



## Scheme of Delegation

# Scheme of Delegation - Governance

## Introduction

The Equals Trust Board of Directors are accountable in law for all major decisions about their academies.

This scheme of delegation is the key document defining the lines of responsibility and accountability in our Trust. It is a simple yet systematic way of ensuring that the Members, Directors, Chief Executive Officer, Leadership Group, Governors and Heads of School/Head Teachers are all clear about their roles and responsibilities. This overarching scheme of delegation for all decision making in the Trust should not be confused with the written scheme of delegation of financial powers referred to in the Academies Financial Handbook.

Some governing bodies joining a new Trust assume that they will continue to function as they did when they were a governing body of a maintained school. However, even if on joining they are known as the Local Governing Body (LGB), this body will in fact be a committee appointed by the EQT Board, and the Board has the power to appoint and remove committees at any time.

Academy committee functions are likely to be different to those of a maintained school's governing body. A detailed yet clear scheme of delegation will prevent confusion arising before any misunderstanding develops.

This scheme of delegation will:

- Promote a culture of honesty and accountability
- Ensure all decision makers are clear about which decisions the Equals Trust Board remains in control of
- Identify responsibility for the appointment and performance management of the CEO/Executive Head Teachers/Headteachers
- Ensure that the role of the Executive Leadership is fully understood throughout the Trust
- Identify responsibility for policy and practice in each school
- Identify responsibility for oversight of educational performance in each school
- Identify responsibility for oversight of each school's budget
- Identify responsibility for assessment of risk in each school

The Equals Trust Board appoint the Chief Executive Officer (CEO), to whom it delegates responsibility for delivery of its vision and strategy, and will hold the CEO to account for the conduct and performance of the Trust, including the performance of the schools within the Trust, and for its financial management.

In turn, the CEO line manages other senior executives and the academies' Head Teachers; setting their targets and performance managing them.

The Board delegates some of its school level monitoring and scrutinising functions to academy LGBs, and uses these committees to promote stakeholder engagement and as a point of consultation and representation. The Trust Administration and Governance Manager provides a line of communication to the Board for proposals, information and queries.

Local Governors must be confident that the Trust's performance management systems are working well, and if not, how they can make the Trust aware of their concerns. To support this aim it is usual for the CEO/Executive Leader to seek input from the Chair of the LGB or a performance management link governor when undertaking the Head Teacher's performance management.

## The role of the Members

The Members of Equals Trust are the custodians of the object of the Trust and as such have a different status to Directors. Originally they will have been the signatories to the Memorandum of Association and will have agreed the Trust's first articles of association (the legal document which outlines the governance structure and how the Trust will operate). The Articles of Association describe how Members are recruited and replaced, and how many of the Directors the Members can appoint to the Equals Trust Board. The members may appoint by ordinary resolution up to 10 Directors.

The Members appoint Directors (Trustees) to ensure that the Trust's charitable object is carried out and so must be able to remove Directors (Trustees) if they fail to fulfil this responsibility. Accordingly, the Trust Board submits an annual report on the performance of the Trust to the Members. Members are also responsible for approving any amendments made to the Trust's Articles of Association.

There must be at least three members, although the DfE prefer at least five, and while members are permitted to be appointed as Directors, in order to retain a degree of separation of powers between the members and the Trust board, and in line with DfE expectations, not all members should be Directors. Members are not permitted to be employees of the academy trust. Currently, one Director is a Member.

## The role of the Directors

Equals Trust is a charitable company and so Directors are both Charity Directors (within the terms of section 177(1) of the Charities Act 2011) and Company Directors. Because Directors are bound by both charity and company law, the terms 'Trustees' and 'Directors' are often used interchangeably. In this document Trustees will be referred to only as Directors. The Directors are responsible for the general control and management of the administration of the Trust, and in accordance with the provisions set out in the Memorandum and Articles of Association and its Funding Agreement, it is legally responsible and accountable for all statutory functions, for the performance of all schools within the Trust, and must approve a written scheme of delegation of financial powers that maintains robust internal control arrangements. In addition it must carry out the three core governance functions:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the CEO to account for the educational performance of the Trust's schools and their pupils, and the performance management of staff
3. Oversee the financial performance of the Trust and make sure its money is well spent

The Board of Directors has the right to review and adapt its governance structure at any time, which includes removing delegation.

