



The de Ferrers Trust

The de Ferrers Trust Board Scheme of Delegation

Introduction

A multi-academy trust's (MAT) board of trustees is accountable in law for all major decisions about their academies. However, this does not mean that the board is required to carry out all the trust's governance functions and many can and should be delegated, including to the Chief Executive Officer (CEO), the board's committees, and to local governing bodies (LGBs).

A scheme of delegation (SoD) is the key document defining the lines of responsibility and accountability in a MAT. It should be a simple yet systematic way of ensuring that the members, trustees, board committees, local governing bodies, executive leadership and academy principals are all clear about their roles and responsibilities. This overarching SoD 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.

The de Ferrers Trust is a charitable company limited by guarantee and as such, we are required to comply with Charity Law and Company Law.

The trust is one legal entity with one set of articles of association that governs each academy within the trust. The delegated autonomy for individual academies is aligned with the need for the trust to fulfil its corporate responsibilities and accountabilities to the Department for Education, the Education and Skills Funding Agency, Charity Commission, HMRC, Companies House as well as to our pupils, students and their parents, carers and the wider

The status of a scheme of delegation

Some governing bodies of schools maintained by the local authority join MATs assuming that they will continue to function as they did previously. However, even if on joining they are known as the local governing body, this body will in fact be a committee appointed by the board, and the board has the power to appoint and remove committees at any time, be it a board committee or a local governing body.

LGB functions are likely to be different to those of the maintained school governing body, and will be reduced. A detailed yet clear SoD will prevent confusion from arising before any misunderstanding develops and leads to a loss of trust and damaged working relationships.

Review and adapt

The SoD should be reviewed annually, with changes made as the context changes, if necessary each year. This is not a failure, but recognition of the need to be responsive to changing circumstances and to adapt accordingly. It is, however, important to ensure that all involved in governance are made aware of any changes and what these mean in practice.

An effective scheme of delegation will:

Promote a culture of honesty and accountability

Ensure the executive leadership is clear about which decisions the trust board remain in control of

Identify responsibility for the appointment and performance management of the CEO/executive principal and academy principals

Ensure that the role of the executive leadership is fully understood throughout the MAT

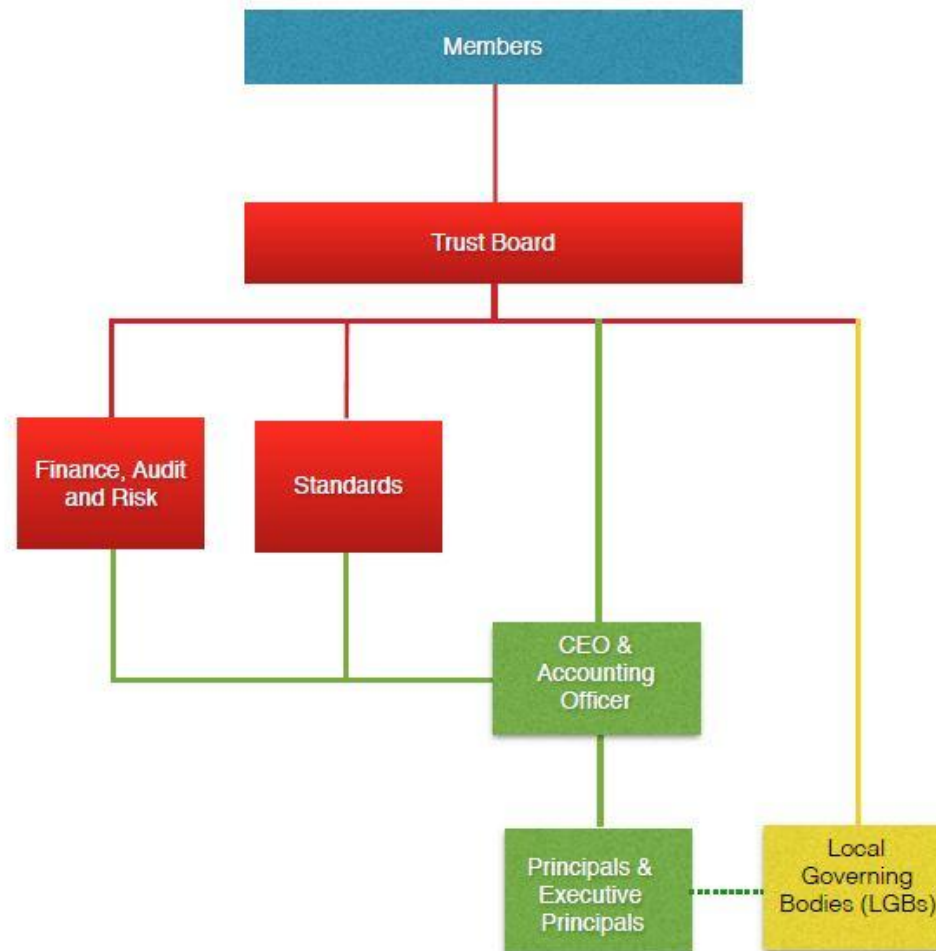
Identify responsibility for policy and practice in each academy

