



**The Misbourne
Scheme of Delegation
2019/20**

Reviewed by: Jo Meloni - Headteacher

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1. Introduction

The Board of Trustees is accountable in law for all decisions about The Misbourne Academy Trust. The Board has power to delegate certain functions and decision making.

The decision to delegate a function is made by the full board of trustees and is recorded in the Scheme of Delegation (SoD). Without such formal delegation, the individual or committee has no power to act. Once determined the SoD must be published on the school's website.

2. The purpose of the Scheme of Delegation

A scheme of delegation (SoD) is the key document defining which functions have been delegated and to whom. It ensures that Members, Trustees, Committees and the Headteacher are clear about who has responsibility for making which decisions in the trust. The Trust Board has the power to appoint and remove committees at any point.

This overarching SoD covering 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.

A scheme must be fit for purpose, clearly demonstrating the lines of accountability. It is a working document that the Trust Board should review annually or in response to changes in their context and circumstances.

3. Governance structure

The Trustee Board delegates responsibility for the day to day running of the Academy to the Headteacher. The Trustee Board will hold the Headteacher to account for the performance of the Academy. The Headteacher in turn holds other members of the senior leadership team to account by line managing them. Whilst the Trustee Board cannot ever delegate its accountability, it can delegate some of the detailed scrutiny, oversight and decision making.

The Headteacher will report to the Trustee Board on the performance of the Academy, although this will be supplemented by the monitoring of committees and individual Governors with any delegated responsibilities.

The Headteacher is performance managed by the Trustee Board via a sub Committee.

4. Roles and responsibilities

4.1 Members

The members of the trust have a different status to trustees. Originally they will have been the signatories to the memorandum of association and will have agreed the trust's first articles of association (a document which outlines the governance structure and how the trust will operate). The articles of association will also describe how members are recruited and replaced, and how many of the trustees the members can appoint to the trust board. The members appoint trustees to ensure that the trust's charitable object is carried out and so must be able to remove 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.

Under the Companies Act 2006, academy trusts must appoint an auditor to certify whether their annual accounts present a true and fair view of the trust's financial performance and position (appointment being by the members)

While members are permitted to be appointed as trustees, in order to retain a degree of separation of powers between the members and the trust board, members should not be trustees. Members are not permitted to be employees of the academy trust.

4.2 Trustees

The trustees are the charity trustees (within the terms of section 177(1) of the Charities Act 2011) and are responsible for the general control and management of the administration of the Trust in accordance with the provisions set out in the memorandum and articles of association.

The Board of Trustees is the accountable Board for the performance of The Misbourne and as such must:

- Ensure clarity of vision, ethos and strategic direction
- Hold the Headteacher to account for the educational performance of The Misbourne and its pupils, and the performance management of staff
- Oversee the financial performance of the trust and make sure its money is well spent

Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably. We use the term trustee.

The Trust Board is permitted to exercise all the powers of the academy trust. The Trustees can determine whether to delegate any governance functions.

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

4.3 Committees

The Trustees may establish committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the Trust Board. However these committees are not legally responsible or accountable for statutory functions – the Trust Board retains overall accountability and responsibility.

The responsibilities of Board committees are set out in their terms of reference and in the Scheme of Delegation.

The Trustees have established two standing committees; Organisation Committee (including Finance, Health & Safety, Premises, HR and Audit) and the Pay Committee, to carry out some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the Trustee Board. The Committees keep the Trustee Board informed of the decisions they have taken by submitting minutes of their meetings to the Trustee Board and by appropriate discussions by the Committee members at Trustee Board meetings. The membership of committees is set out in the committee's terms of reference as approved by the Trustee Board.

In addition, there are occasional committees established by the Trustee Board which meet as and when needed to include Pupil Discipline Committee, Staff Appeals Committees.

4.4 Headteacher

The Headteacher has the delegated responsibility for the day to day leadership and operation of The Misbourne.

