



The Flagship Learning Trust

Scheme of Delegation

Approved by the Trust Board: 17th January 2020

Planned Review Date: January 2021

Reviewee: CEO/COO

Introduction

The Flagship Learning Trust's Board of Trustees is accountable in law for all decisions about the Trust. However, this does not mean that the full board is required to make all the decisions itself. Subject to some restrictions, the Trust can delegate decisions to the CEO, its committees and the Local Governing Bodies. The Scheme of Delegation will be reviewed and approved by the Trust Board annually and published on the Trust website.

The purpose of our Scheme of Delegation

The Scheme of Delegation (SoD) for the Flagship Learning Trust, is the key document defining which functions have been delegated and to whom. It is a simple, yet systematic, way of ensuring Members, Trusts, committees (including Local Governing Bodies) and Headteachers are clear about who has responsibility for making which decisions in the Trust. This document is also a valuable source of information for schools looking to join the Trust in the future.

This overarching SoD covering 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, which is a separate document.

Individual schools established as part of the Trust will operate with a Local Governing Body as a committee of the Trust board. It needs to be clearly understood by all parties that this is subject to future change.

The Trust board will always have the power to appoint and remove committees at any point, whether it be a committee of the Trust board, or Local Governing Body (LGB). Although the LGB may be retained as a committee of the Trust board, its decision-making powers may well be very different to those it had as a local authority maintained school governing body.

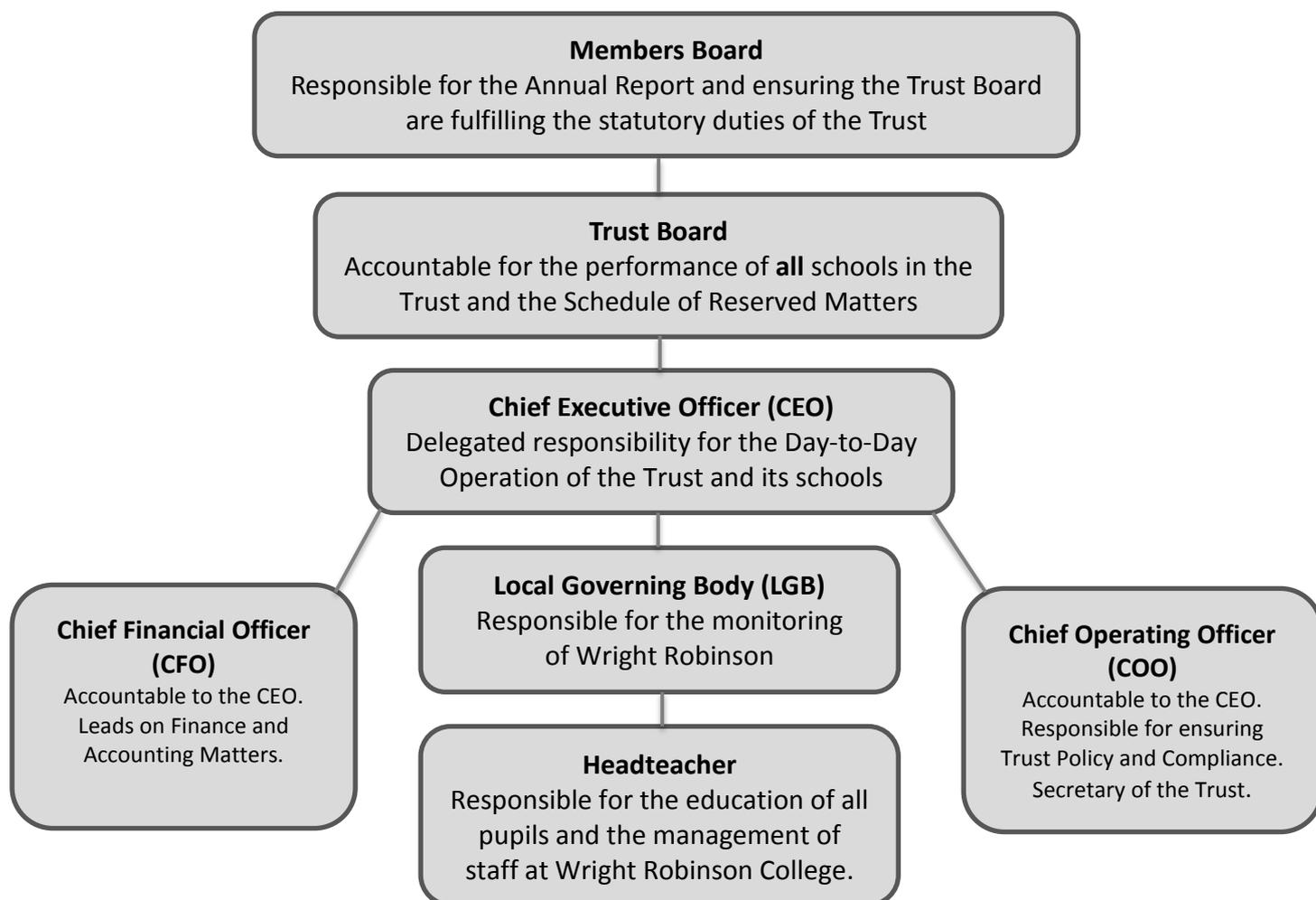
Where the Trust board have concerns, concerning the operation and effectiveness of a Local Governing Body of Trust school, it will have the powers to remove a Local Governing Body and replace it with interim local arrangements.

