

South Westmorland Multi Academy Trust

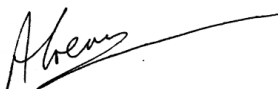


Dallam
School

Scheme of Delegation

Committee:	Board of Trustees
Date of adoption:	24/11/20
Date of last review:	26/09/23
Date of next review:	September 2024

Signature of Chair of Board (Alan Gerrard)



REVIEW SHEET

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Approval/Revision
1	New version of the Scheme of Delegation based on NGA guidance issued November 2020. Reviewed and approved by the MAT Board	24/11/20
2	Reviewed and approved by MAT Board – addition in red as put forward by the NGA	14/09/21
3	Reviewed and approved by MAT Board – no amendments made	27/09/22
4	Revised and approved by MAT Board – amendment made to Page 8 organisation chart. Safeguarding Committee now a direct committee of the MAT Board	21/03/23
5	Reviewed and approved by MAT Board – no amendments made	26/09/23
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Introduction

The South Westmorland Multi Academy Trust's board of trustees is accountable in law for all major decisions about Dallam School and all other schools who may join the trust. However, this does not mean that the board is required to carry out all the trust's governance functions and many functions can and should be delegated elsewhere, including to the Accounting Officer or Headteacher, the board's committees, and to academy committees, often known as local governing bodies (LGBs) or, in our case, the Dallam School Local Advisory Committee (LAC). It is vital that the decision to delegate a function is made by the full board of trustees and is recorded. Without such delegation, the individual or committee (board or academy) has no power to act.

The principle governing document in trusts is the articles of association. The articles set out the charitable purpose of the trust, providing a framework for trusts to act within both company and charity law. They will not however include the specific detail of the trust's chosen governance structure and how governance functions have been delegated. It is critical that trusts agree a scheme of delegation that explicitly establishes who carries out which governance function and can therefore make the decisions associated with that function.

A scheme of delegation is an essential requirement for effective governance and clear decision making. As a document, the scheme of delegation should be as simple and systematic as possible, so that the members, trustees, board committees, academy committees and executive leaders are all clear about their roles and responsibilities within the governance structure.

It is important that the scheme of delegation is visible to all, both within and beyond the trust, so that it is clear how the governance structure and lines of accountability work. The South Westmorland MAT publishes the scheme of delegation on its website.

Points of note:-

- Academy trusts with academy committees can choose what they call these committees. Many opt for local governing body (LGB) with those on the LGB being known as governors. However, they should be clear that this terminology is not used in the same sense as when it is used in maintained schools, where governing bodies and governors act in accordance with school governance regulations. The South Westmorland MAT has opted to use the terminology "local advisory committee" as opposed to "local governing body" with those on the LAC known as LAC members/local advisors
- This overarching scheme of delegation should not be confused with the written scheme of delegation of financial powers referred to in the [Academies Financial Handbook](#).

The status of the scheme of delegation

The scheme of delegation is a key governance document showing how accountability and decision-making works within the trust.

It is especially important that maintained schools joining academy trusts take time to understand the trust's scheme of delegation so that they are clear about the trust's approach to local governance and which functions are delegated. Many trusts, including the South Westmorland MAT, supplement the scheme of delegation with terms of reference for all their committees, including the Local Advisory Committee and its sub-committees, so it is clear how these are constituted.

As with all committees, the trust board has the power to change the constitution and powers of its committees at any time, and this includes the membership of those committees too.

Format and Structure

We have used the model NGA format and the scheme of delegation for the South Westmorland MAT is in a grid format, with columns for each layer of governance which indicates clearly who within the trust is responsible for each function and the associated decision making. The grid is in 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**

The scheme of delegation is a trust board document (as are committee terms of reference), and as such we have revised and adapted the model in response to the trust board's context and circumstances.