Identify responsibility for oversight of educational performance in each academy

Identify responsibility for oversight of each academy's budget

Identify responsibility for assessment of risk in each academy

Governance structures and lines of accountability



The board of trustees is responsible for the three core governance functions (see 'The role of the trustees' below for details).

The board of trustees appoints the CEO to whom it delegates responsibility for delivery of its vision and strategy, and it will hold the CEO to account for the conduct and performance of the trust, including the performance of the academies within the trust, and for its financial management. In turn, the CEO line manages the other senior executives and the academies' principals, setting their targets and performance managing them.

The board constitutes committees for finance, audit and risk and for standards; these look in detail at resources and progress and attainment across the trust. As board committees, at least three trustees must sit on each.

The board delegates some of its school level monitoring and scrutinising functions to LGBs, and uses these committees to promote stakeholder engagement and as a point of consultation and representation. Trustees do not need to sit on LGBs, and so lines of communication to the board of trustees must be clearly established.

As the principals are line managed by the CEO, the LGB no longer carries out the governance function of holding the headteacher to account. It is usual for the CEO to see input from the chair of the LGB when undertaking academy principals' performance management. However LGB's 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. This arrangement will also affect the local governing body's role in Ofsted inspections, though inspectors usually ask to meet LGB.

Roles and Responsibilities

The role of the members

The members of the trust are guardians of the governance of the trust and as such 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 (the legal document which outlines the governance structure and how the trust will operate). The articles of association also describe how members are recruited and replaced, and how many of the trustees the members can appoint to the trust board (five of nine). 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.

There must be at least three members, although the DfE prefer at least five, and 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, and in line with DfE expectations, not all members should be trustees and fewer than half of trustees should be members. Members are not permitted to be employees of the academy trust. The de Ferrers Trust has six members.

The role of trustees

The MAT 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. Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably. The de Ferrers Trust, as advised by the National Governance Association, uses the term trustee as it avoids the possible confusion caused when executive leaders are called directors but are neither company directors nor trustees.

The trustees 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:

Ensure clarity of vision, ethos and strategic direction

Hold the executive to account for the educational performance of the trust's schools and their pupils, and the performance management of staff

Oversee the financial performance of the trust and make sure its money is well spent

There are currently nine trustee positions on the board. Five of these are appointed by members. Trustees are appointed purely on a skills basis and the board may co-opt further trustees should they identify a need. The CEO shall not, nor shall any employee of the trust, be a trustee. The board must meet at least three times a year. The board of trustees has the right to review and adapt its governance structure at any time which includes removing delegation. Should the de Ferrers trustees decide to formally work with diocesan schools, they will take steps to liaise appropriately with those responsible for the governance of those schools.

The trust board should communicate effectively with its board committees and local governing bodies. There is a standing agenda item on every board agenda for board committees to provide a report and recommendations for action following their meetings. Communication between the trust board and LGBs will be a standing item on all LGB and trust board agendas to allow matters to be escalated for the board's attention should the LGB be unable to resolve the issue at a local level. The board should respond to LGBs in writing. Briefings will also be held with all clerks and chairs on a regular basis to provide an additional opportunity for information sharing. The briefings provide the chance to have issues raised which may have influence across the broader family.

The board has delegated some responsibility to the members of the Trust Leadership Team (TLT) and will invite such persons to their meetings as and when required.

The role of trust board committees

The trustees 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. The membership (there must be at least three trustees) and responsibilities of board committees are set out in the committee's terms of reference. It is usual for the trust board to appoint board committee chairs and committee members according to their skills.

The Academies Financial Handbook 2018 makes it clear that the board of trustees '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. At the time of adoption of this SoD, The de Ferrers Trust does not meet this threshold.

The de Ferrers Trust committees are: Finance and Audit and Risk; Standards.

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 academy principals. This usually involves the CEO seeking the views of the chair of the LGB.

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 executive management team of the academy trust. The CEO will delegate executive management functions to the executive management team and is accountable to the trust board for the performance of the executive management team.