Format, structure and clarity

The grid format, with columns for each layer of governance, should enable stakeholders to quickly determine who has the power to take which decisions within the Trust. The grid is divided into key areas:

- Staffing Matters
- Performance Management
- Curriculum
- Admissions
- Premises
- Governance

Structure of our Delegation



Governance Structure and lines of accountability

The Members board will hold the Trust board to account for the performance of the Trust, including the performance of individual schools within the Trust. The Trustees will hold the Chief Executive Officer to account. The CEO is responsible for the performance of all schools within the Trust.

The CEO will be the 'Accounting Officer' for the Trust responsible to the Department of Education and to Parliament for the proper use of public money. The CEO will report to the Trust Board on the performance of the Trust's schools. The CEO is performance-managed by the Trust board. The CEO in turn performance-manages the individual Headteachers.

The Local Governing Body will use its detailed local knowledge and engagement with stakeholders to ensure that their school is being well served by the Headteacher, and as a board committee, it has direct access to the CEO if there are any concerns.

**Under Article 6.7 the CEO will be absent from the part of any meeting at which there is discussion of their employment, remuneration, payment, benefit or any other matter relating to a payment or the conferring of any benefit.*

The role of the Members

The members consist of five independent persons.

The Members appoint trustees to ensure that the Trust's objectives are 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, together with formal accounts for approval.

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 Department for Education expectations, not all members should be trustees. Members are not permitted to be employees of the Trust.

The role of the Trustees

The Trust board is the accountable body for the performance of all schools within the Trust and as such must:

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

The Trust board is permitted to exercise all the powers of the Trust. The CEO will take delegated responsibility for the day-to-day operations of the Trust. The Trust Board can determine whether and how to delegate any governance functions.

The Trust has the right to review and adapt its governance structure at any time, which includes removing delegation, for example if there are financial irregularities, or performance concerns.

Schedule of reserved matters

We have identified certain key issues and decisions which must be tackled collectively by the Trust Board and which cannot be delegated to any individuals or committees- this is called the '**schedule of reserved matters**'. These matters must always be brought to the Trust Board for discussion and no individual trustee, officer, Headteacher, employee or sub-committee has the power to make these decisions alone.

- Approval of the Trust's Annual Report and Accounts
- Appointment or removal of our auditors
- Developing, approving and reviewing the Trust's strategy
- Approval of operating plan and budgets
- Review of progress against budgets
- Approval of expenditure and contracts in excess of delegated limits
- Approving the prosecution, defence or settlement of any court claims

- Approval and ongoing monitoring of risks- the Trust Board will set appropriate risk management policies and establish a system of internal control. It will seek regular assurances that the system is working effectively
- Appointment and removal of the CEO and local Headteachers
- Succession planning for key roles
- Ownership of all statutory Trust-wide policies, such as health and safety, safeguarding admissions and SEN
- Approval and ownership of the board Code of Conduct
- Setting terms of reference for delegation of powers to individual executives and committees

Work of the Trust Board

An effective Trust Board has five main strands to its work:

- To maintain the vision, mission and values of the Trust.
- To decide the strategy and structure- the Board should continually review and evaluate the Trust's strengths, weaknesses, opportunities and threats and consider how best to play to the organisation's strengths or boost the Trust's skills set.
- Delegate authority to the CEO, Headteacher and Local Governing Bodies where appropriate, and then monitor and evaluate the performance of our strategy and business plan, whilst maintaining appropriate key performance indicators (KPIs) to be used to monitor progress.
- Identify risks, put in place arrangements to manage those risks (including insurances, policies and processes), review, and monitor them periodically.
- Communicate with all our stakeholders (such as parents/carers, pupils, employees, partners, suppliers and members), maintaining a continuous dialogue with them to understand their needs and views, promote their goodwill and support.