Features of an effective scheme of delegation

The NGA model we have used is effective in that it:-

- reflects the trust's ethos, promoting a positive climate and a culture of honesty, transparency, and accountability for the benefit of all stakeholders
- ensures the executive leadership is clear about which decisions the trust board retains, and the extent of executive powers
- is clear about who appoints and performance manages executive leaders and staff
- identifies where the trust board retains responsibility for:
 - determining policy
 - management of risk
 - oversight of budgets and financial management
 - oversight of educational performance

Detailed roles and responsibilities

The Role of the Members

- The Members of the Trust are guardians of the governance of the Trust and must ensure it carries out its charitable objective.
- There must be at least three Members, although the DfE prefer at least five; Members are not permitted to be employees of the Academy Trust.
- The Members agree the Trust's articles of association, appoint Trustees and appoint the Trust's external auditors.
- The Members should receive information about the Trust's business and receive the annual report and accounts. If they have concerns that the Trust is not carrying out its charitable objective, Members should remove Trustees that are failing to fulfil this responsibility

The Role of the Trustees

- The 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 (within the terms of the Companies Act 2006).
- Trustees are bound by both charity and company law so the terms 'Trustees' and 'Directors' are often used interchangeably. The use of Trustee serves to highlight the overarching charitable purpose of the organisation, distinguishing it from other directorships that may be held in the private sector.
- Trustees are responsible for the general control and management of the Trust, and in accordance with the provisions set out in the memorandum and articles of association and its funding agreement are legally accountable for all statutory functions and for the performance of all the schools within the Trust; they do this by carrying out the core governance functions
 - *Ensuring clarity of vision, ethos and strategic direction*
 - *Holding the Academy Headteachers and Senior Leadership Teams (Executive Leadership) to account for the educational performance of the schools and their pupils, and the performance management of staff*
 - *Overseeing the financial performance of the Trust and making sure its money is well spent*
 - *Ensuring the voices of stakeholders are heard*
- The Board of Trustees must approve a written scheme of financial delegation and if they choose to delegate to board committees and academy committees (LACs/LGBs) they must approve a written scheme of delegation and committee terms of reference.
- The Trust creates information pathways between the Trust Board, the academy committees and the chief executive so that academy committees can share with them any concerns (or celebrations) they may have.

The Role of Trust Board Committees

- Trustees delegate some governance functions to board committees, one of which must include audit and risk which advises on the adequacy of the trust's controls and risks.
- Board committees must have at least three Trustees in membership, and Trustees must be in the majority for voting purposes; it is usual for the Trust Board to appoint board committee chairs and committee members according to their skills.
- Most Trusts will delegate detailed scrutiny of financial management and school performance to board committees. This will depend on the number of schools in the Trust.

The Role of Individual Academy Committees (LGBs/LACs)

- Trustees delegate some governance functions to academy committees (LGBs/LACs); the articles of association do not require trustee membership of academy committees (LGBs/LACs) and by committing to the separation of individuals on each tier in the governance structure, Trusts are able to demonstrate transparent decision making and prevent bias and conflicts from emerging, thus strengthening the governance checks and balances within the Trust.
- It is advisable for the Trust Board to approve the appointment of the academy committee (LGB/LAC) chairs, and many will also approve the appointment of the majority of academy committee members.
- Most Trusts, including the South Westmorland MAT, opt for parent representation to be at school level with parents elected to sit on the Dallam LAC as opposed to trust wide elections for parent trustees.

Being close to and representative of the community the school serves, the academy committees should be:

- a valued point of consultation and representation in the development of trust policies
- the recipients of detailed information about how their schools are being managed
- tasked with scrutinising management information thus providing assurance to Trustees that the school is:
 - operating within the ethos and values of the trust and creating a positive climate for all stakeholders
 - working within agreed policies
 - meeting the agreed targets
 - engaging with stakeholders
 - acting as an ambassador for the trust
- The Trust Board should demonstrate the value they put on local governance by ensuring effective channels of communication between Trustees and academy committees as well as providing specific training and development programmes for all involved in the governance of the trust.