## The role of Equals Trust Board Committees

The Directors may establish committees to carry out some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the Trust board.

Subject to the Articles of Association the Directors:

- may appoint committees to be known as Local Governing Bodies (LGB) for each School; and
- may establish any other committee

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 every twelve months. The membership of any committee for the Directors may include persons who are not Directors, provided that (with the exception of LGBs) a majority of members of any such committee shall be Directors. Except in the case of an LGB, only Directors of a committee will have voting rights and 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.

The Directors shall ensure that any LGB shall include membership comprising of an equal balance of Trust appointed governors to the combined number of staff and parent appointed governors.

The functions, duties and proceedings of the LGB or committees shall be subject to regulations made by the Directors from time to time. LGBs may be established solely for the purpose of fulfilling an advisory function to the Equals Trust Board.

It is usual for the board to appoint board committee chairs and committee members according to their skills.

The Academies Financial Handbook 2016 makes it clear that the directors 'should have a finance committee to which the board delegates financial scrutiny and oversight'. In Trusts with income above a certain level, there must also be a separate audit committee.

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

The CEO has the delegated responsibility for the operation of the Trust including the performance of the Trust's academies and so the CEO performance manages the school Heads of School/Head Teachers. As there is the delegation of some governance functions to LGBs, it is usual for the CEO to seek input from the Chair of the LGB or performance management link governor when undertaking the Head Teacher's performance management.

The CEO is the accounting officer so has overall responsibility for the operation of the academy Trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability; avoiding waste and securing value for money.

The CEO leads the Leadership Group and executive team of the academy Trust. The CEO will delegate the development of projects and/or functions to the Leadership Group and executive team and is accountable to the Equals Trust Board for the performance of the two functions.

## The role of the LGBs

As outlined above the Directors may establish LGBs to carry out some of its school level governance functions, although as Directors are not required to sit on academy committees, Decision making is more limited than the Board of Directors, and in the event of concerns, the Directors have the right to remove the LGB.

Members of the LGB shall be known as governors.

The Directors have the right to appoint such persons to the LGB as they shall determine from time to time. Subject to this the governorship of the LGB shall be compromised as follows:-

1. The Head Teacher
2. Staff governor (elected)
3. Parents governors (elected)
4. Any persons appointed by the Directors as governors.

The sum total of the first 3 categories should equal the number of Trust appointed governors.

Typically, delegated functions may include:

- Building an understanding of how the school is led and managed
- Monitoring whether the school is:
  - Working within agreed policies
  - Is meeting the agreed targets
  - Implementing procedures appropriately
- Engaging with stakeholders
- Being a point of consultation and representation
- Reporting to the Board

As a committee of the Board, delegation can be removed at any time. During an

Ofsted Inspection:

- Inspectors will always seek to meet those responsible for governance during the inspection
- The contribution of governors to the school's performance is evaluated as part of the judgement on the 'effectiveness of leadership and management'
- Inspectors will expect governors to know about the strengths and weaknesses of the school. Inspectors will expect school governors to be familiar with, and understand, performance data, including the information that the school data dashboard presents for their school
- In making the judgement on the 'effectiveness of leadership and management', inspectors will consider the leaders' and governors' vision and ambition for the academy and how these are communicated to staff, parents and pupils

## The role of the Leadership Group

The Leadership Group is chaired by the CEO and membership is made up of headteachers from member schools rated as 'good' or 'outstanding' by Ofsted. The Leadership Group discuss issues which directly impact on schools in the Trust, including standards, teaching and learning and services provided centrally by the Trust. The group draft the Equals Trust Improvement Plan (EQTIP) and implement the approved plan. Priorities are selected based on the needs of all schools across the Trust and reflect the expectations and ethos of the Trust. The Leadership Group is consulted on the services that they wish

to be provided to schools by the central Trust. The Leadership Group may also contain members of the Central Trust Executive Team, when required (in discussing non-teaching and learning issues), to deliberate tasks which may be delegated to them by the Trust Board of Directors. Proposals from the Leadership Group are presented to the Trust Board of Directors by the CEO.