Trust Intervention

As a committee of the Trust board, delegation could be removed from the Local Governing Body and/or Local Headteacher, for example:

- Ofsted report judgement
- performance issues
- severe financial pressures of financial irregularities
- attendance concern
- safeguarding concern
- quality of Teaching and Learning

In the event of a concern, an investigation will be conducted by the CEO and reported to the Trust Board. Following this, in most cases, targeted support will be provided. For all targeted support, an action plan will be put in place with agreed milestones for improvement, regular monitoring and a timescale for achieving agreed objectives. We are confident that in most cases with this level of support the concern will be addressed. If the

In the event of a more serious concern, a direct breach of delegated authority or failure to achieve an acceptable level of improvement against target, more direct action will be taken. This may include:

- Withdrawal of delegated powers
- Suspension and disciplinary action
- Place an interim leader in the school

Financial controls

The Trust board will establish a control framework that recognises public expectations about governance, standards and openness. The Trust recognises that the Academies Financial Handbook requires that the Trust's internal control framework must include:

- co-ordinating the planning and budgeting process
- applying discipline in financial management, including managing banking, debt and cash flow, with appropriate segregation of duties
- preparation of monthly budget monitoring reports
- ensuring that delegated financial authorities are respected
- effective planning and oversight of any capital projects
- the management and oversight of assets
- the propriety and regularity of financial transactions
- reducing the risk of fraud and theft
- ensuring efficiency and value for money in the organisation's activities
- a process for independent checking of financial controls, systems, transactions and risks.

The system for carrying out independent checks (sometimes known as the 'Responsible Officer') may be delegated to a trustee with appropriate financial expertise, or may be contracted out to an external supplier or independent peer reviewer. The Trust will have an external financial auditor.

The Trust envisages that where Good and/or Outstanding schools join the Trust with strong financial management they may have more delegated financial powers than those schools where, previously, budget management has not been a strength.

The role of the Local Governing Body (LGB)

The Trust board will establish Local Governing Bodies, appoint the chair, ensure at least two parents and one member of staff is elected and will determine what functions will be delegated.

In particular, the Local Governing Body will:

- Help the school to set high standards by planning for the future, set and agree targets, monitor and evaluate the performance.
- Ensure sound management and administration of the school and ensure all staff have the necessary qualifications, experience, skills and training to carry out their role.
- Ensure the school complies with all Trust-wide policies and procedures, as well as statutory and legal requirements.
- Help the school respond to and meet the needs of local parents and the wider local community.
- Ensure all governors are able to understand, interpret and compare school performance, attendance, admissions and exclusions data.
- Ensure governors have the skills and knowledge to assess the school's financial performance.
- Report to the CEO if they have any concerns about their school.

As a committee of the Trust board, delegation could be removed, for example if there are performance issues, severe financial pressures or financial irregularities.

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 schools. The CEO will be responsible for the Performance Management of the individual Headteachers.

The CEO is the designated 'accounting office' and so has overall responsibility for the operation of the Trust's financial obligations and must ensure that the organisation is run with financial effectiveness and stability, avoiding waste and securing value for money.

The CEO will have delegated primary responsibility for the following functions across all schools which will include:

- Finance and accounting functions
- Payroll and HR matters including Occupational Health
- ICT
- Recruitment of senior staff

- Procurement and purchasing of supplies and joint contractual opportunities (e.g. grounds maintenance and catering)
- Health and safety and statutory compliance for premises
- Sourcing of external improvement partner services
- Developing a Training Framework
- Development of Statutory Policies

The Trust will resource these functions by charging a top-sliced contribution to individual school budgets. The Trust board will determine the amount of the contributions after consultation with the Local Governing Bodies. The specification and agreed service levels for activities to be performed by the Trust will be set out in a service level agreement.

The role of the Chief Finance Officer (CFO)

The CFO will take responsibility for all Finance and accounting matters for the Trust. The CFO will report directly to the Chief Executive Officer.

