



St Hilary School Scheme of Delegation

Introduction

An academy trust's board of trustees is accountable in law for all decisions about its academy. However, this does not mean that the full board is required to make all the decisions itself. Many decisions can be delegated to the headteacher (the senior executive leader in a single academy trust), trust board committees and individual trustees. It is vital that the decision to delegate a function is made by the full board of trustees and is recorded. Without such formal delegation, the individual or committee has no power to act.

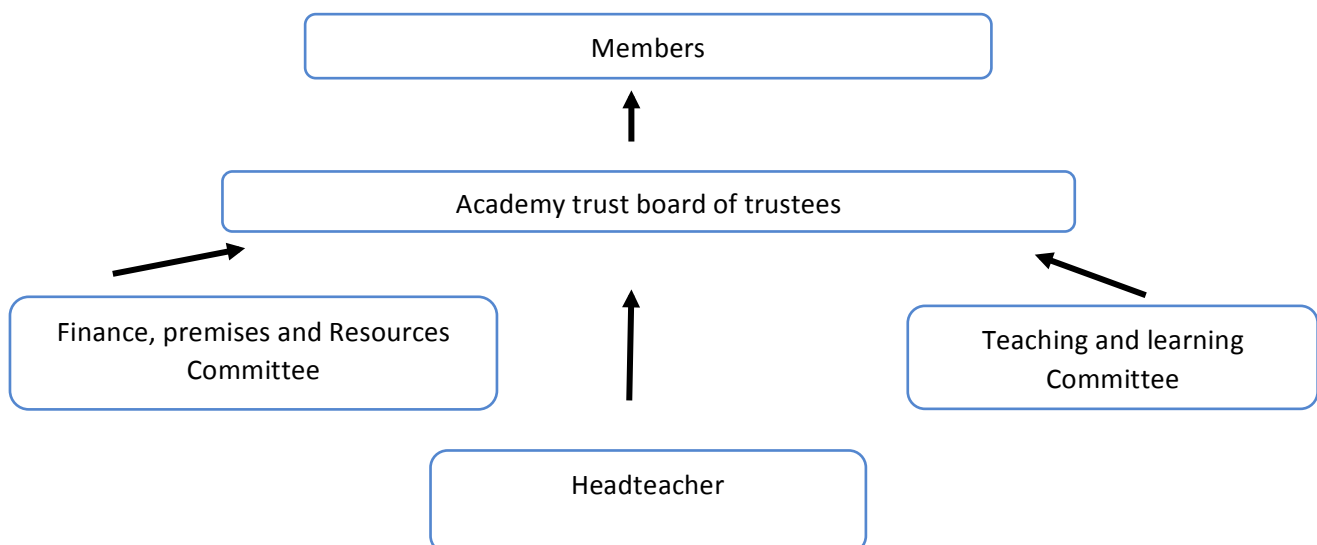
The purpose of scheme of delegation

A scheme of delegation (SoD) is the key document defining which functions have been delegated and to whom. It should be a simple yet systematic way of ensuring members, trustees, committees and individuals are clear about who has responsibility for making which decisions in the trust. 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.

Four key areas to reflect both the governance framework and the three core functions of the governing board:

1. The governance framework:
 - a. *People*
 - b. *Systems and structures*
 - c. *Reporting*
2. Being strategic
3. Holding to account
4. Ensuring financial probity

Governance structure and lines of accountability



The academy trust board of trustees delegate 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. While the board cannot ever delegate its accountability, it can delegate some of the detailed scrutiny, oversight and decision making.

The headteacher will report to the board on the performance of the academy, although this will be supplemented by the monitoring of trust board committees and individual trustees with any delegated responsibilities.

The headteacher is performance managed by the trust board.

Roles and responsibilities

The role of the 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.

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. The DfE has amended the model articles to state that members are not permitted to be employees of the academy trust.

The role of the trustees

The academy 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. Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably.

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 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 headteacher to account for the educational performance of the trust 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 trustees has the right to review and adapt its governance structure at any time which includes removing delegation.

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 2016 makes it clear that the board of trustees 'should have a finance committee to which the board delegates financial scrutiny and oversight'.

The role of the Headteacher

The Headteacher has the delegated responsibility for the operation of the trust.

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

The governing body has agreed to delegate sufficient decision making authority to enable the headteacher to carry out his or her management role as effectively and efficiently as possible.

The governing body has recorded its delegation to the headteacher in the following ways:

- Using the Governing Body Annual Planner
- As part of individual policies that the governing body has approved
- The headteacher will report to the governing body at every governing body meeting in writing with supplementary verbal information at meetings of the full governing body and to committees where appropriate.

Key

Level 1: Members

Level 2: Academy trust board of trustees (governors)

Level 3: Board Committee

Level 4: Individual trustee (governor)

Level 5: Headteacher (accounting officer)

Blue box Function **cannot** be carried out at this level.

✓ Action to be undertaken at this level

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A Provide advice and support to those accountable for decision making

<> Direction of advice and support