## The role of the Head Teacher

The Head Teacher is responsible for the day to day management of their school, reporting to the LGB on matters which have been delegated to it which may include an element of monitoring and scrutiny of the school’s management processes. Head Teachers of member schools rated ‘good’ or ‘outstanding’ by Ofsted sit on the Leadership Group to drive improvement in standards, teaching and learning across all schools in the Trust

## Scheme of Delegation

Key
Column 1: Members
Column 2: Board of Directors (Trustees)
Column 3: Finance & Audit Committee
Column 4: Chief Executive Officer
Column 5: Leadership Group
Column 6: Local Governing Body
Column 7: Head Teacher
Column 8: Trust Executive Team
✓ Action to be undertaken at this level
P Proposals made at this level
* Advice, support or consultation undertaken from these levels
‘Panel’ – Membership of panels will be made up of members of indicated groups. Members of panels will have no prior knowledge of the subject or person they are convened for.
‘Executive Team’ – CEO, Trust Finance Manager, Trust Administration and Governance Manager
‘MAT staff’ – staff employed by the Central Trust

Area	Decision	Members	Trust Board	F&A ctte	Pay ctte	CEO	Leadership Group	LGB	HT	Exec Team
Governance	Approve MAT Articles of Association	✓	P							
	Appoint or Remove Directors	✓								
	Approve MAT Board Terms of Reference		✓							
	Approve MAT Scheme of Delegation		✓							
	Approve new convertor or sponsored schools joining the MAT		✓			P	*			*
	Establish MAT Committees		✓							
	Approve MAT Committee Terms of Reference		✓							
	Approve LGB Terms of Reference		✓					P		
	Approve LGB meeting Structure		✓							
	Establish LGB working parties							✓		
	Appoint Chair of MAT Board		✓							
	Appoint Chair and Vice Chair of LGB							✓		
	Remove Chair or Vice Chair of LGB (in exceptional circumstance)		✓					✓		
	Appoint LGB governors (Trust appointed)		✓					P		
	Remove LGB governors (Trust appointed) (in exceptional circumstances)		✓					✓		
	Suspend LGB governors (Staff or Parent appointed) (in exceptional circumstances)		✓					✓		
	Appoint (and remove) Chair(s) of MAT Committees		✓							
	Appoint (and remove) MAT Committee members		✓							
	Appoint (and remove) Clerk to MAT Board		✓				P			
	Appoint Accounting Officer		✓				P			
Approve MAT Policy Matrix		✓				P	P			
Approve Governor Expenses policy		✓								

Area	Decision	Members	Trust Board	F&A ctte	Pay ctte	CEO	Leadership Group	LGB	HT	Exec Team
MAT and School Performance, Curriculum and Teaching	Approve MAT strategic Plan		✓			P	*			*
	Approve MAT Improvement Plan (EQTIP)		✓			P	*			*
	Approve School performance targets		✓					P		
	Approve School performance review		✓							
	Approve School Improvement Plan (SIP)							✓	P	
	Approve School INSET days						*	✓	P	
Staff Policies and Pay	Approve HR, Employment and Staff related policies		✓							
	Approve Employee Terms and Conditions changes		✓							
	Approve Teachers' Annual Pay Award		✓							
	Approve Support Staff Annual Pay Award		✓							
	Approve CEO Performance Review and Pay		✓							
	Approve Headteacher Performance Review					✓		✓		
	Approve Executive Team Performance Review					✓				
	Approve Headteacher Pay Awards				✓	P		*		
	Approve Executive Team Pay Awards				✓	P				
	Approve School IPR				✓					
	Appeal for Headteacher Pay Awards		Panel							
Approve Individual Pay Awards							✓	P	*	
Staff Management	Approve CEO Appointment		Panel ✓							
	Approve MAT Staff Structure and Complement		✓			P			*	*
	Approve MAT Staff Appointments		✓			P			*	*
	Approve School Staff Structure and Complement (Reductions)		Panel					✓	P	*
	Approve School Staff Structure and Complement (Change but no reduction)							✓	P	*
	Approve Headteacher Appointment		Panel ✓			Panel		Panel	*	
	Approve Senior Leadership Appointments							✓		*