The role of local governing bodies

The trustees may establish local governing bodies to carry out some of its school level governance functions, although as trustees are not required to sit on LGBs, decision making is limited. The LGB undertakes to uphold the trust's vision, policies and priorities. They will seek assurances on behalf of the board from principals and other members of staff regarding the academic performance and quality of care and provision for the pupils in the relevant academy. The trustees will appoint the chair, and attempt to ensure that two parents are elected to the LGB.

Typically, delegated functions may include:

- a) Building an understanding of how the school is led and managed
- b) Monitoring whether the school is:
 - Working within agreed policies
 - Is meeting the agreed targets
 - Managing its finances well, particularly with regards to extra funding for pupils
- c) Engaging with stakeholders

The role of academy principal

The academy principal is responsible for the day to day management of an academy and is managed by the chief executive or executive principal but reports 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.

Policies

There are a number of cross-trust policies in place. There is no requirement for LGBs to approve these. They do, however, need to be aware of them and satisfy themselves that they are being implemented.

It is the intention of the trust that most policies will apply to all of its schools. This is still in development. All cross-trust policies are accessible on the trust's website.

All policies should be approved in line with the policy tracker approved by the trust board.

The trust reserves the right to make variations to the Scheme of Delegation in relation to individual schools, subject to their performance and circumstances.

All amendments to the scheme of delegation can be found at the back of this document.

Key

Column 1: Members

Column 2: Trustees

Column 3: Trust board finance, audit and risk committee

Column 4: Trust board standards committee

Column 5: Chief Executive Officer (N.B. It is important to note that this does not always mean the CEO as an individual. S/he delegates powers and functions to members of their executive team (e.g. Chief Financial Officer, Director of Human Resources, etc.)

Column 6: Local Governing Body

Column 7: Academy principal

(A)	Approve	Action to be undertaken at this level
(R)	Recommend	Make recommendations for approval to appropriate body
(C)	Consult	Provide advice and support to those responsible for decision making
(P)	Prepare and Propose	Prepare/draft and propose relevant document

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Systems and Structures							
Members: Appoint/Remove	A						
Trustees: Appoint/Remove	A	A					
Role descriptions for members	A				R		
Role descriptions for trustees/chair/specific roles/committee/LGB members: agree		A			R		
Parent & staff election arrangements					C	A	
Appoint or remove Board committee chairs		A	C	C			
Appoint or remove LGB chairs and vice chairs		A			R	C	C
Appoint or remove Clerk to board		A			R		
Appoint or remove Clerk to LGB					R		A
Amendments to Articles of association	A	R			P		
Governance structure (committees) for the trust: establish and review annually		A	C	C	R	C	
Amendments to Terms of reference and scheme of delegation		A	C	C	R	C	
Recruit trustees, board committees and board appointed local governors		A			R	C	C
Recruit co-opted local governors					R	A	R
Succession planning for key governance roles		A			P	C	C
Annual schedule of business		A	C	C	R	C	C
Training programme for governance (including induction)		A	C	C	R	C	C

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Reporting							
Publication of all required policies and information on governance arrangements on Trust website		A			R		
Publication of all required policies and information on governance arrangements on academy website					A	C	P
Annual report and financial statements		A	R		P		
Being Strategic							
Approval of policy tracker that identifies how polices are to be approved and by whom		A			P		
Determine levy structure		A	R		P		C
Update, review and monitor the Trust risk register			A		R		
Establish, update, review and monitor the Academy risk register					A	C	P
Determine the Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured		A			P		C
Determine the schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured					A	C	P
Appoint and dismiss the chief executive officer		A			C		C

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Appoint and dismiss the academy principal		C			A	C	
Agree the budget plan to support delivery of trust key priorities		A	R		P		
Agree the budget plan to support delivery of school key priorities					A	C	P
Agree the Trust central team staffing structure		C			A		
Agree school staffing structure					A		P
Holding to Account							
Auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment)		A	R		P		
Reporting arrangements for progress against Trust key priorities		A	A	A	P		
Reporting arrangements for progress against academy key priorities					A	C	P
Performance management of the Chief Executive Officer		A					
Performance management of trust posts, academy principals and executive principals					A	C	
Performance management of academy staff identified by the trust leadership team as key to the delivery of cross-trust priorities and functions.					C		A
Performance management of ALT and other academy posts							A