As the Trust expands, the CFO will be responsible the day-to-day liaison with each school's Finance Director/Business Manager.

The role of the Chief Operating Officer (COO)

The COO will take responsibility for Compliance, Policy and assisting the CEO with the expansion of the Trust. The COO will report directly to the Chief Executive Officer.

It is intended that the position will also incorporate the role of Company Secretary for the Trust, taking responsibility for ensuring compliance with statutory and legal requirements.

The role of the individual Headteacher

An individual Headteacher is responsible for the day-to-day management of their school and is line-managed by the Chief Executive, but will report to the Local Governing Body on matters which have been delegated to the LGB.

Scheme of Delegation: Levels of Delegated Responsibility

The following tables should be read in conjunction with the Levels of Delegated Responsibility outlined in the Financial Scheme of Delegation.

Level of Delegated Responsibility						
Tasks	1 Trust Board	2 Trust Chair	3 CEO [Accounting Officer]	4 LGB	5 Finance Director	6 Headteacher
Staffing Matters						
Appointment of the CEO	✓					
Appointment of the Headteacher	✓					
Appointment of Deputy Headteacher. Assistant Headteachers and other teaching staff						✓
Appointment of support staff in local schools						✓
Agreeing staff pay policies	✓					
Pay discretions excluding senior staff						✓
Establishing disciplinary/capability Procedures	✓					
Suspending the CEO	✓					
Ending suspension CEO	✓					
Suspending school staff except the Principal				✓		
Ending suspension of school staff except Principal				✓		
To develop and amend a Staff Appraisal Policy			✓			
To implement the Staff Appraisal Policy						✓
To review annually the Staff Appraisal Policy				✓		
Determining dismissal payments/early retirement				✓		

Level of Delegated Responsibility

Tasks	1 Trust Board	2 Trust Chair	3 CEO [Accounting Officer]	4 LGB	5 Finance Director	6 Headteacher
Performance Management						
To formulate and amend a Performance Management Policy	✓					
To implement a Performance Management Policy						✓
To review annually the Performance Management Policy			✓			
To determine annual pay review of CEO	✓					
To determine annual pay review of Headteacher			✓			
To determine annual pay review of senior staff						✓

Level of Delegated Responsibility

Tasks	1 Trust Board	2 Trust Chair	3 CEO [Accounting Officer]	4 LGB	5 Finance Director	6 Headteacher
Curriculum						
To ensure that the LGB establishes and implements the minimum statutory policies as required by the legislation			✓			
Ensure appropriate curriculum taught to all pupils and to consider any disapplication for pupil(s)						✓
To establish and implement the Curriculum Policy				✓		
Responsible for standards of teaching						✓
Responsible for individual child's education						✓
To prohibit political indoctrination and ensuring the balanced treatment of political issues						✓
To propose targets for pupil achievement						✓
To agree targets for pupil achievement			✓			
Responsibility for pupil outcomes			✓			
To establish a Discipline Policy			✓			
To review the use of exclusion and to decide whether or not to confirm any permanent exclusion and fixed term exclusion where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. [Can be delegated to Chair/Vice Chair of LGB in cases of urgency].				✓		
To direct reinstatement of excluded pupils. [Can be delegated to Chair/Vice Chair of LGB in cases of urgency].				✓		

Level of Delegated Responsibility						
Tasks	1 Trust Board	2 Trust Chair	3 CEO [Accounting Officer]	4 LGB	5 Finance Director	6 Headteacher
Admissions						
To consult before setting an Admissions Policy and to set the Admissions Policy				✓		
Premises and Insurance						
Buildings insurance and personal liability					✓	
Developing school buildings strategy or master plan			✓			
Procuring new buildings	✓					
Maintaining buildings with a properly funded maintenance plan				✓		
Governance						
To consider requests from other schools to join the MAT	✓					
To consider whether or not to exercise delegation of functions to individuals	✓					
To hold a full LGB meeting at least three times in a school year or a meeting of the temporary governing body as often may require.						✓
To remove the Chair of the LGB	✓					
To remove members of the LGB	✓					
To appoint and dismiss the Clerk to the LGB						✓
To set up a register of LGB members' business interests						✓
To discharge duties in respect of pupils with special needs by appointing a 'responsible person'						✓
To set up a Directors and Governors Expenses Scheme					✓	