Area	Decision	Members	Trust Board	F&A ctte	Pay ctte	CEO	Leadership Group	LGB	HT	Exec Team
Staff Management	Approve Teaching and Support Staff Appointments							✓		*
	Agree Suspension of CEO		✓							
	Approve Return of CEO After Suspension		✓							
	Agree Dismissal of CEO		✓							
	Agree Suspension of Headteacher		✓					✓		
	Approve Return of Headteacher After Suspension		✓					*		
	Agree Dismissal of Headteacher		✓					*		
	Agree Suspension of Teaching and Support Staff							✓ Chair	✓	
	Approve Return of Teaching and Support Staff After Suspension							✓ Chair	✓	
	Approve Redundancy of School Staff		Panel							
	Restructuring of School Staff							✓	P	
Financial Governance and Management	Approve MAT and School Financial Policies and Procedures			✓		P				*
	Agree Appointment of MAT auditors	✓		P						
	Approve MAT Budget		✓	P		*				*
	Approve MAT Quarterly Accounts			✓		*				*
	Approve MAT Annual Accounts	Received by	✓	P						
	Approve Trustees' Report	Received by	✓	P						
Approve Annual School Budget		✓	P		*		*	*	*	
Financial Authorisation	Approve Expenditure or contracts up to Lower Limit									✓
	Approve Expenditure or contracts from Lower Limit to Upper Limit					✓				P
	Approve Expenditure or contracts from Upper Limit to OJEU Limit		✓					P		*
	Approve Expenditure over OJEU Limit		✓	P				P		*
	Approve Compensation Payments up to £50k (EFA Approval Required)		✓							

Area	Decision	Members	Trust Board	F&A ctte	Pay ctte	CEO	Leadership Group	LGB	HT	Exec Team	
School Policies and Procedures	Approve School Times, Terms and Holidays		✓			P	*				
	Approve Change of School Age Range		✓					P	*		
	Approve Increase in School PAN		✓					P	*	*	
	Approve Extension of School Provision		✓				*	P	*	*	
	Approval of On-site Extended Services							✓	P		
	Approval of Child Protection Policy		✓			P					
	Approval of Statutory School Policies						*	✓	P	*	
	Approval of Non-statutory School Policies							✓	P		
	Agree Short-term Exclusion								✓		
	Approve Return after Short-term Exclusion							✓	P		
								Chair			
	Approve Permanent Exclusion							Panel	P		
	Arrangement of an Appeal Against Permanent Exclusion (Independent Panel convened through LA)									*	*
	Approval of Complaints Policy		✓				P				
	Attendance at Complaints Hearing – School – Trust			Panel			*		Panel	*	*
	Approval of Admissions Policy		✓					*	P	*	*
	Management of Ranking of First Admissions Applications								*	*	✓
	Management of In-year Admissions									✓	*
	Attendance at Admissions Appeals (Independent Panel Convened through LA)									*	✓
Approval of School Prospectus								✓	P		
Monitoring of Information on School Website								✓	*		
Approval of School Logo and Branding								✓	P		
Approval of School Uniform								✓	P		

Area	Decision	Members	Trust Board	F&A ctte	Pay ctte	CEO	Leadership Group	LGB	HT	Exec Team
Premises and Assets	Approval of Asset Management Policy		✓	P		*	*			*
	Approval of Asset Management Plan		✓			P	*			*

Approved

# Equals Trust Governance Structure