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Agree arrangements for Trustee monitoring activities		A			R		
Agree arrangements for LGB monitoring activities					A	P	C
Agree arrangements to monitor LGB overall performance		A			R		
Ensuring Financial Probity							
Appoint Chief Financial Officer for delivery of trusts detailed accounting processes		A			R		
Approve Trust's scheme of financial delegation		A	R		P		
Receive and respond to external auditors' report (management letter)		A	R		C		
Receive and respond to internal auditor's report		A	R		C		C
Agree Chief Executive Officer pay award		A					
Agree the Academy Principal pay award					A	C	
Agree Trust Executive Team pay award		C			A		
Ensure robustness of the benchmarking and trust wide value for money			A		R		
Ensure academy value for money					C	C	A
Develop trust wide procurement strategies and efficiency savings programme					A		
Review and approve trust wide procurement strategies and efficiency savings programme			A		P		
Ensure registration with the RPA scheme (insurance) on conversion to Academy status					A		

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Ordering Goods and Services							
Up to £10,000 in a single transaction and within delegated budget: from preferred supplier list or single written quote							A
£10,000 - £50,000 in a single transaction and within delegated budget: short tender process (minimum three written quotes)					C		A
£50,000 - £150,000 in a single transaction: short tender process (minimum three written quotes)					A		R
£150,000+ in a single transaction: full tender process by public notice (consider OEJU thresholds)		A			R		C
Entering into Commercial Contracts (including Operating Leases)							
Up to £50,000 over the life of the contract: short tender process (minimum three written quotes)					C		A
£50,000 - £150,000 over the life of the contract: short tender process (minimum three written quotes)					A		R
£150,000+ over the life of the contract: full tender process by public notice (consider OEJU thresholds)		A			R		C
Approve submission of borrowing (including finance leases and overdrafts): need Secretary of State approval in advance		A	R		R		

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Signing of Service Level Agreements							
Up to £50,000 over the life of the contract					C		A
£50,000 - £150,000 over the life of the contract					A		R
£150,000+ over the life of the contract		A	R		R		
Salary Payments							
Academy level approval prior to full Trust authorisation					C		A
Final approval of salary BACs payment					A		
Expenses Claims							
Academy employees							A
Principals: approved by Director of Finance					A		
CEO up to £500 (single claim): approved by Director of Finance					A		
CEO over £500 (single claim): approved by Chair of Trust Board		A					
Trust employees: approved by line manager on Trust Executive Team					A		
Banking							
Bank mandate - Trust bank account: set, review and amend		A			R		
Bank mandate - Academy level bank account: set, review and amend					A		R
Debit cards - Trust bank account: allocation		A			R		
Debit cards - Academy level bank account: allocation					A		R

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Budget Setting							
Academy level balanced budget: set in line with budget timetable					A		R
Trust central division budget: set in line with budget timetable					A		
Whole Trust consolidated budget		A	C		R		
Virement of academy budget (change of allocation)					A		R
Academy level medium term (3-5 year) forecasting		C	C		A		R
Whole Trust medium term (3-5 year) forecasting		A	C		R		
Budget Monitoring							
Academy level ongoing budget monitoring: departmental basis							A
Whole Trust ongoing budget monitoring: overview			C		A		C
Compliance with monthly close down procedures for each month end in line with timetable					C		A
Review of whole Trust month end position		A	C		R		
Academy level re-budgeting (period 5 and/or as required by Director of Finance): preparation					A		R
Trust central division re-budgeting		A			R		
Trust Reserves							
Allocation of Trust reserves		A			R		P

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Miscellaneous							
Trust returns to the ESFA		C			A		
Grant claims: approval and signing					A		R
Fixed asset disposals: up to £20,000 in net book value					A	C	R
Fixed assets disposals: £20,000+ (DfE approval required where assets funded with >£20,000 DfE grant or transferred from LA at nominal consideration)		A			R	C	C
Write off of bad debts: up to £1,000			C		A		
Write off of bad debts: £1,000+ (DfE approval required)		A			R		
Appointments							
Appointment and determine pay of Chief Executive		A			C		C
Appointment and determine pay of Trust Leadership Team		C			A		
Appointment and determine pay of other central trust team posts					A		
Appointment and determine pay of Executive Principal		C			A		
Appointment and determine pay of Principal		C			A	C	
Appointment and determine pay of Vice Principal and members of ALT					A		R
Appointment and determine pay of all other academy posts					C		A
Appointment of a Data Protection Officer		A			R		