The Headteacher is the Accounting Officer so has overall responsibility for the operation of the Academy's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability; avoiding waste and securing value for money.

The Headteacher leads the senior leadership team (SLT) of the academy. The Headteacher will delegate management functions to the SLT and is accountable to the Trustee Board for the performance of the SLT.

Key

✓	Action can be taken at this level
	Not recommended for action to be taken at this level (this is a recommendation only, you can choose not to follow this if that works for your board)
	Action cannot be carried out at this level

Function	Task	FTB	Committee	Individual governor	Headteacher	We have delegated this to:
Admissions	Determine the school's admissions arrangements annually, including the published admission number (PAN) and the oversubscription criteria	✓	✓			FTB
	Make sure the school's admissions arrangements comply with the School Admissions Code and are fair, clear and objective	✓	✓			FTB
	Establish an appeals panel when there are admissions appeals	✓				FTB
Exclusions	To review all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in a term or would lose the opportunity to sit a public examination	✓	✓			Pupil Discipline Committee
Curriculum	Make sure the school teaches a broad and balanced curriculum				✓	Headteacher
	Make sure all pupils at the school are provided with independent careers guidance from year 8 to year 13	✓	✓		✓	Headteacher
Finance and budgets	Trusts Scheme of Financial delegation (authorisation levels) – establish and review annually	✓				
	Appoint a senior executive leader as the accounting officer for the trust and a chief financial officer	✓				FTB
	Participate in annual accounts consolidation exercises as communicated by the Department for Education	✓	✓			Organisation Committee

Function	Task	FTB	Committee	Individual governor	Headteacher	We have delegated this to:
	Refer potentially novel and contentious transactions to Education and Skills Funding Agency (ESFA) for explicit prior authorisation	✓				FTB
	Approve the trust's annual accounts and financial statements	✓	✓			FTB
	Prepare the trust's annual accounts and financial statements in line with the ESFA's academies accounts direction	✓	✓			Organisation Committee
	Make sure that the trust has adequate insurance cover or has opted into the academies risk protection arrangement	✓	✓			Organisation Committee
	Establish an audit committee (if annual income exceeds £50 million) or a committee with an audit function,	✓				
	Approve a balanced budget each financial year and submit to the ESFA	✓				
	Maintain a published register of interests, including the business and pecuniary interests of members and trustees	✓				FTB
	Monitor impact of pupil premium funding	✓	✓		✓	FTB
	Monitor impact of year 7 catch-up funding	✓	✓		✓	FTB
Trustee Board procedures	Hold full governing board meetings at least 3 times a year	✓				
	Elect a chair and vice-chair of trustees	✓				FTB
	Appoint a clerk	✓				FTB
	Accept Trustee resignation	✓	✓	✓		Chair FTB
	Determine the constitution, membership and terms of reference of any committee it decides to establish and review this annually. Appoint or elect a chair for each committee	✓				
	Check that all statutory policies and documents are in place	✓				See Appendix A
	Delegate functions to committees and individuals (Scheme of Delegation)	✓				

Function	Task	FTB	Committee	Individual governor	Headteacher	We have delegated this to:
Health & Safety	Monitor the implementation of the health and safety policy	✓	✓			Organisation Committee
	Make sure there is an appointed person in charge of first aid	✓	✓		✓	Headteacher
Parents and the community	Make sure the required information is published on the school website	✓	✓		✓	Organisation Committee
	Approve a complaints procedure	✓				FTB
	Make sure the school complies with the Freedom of Information Act 2000	✓	✓			Organisation Committee
Pupil wellbeing	Make sure the provision of free school meals to those pupils meeting the criteria	✓	✓		✓	Headteacher
	Appoint a designated teacher to promote the educational achievement of looked after children (LAC) and post-LAC and that they undertake appropriate training	✓				FTB
	Make sure the school complies with the Equality Act 2010 and the Public Sector Equality Duty and publishes equality objectives and information about how it is doing this	✓				FTB
	Make arrangements for supporting pupils with medical conditions	✓	✓		✓	Headteacher
Safeguarding	Monitor that the school complies with statutory guidance on safeguarding	✓	✓			FTB
	Make sure that safeguarding arrangements take into account the procedures and practice of the LA, as part of inter-agency safeguarding procedures set up by the Local Safeguarding Children Board	✓	✓		✓	Headteacher
	Make sure a member of the board is nominated to liaise with the designated officer(s) from the relevant local authority and partner agencies if allegations are made against the headteacher	✓	✓			FTB
	Monitor the implementation of the child protection policy	✓				
	Appoint a member of staff to be the designated safeguarding lead				✓	Headteacher