The Role of the Chief Executive/Accounting Officer

- Usually where there is more than one school in the MAT, the trustees delegate the day to day management of the trust to the Chief Executive, line managing them in line with the Trust's appraisal and performance management policies.
- The Chief Executive is also the Accounting Officer and so is not only responsible for the performance of the Trust as a whole, but has a personal responsibility to parliament for the regularity, propriety and value for money, and for assuring the board about compliance with the funding agreement and the Academies Financial Handbook.

The Role of Headteachers

- Each Academy Head (School Head) is responsible for the day to day management of the academy

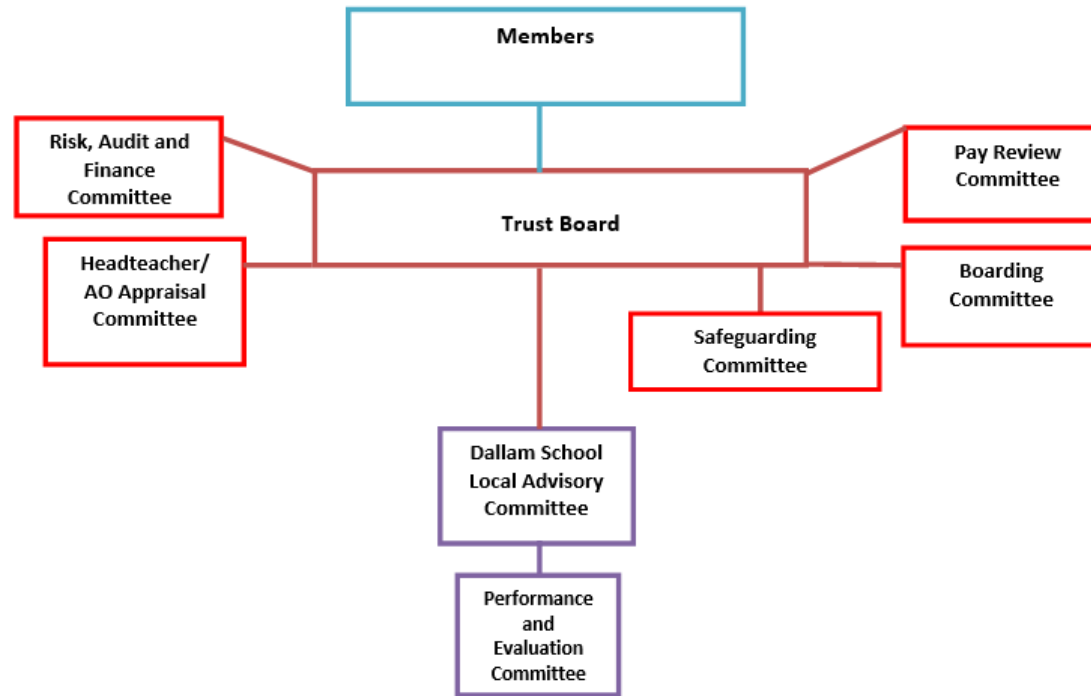
South Westmorland MAT/Dallam School

- Dallam is the only academy within the South Westmorland MAT and therefore the Headteacher, responsible for the day to day management of the school, is also appointed as the Accounting Officer with the same responsibilities to parliament and assurances about compliance as outlined above.

The Role of the Chief Financial Officer

- The Academy Trust must have a Chief Financial Officer (CFO) appointed by the Trust's Board, who is the Trust's finance director, business manager or equivalent, to lead on financial matters. In the case of the South Westmorland MAT, the School Business Manager is also the Trust's CFO. The CFO plays both a technical and leadership role, including ensuring sound and appropriate financial governance and risk management arrangements are in place, preparing and monitoring of budgets, and ensuring the delivery of annual accounts.