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Dismissals							
Dismissal of Chief Executive		A					
Dismissal of all other staff		A			R		P
Settlement Agreements							
Up to £50,000 (negotiated and agreed)					A		
In excess of £50,000 - approval via ESFA		A			R		
Pay							
Salary review requests (including regrading) up to £100,000 gross salary					A		P
Salary review requests (including regrading) over £100,000 gross salary		A			R		P
Additional payments/acting up payments - Chief Executive		A					
Additional payments/acting up payments - Executive Principal, Principal, ALT posts, cross trust posts (business and curriculum)					A		
Additional payments/acting up payments - all other academy staff					C		A
Additional payment for external work e.g. through teaching school					C		A
Re-designation/increase in hours					C		A

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Redundancy							
Decision to make redundancies and staffing restructures		A			R		
Ill-health retirement applications		A			R		
Terms and Conditions							
Revisions to terms and conditions (to include any deviation from the standard terms and conditions of employment)					A		
Administration of employment contracts, pay and conditions of service (with the exception of previous delegated authorities).					A		
Collective agreements		A			R		
Education							
School closure					C		A
Permanent expansion and reduction of Academy size (PAN) and changes to admission arrangements		A			R	C	P
Temporary increase in PAN					A	C	P
Extension or reduction of Academy provision (eg. Nursery)		A			R	C	P
Academy term dates, cycle and day structure					A	C	P
Residential educational visits					A		R
Alternative provision					A		P
Removing students from roll					A		P
Elective home education					A		P
Permanent exclusions					C	A	R
Pupil premium plan						C	A
Academy strategic objectives and KPIs		C		C	A		P
Academy performance targets		C		R	A	C	P
Academy self evaluation		C		C	A	C	P
Standards of teaching judgement					A	C	P
Academy development plan					A	C	P
Student progress and attainment judgement					A	C	P

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
Curriculum model					A	C	P
Curriculum provision (subject/specification choices)					A	C	P
Data cycles					A		C
Data reporting and accountability model					A		C
Quality assurance approach					A		C
ITT/NQT provision					A	C	P
Involvement in Ofsted inspections		C			C	C	A
Academic and governance calendar					A		C
Internal examinations, mocks and student academic support plan					C		A
Academy driven CPD programme					C		A
Commisioned CPD - large scale training, external providers, leadership development. Will not include subject development courses or main scale staff personalised CPD.					A		R

Delegation area	Members	Trust Board	TB Finance, Audit and Risk Committee	TB Standards Committee	CEO	LGB	Academy Principal
External Communication and Trust Image							
Changes to academy uniform					A	C	R
Determining trust branding guidelines					A		
Determining academy branding guidelines					A		P
Trust prospectus		A			P		
Other trust marketing materials including signage, letterhead and branded stock					A		
Academy prospectus					A	C	R
Other academy marketing materials, including signage, letterhead and branded stock within branding guidelines							A
Any academy marketing materials, including signage, letterhead and branded stock outside of branding guidelines					A		R
Trust and academy website creation		C			A		
Academy website maintenance					C	C	A
Approving press statements (positive)					C		A
Approving press statements (negative)					A		R
Legal							
Acquiring and disposing of any land (freehold or lease), or changing use of assets		A	C		R		P
Seeking legal advice and disseminating information					A		P

Amendments to Scheme of Delegation

Date	Section	Details of Amendment
18.12.18	Commentary/Policies	Further clarity given that all policies should be approved in line with the policy tracker approved by the board.
18.12.18	Being Strategic	Deleted 'Determine trust wide policies' and replaced with 'Approval of policy tracker that identifies how policies are to be approved and by whom'.
18.12.18	Ensuring Financial Probity	Amended approval of academy principal pay award from the trust board to the CEO.
18.12.18	Holding to account	Approval of performance management of academy staff identified by TLT as key to the delivery of cross-trust priorities and functions changed from CEO to Principal. CEO must be consulted.
18.12.18	Performance Management	Entire section deleted and contents moved to the section ' Holding to account'.
18.12.18	Education	Expansion and reduction of academy size (PAN)' amended to 'Permanent expansion and reduction of academy size (PAN) and changes to admissions criteria'.
18.12.18	Education	Additional line added - 'Temporary increase in PAN' to be proposed by academy principal in consultation with LGB and approval required by CEO.
18.12.18	Education	Consultation removed from the trust board in regard to permanent exclusions.
18.12.18	Education	Consultation removed from the CEO in regard to the pupil premium plan.
18.12.18	Education	Changes to academy uniform' deleted as repeated . Now features under 'External communication and trust image' only.
18.12.18	External communication and trust image	Appointment of Data Protection Officer moved from 'External communication and trust image' to 'Appointments'.
18.12.18	Signing of Service Level Agreements	New section added
18.12.18	Education	Additional line added allowing academy principal to make the decision regarding school closure in consultation with the Executive Team.