Function	Task	FTB	Committee	Individual governor	Headteacher	We have delegated this to:
	Make sure that effective support is provided for any employee facing an allegation	✓	✓		✓	Headteacher
Special Educational Needs and Disabilities (SEND)	Designate a member of the Trustee Board or a committee to have oversight of the school's arrangements for SEND	✓				SEND Trustee
	Make sure that the necessary special education provision is made for any pupil who has SEND, and monitor its effectiveness		✓	✓	✓	Headteacher
	Make sure the school produces and publishes online its school SEND information report (meeting requirements set out in the Special Education Needs and Disability Regulations)	✓	✓		✓	Headteacher
	Make sure that there is a qualified teacher as the special educational needs co-ordinator (SENCO) for the school	✓	✓		✓	Headteacher
Staffing matters	Appoint a Headteacher	✓				FTB
	Make sure safer recruitment procedures are applied (for example, disclosure and barring checks)	✓				Headteacher
	Make sure employment law and guidance is being followed	✓	✓			Organisation Committee
	Approve SLT structure changes	✓	✓			FTB
	Approve staffing structure changes	✓	✓			Organisation Committee
	Pay Policy	✓	✓			Organisation Committee
	Teachers' pay	✓	✓			Pay Review Committee
	Non-teaching staff pay	✓	✓			Pay Review Committee
	Headteacher Performance Management	✓	✓			Pay Review Committee
Dismiss the headteacher	✓					

Appendix A: Mandatory policies - delegated approval levels

Policy	Review cycle	Approval	Delegated to:
Charging and remissions	Recommended annually	Trustee Board, individual governor or headteacher	Organisation Committee
Data protection	Recommended annually	Trustee Board	Organisation Committee
Protection of biometric information of children	Recommended annually	Trustee Board	Organisation Committee
Whistle blowing	Recommended annually	Trustee Board	Organisation Committee
Appraisal and Capability of staff	Recommended annually	Trustee Board, individual governor	Organisation Committee
Newly qualified teachers (NQTs) Induction	Recommended annually	Trustee Board	Headteacher
Staff discipline, conduct and grievance procedures	Recommended annually	Trustee Board, individual governor or headteacher	Organisation Committee
Statement of procedures for dealing with allegations of abuse against staff	Recommended annually	Trustee Board	Organisation Committee
Accessibility plan	Every 3 years	Trustee Board, individual governor or headteacher	Organisation Committee
Child protection policy and procedures	Annually	Trustee Board	
Children with health needs who cannot attend school	Recommended annually	Trustee Board	
Special educational needs and disability	Recommended annually	Trustee Board	
Sex and Relationships	Recommended annually	Trustee Board, individual governor or headteacher	Trustee Board
Behaviour in schools	Recommended annually	Headteacher	
Behaviour principles written statement ¹	Recommended annually	Trustee Board	
Health and safety	Annually	Trustee Board	
First aid in schools	Recommended annually	Trustee Board	
Premises management documents	Recommended annually	Trustee Board, individual governor or headteacher	Organisation Committee
Equality information and objectives (public sector equality duty) statement for publication	Every 4 years	Trustee Board, individual governor or headteacher	Headteacher
Governors' allowances (schemes for paying) ¹	Recommended annually	Trustee Board, individual governor or headteacher	Organisation Committee