South Westmorland MAT Governance & Reporting Structure



Ad hoc committees will meet as required for staff/student disciplinary matters, appeals and complaints

Governance function		Members	MAT Board	Accounting Officer	Academy committee (LAC)	Academy Headteacher
Governance framework: people	Members: appoint/remove	✓				
	Trustees: appoint/remove	✓				
	Parent trustees/parent academy committee (LAC) members: appoint when elected		✓		✓	
	Board committee chairs: appoint and remove		✓			
	Named Safeguarding trustee: appoint and remove		✓			
	Named SEN trustee: appoint and remove		✓			
	Named H&S trustee: appoint and remove		✓			
	Named LAC Champions including Safeguarding/SEN/Pupil Premium: appoint and remove					✓
	Academy committee (LAC) chairs: appoint and remove		✓			
	Academy committee (LAC) members: appoint and remove		✓		✓ recommendations to Board	
Clerk to board and academy committee: appoint and remove			✓			
Governance framework: systems and structures	Articles of association: review and agree	✓				
	Governance structure for the trust: establish and review annually		✓			
	Committee terms of reference and scheme of delegation: agree annually		✓			
	Annual schedule of governance business: agree		✓		✓	
	Self-review of trust board and committees: complete annually		✓			
	Self-review of academy committees (LACs): complete annually				✓	
	Chair's performance: carry out 360° review periodically			✓		✓
Trustee/academy committee (LAC) member contribution: review annually			✓		✓	
Governance framework: reporting	Publish governance arrangements on trust and schools' websites: ensure		✓			
	Annual report on the performance of the trust: submit to members and publish		✓			
	Annual self-review/triannual external review of board effectiveness: submit to members		✓			

Governance function		Members	MAT Board	Accounting Officer	Academy committee (LAC)	Academy Headteacher
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit to members and Companies House		✓			
	ESFA required reports and returns submit		✓			
	Annual report on work of academy committee (LAC): submit to trust and publish				✓	
Being strategic	Determine trust wide policies which reflect the trust's ethos and values and publish policy tracker		✓			
	Determine school level policies: approve				✓	
	Management of risk: establish register, review and monitor		✓			
	Engagement with stakeholders: ensure		✓	✓	✓	✓
	Determine trust's vision, strategy and key priorities: approve		✓			
	Determine schools' vision, strategy and key priorities: approve		✓		✓	
	Chief executive officer: appoint and dismiss		✓			
	Accounting officer: appoint and dismiss		✓			
	HTs: appoint and dismiss		✓			
	Appointment of Deputy Head, Assistant Head and Department Heads		✓		✓	✓
	Budget plan to support delivery of trust key priorities: agree		✓			
	Budget plan to support delivery of schools' key priorities: agree		✓			
	Trust's staffing structure: approve		✓			
Schools' staffing structure: approve (within budgetary constraints)		✓				
Holding to account	Ensuring compliance (e.g. safeguarding, H&S, employment): agree auditing and reporting arrangements both internally and with local academy committees		✓			
	Monitoring progress on key priorities: agree reporting arrangements		✓			
	Monitoring of individual School Improvement Plans				✓	
	Performance management of the chief executive: undertake		✓			
	Performance management of HTs: undertake		✓		✓	

Governance function		Members	MAT Board	Accounting Officer	Academy committee (LAC)	Academy Headteacher
	Performance management of teaching and support staff: ensure rigorous process is in place		✓		✓	
Financial oversight	External auditors: appoint	✓				
	Receive and adopt the annual report and accounts from the board of Trustees	✓				
	Chief financial officer: appoint		✓			
	Trust/Academy's scheme of financial delegation: establish, monitor and review		✓			
	External auditors' report: receive and respond		✓			
	Headteachers' pay award: agree		✓			
	Staff appraisal procedure and pay progression: review and agree		✓			
	Benchmarking and trust wide value for money: ensure robustness		✓			
Monitoring budget: agree reporting		✓				

This Scheme of Delegation should be read in conjunction with the terms of reference for the MAT Board and each of its committees, the South Westmorland MAT Policy Tracker and Appendix 1 of the SWMAT Financial Regulations Manual detailing the Trust's financial scheme of delegation