GB** Governing Body
- **FC** Finance committee
- **AMC** Asset management committee
- **CEO** Chief Executive Officer
- **P** Principal.
- **HoS** Head of School
- **HFR** Head of Finance and Resources

Symbol	
A	Accountable
R	Responsible
C	Consulted
I	Informed

Financial and Operational Management	BOD	GB	FC	AMC	CEO	P	HoS	HFR
Approving financial procedures in accordance with legal and DfE requirements and best practice	A&R							
Ensuring that the financial procedures are implemented effectively			R		A			R
Maintaining accurate, reconciled and up to date records to provide financial and statistical information			A					R
Establishing and maintaining asset registers in accordance with financial procedures				A				R
Ensuring that any disposal of assets complies with the financial procedures			A					R
Maintaining a register of pecuniary and business interests of Directors, Governors and staff ( <i>the matrix demonstrates responsibility for collating registers, the clerk, CEO and FOM will maintain an overview of all interests</i> )	A&R: Clerk (Directors)	A&R: Clerk (Governors)						A&R (staff)
Establishing and maintaining procedures for effective audit in accordance with legal and DfE requirements	A (delegated to audit committee)							R
Receiving reports from audit inspections and the resulting Action Plan	A (delegated to audit committee)							R
Ensuring appropriate insurance arrangements in accordance with the financial procedures			A					R
To approve the first formal budget plan each financial year in accordance with DfE timeframes	A	C	R (make recomm-					



Financial and Operational Management	BOD	GB	FC	AMC	CEO	P	HoS	HFR
			endation to Board)					
To set individual balanced school budgets to feed into the overall budget plan, within a financial limit of individual academy GAG minus agreed Trust top-slice		C	A		C	C	C	R
To monitor, review, and amend as necessary, the Trust's actual financial performance throughout the year and at year end		I	A	C	C	C	C	R
Ensuring that all transfers between budget headings (virements) comply with the financial procedures			A					R
Establishing and implementing procedures for staff and Directors to claim expenses			A					R
Approving a lettings policy and fees		A&R						
Ensuring that any writing off of debts complies with the financial procedures			A					R
Ensuring that all procurement processes and resulting contracts and agreements conform with the financial procedures			A					R
Authorising payments on receipt of correct invoices where goods have been received to the correct price, quantity and quality standard								A&R
Retaining the appropriate financial records, and storing them appropriately, to comply with legal and / or DfE requirements								A&R
Approving applications for Business / Credit Cards			A&R					
Complying with VAT and CIT regulations			A					R
To investigate financial irregularities (not involving the accounting officer)			A		R			

Financial and Operational Management	BOD	GB	FC	AMC	CEO	P	HoS	HFR
To investigate financial irregularities (involving the accounting officer)	A&R							
To establish and implement a Buildings Maintenance strategy		C		A			C	R

Financial and Operational Management	BOD	GB	FC	AMC	CEO	P	HoS	HFR
To ensure compliance with Health and Safety legislation		C		A			C	R
To set the academy day and year		A				C	R	

Governance	BOD	GB	FC	AMC	CEO	P	HOS	HFR
To appoint Vice-Chair of Directors	A&R							
To appoint and dismiss the clerk to the Board of Directors and governing bodies	A&R (BOD)	A&R (GB)						
To appoint and dismiss the clerk to a Committee	A&R (BOD)	A&R (GB)						
To appoint the Chair of a Committee	A&R (BOD)	A&R (GB)						
To appoint and remove co-opted Directors	A&R							
To establish, approve Terms of Reference for and membership of, and monitor a committee of Directors	A&R							
To establish, approve Terms of Reference for and membership of, and monitor a committee of the LGB		A&R						
To review at least annually the committee structures and any delegated powers of Directors	A&R							

Governance	BOD	GB	FC	AMC	CEO	P	HOS	HFR
To review and approve the overarching policies for the Academy, including but not limited to: <ul style="list-style-type: none"> <li>Financial procedures</li> <li>Safeguarding</li> <li>Staffing (including Terms and Conditions)</li> <li>Health and Safety</li> <li>Student performance and behaviour</li> <li>Curriculum<sup>1</sup></li> </ul>	A	C (Academy wide policies) A (School specific)			R	R	C	C
To approve and circulate the Annual Audit Report	A							R

HR & Staffing	BOD	GB	FC	AMC	CEO	P	HOS	HFR
To approve the overall staffing establishment for the academy (School Staff)	A	I	I			R (delegated to HOS)	R	C
To approve the overall staffing establishment for the academy (Central Staff)	A	C	C		C	R	C	C
Establish and ensure accurate payroll management								A&R
Appoint the CEO and Principal	A&R							
Appoint the HOS		C			C	A		
Appoint the HFR			C		A	C		
Performance management of the Principal (including salary)	A&R (delegated to perf man and remuneration committees)							

11

1. It is noted that some policies related to both student performance and behaviour and to curriculum may be school specific.

HR & Staffing	BOD	GB	FC	AMC	CEO	P	HOS	HFR
Performance management of CEO (including salary)	A&R (delegated to perf man and remuneration committees)							
Performance management of HOS		C				A&R		
Performance management of HFR			C		A&R	C		
Appoint staff who work across the Academy						A		
Appoint other teaching staff		C				A&R (delegated to the HOS where appropriate)	C	
Appoint other support staff		C				A&R(delegated to the HOS where appropriate)	C	
Approve Terms and Conditions policy	A&R							*
Approve disciplinary / capability / grievance / performance management policies	A&R							
Implement, monitor, review and propose amendments to the HR policies		C			C	A&R	C	
Suspend or dismiss the CEO	A&R							
Suspend or dismiss the Principal	A&R				C			
Suspend or dismiss the HOS	C	C			C	A&R		
Suspend or dismiss the HFR			C		A&R	C		
Suspend staff (besides the above)		C			C	A&R	C	
Dismiss staff (besides the above )		C			C	A&R		
Approve any leaving payments (redundancy, dismissal, early retirement) in accordance with academy policy	A	C	R					

Student development	BOD	GB	FC	ASM	CEO	P	HOS	HFR
To exclude a pupil (fixed term)		I				A&R	C	
To exclude a pupil (permanently)		I				A&R	C	
To consult on and determine an admissions policy	A	C				R		

Student development	BOD	GB	FC	ASM	CEO	P	HOS	HFR
To determine who will be offered a place in accordance with the admissions policy	A	C				R	C	
To ensure that there is a daily act of collective worship						A	R	
To ensure that the curriculum complies with the legal and Funding Agreement requirements	A					R		
To ensure the provision of free school meals to eligible pupils						A	R	
To adopt, implement and review any home – academy agreements							A&R	
To approve the curriculum		I				A	R	