

# DEAL EDUCATION ALLIANCE FOR LEARNING TRUST

SCHEME OF DELEGATION

APRIL 2019

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## Glossary

AAD- Academies Accounts Direction  
AFH – Academies Financial Handbook  
AO – Accounting Officer (a specific function which is part of the role of the CEO)  
CEO – Chief Executive Officer  
CFO – Chief Financial Officer  
DEALT – Deal Education Alliance for Learning Trust  
DBE – Diocesan Board of Education  
DfE – Department for Education  
ESFA – Education and Skills Funding Agency  
FA – Funding Agreement  
HT – Headteacher  
LGB – Local Governing Body  
MAT – Multi Academy Trust  
RSC – Regional Schools Commissioner  
SDP – School Development Plan  
SEF – Self Evaluation Form  
SEND – Special Educational Needs and Disability  
SIAMS – Statutory Inspection for Anglican and Methodist Schools

## Standards of behaviour

The Trust manages its affairs in accordance with the high standards detailed in 'Guidance on Codes of Practice for Board Members of Public Bodies' and in line with the **seven key principles of public life** –

### Selflessness

Holders of public office should take decisions solely in terms of the public interest. Holders should not take decisions for personal, family or friends financial or material gain

### Integrity

Holders of public office should not place themselves under any financial or other obligations to outside individuals or organisations that might influence them in their performance or their official duties

### Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merits.

### Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### Openness

Holders of public office should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interests clearly demands.

### Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

### Leadership

Holders of public office should promote and support these principles by leadership and example.

All involved in the governance of the Trust adhere to the current recommended guidance and spirit of both the DfE publications 'Governance Handbook' and 'A Competency Framework for Governance'.

### Disclosure and Barring

All involved in the governance of the Trust are required to have a criminal records certificate from the Disclosure and Barring Service.

### Declaration of Acceptance and Willingness

All involved in the governance of the Trust are required to sign a declaration of acceptance and of willingness to act and uphold the object of the Trust.

### Conflicts of Interest

All involved in the governance of the Trust are obliged to complete a register of their business interests, which is updated annually.

All involved in the governance of the Trust who have a personal interest that conflicts with their role must disclose that fact to the Chair of Board of Trustees or Chair of LGB as soon as they become aware of it. They must withdraw from any discussions in which it is possible that a conflict will arise.

## 1. Introduction

This document (the "Scheme of Delegation") has been written by the Trustees of the Deal Education Alliance for Learning Trust (DEALT) in exercise of the powers conferred on them by Articles 105 and 137 of the Articles of Association of the Trust. The Scheme of Delegation should be read in conjunction with the Articles.

The Articles set out the object of the company which is:

*(a) to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing Academies which shall offer a broad and balanced curriculum and which shall include:*

*(i) Church of England Academies designated as such which shall be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and having regard to any advice issued by the Diocesan Board of Education; and*

*(ii) other Academies whether with or without a designated religious character;*

*but in relation to each of the Academies to recognise and support their individual ethos, whether or not designated Church of England.*

DEALT currently operates Deal Parochial Church of England Primary School, Hornbeam Primary School, Kingsdown and Ringwold Church of England Primary School, Northbourne Church of England Primary School, The Downs Church of England Primary School, Sandown Primary School and Sholden Church of England Primary School. This Scheme is applicable to any school which joins the DEALT in the future.

The Deal Education Alliance for Learning Trust (DEALT) is a charitable company (a company limited by guarantee and an exempt charity) which exists for the provision of education. It has five Members, three of which are appointed by The Church of England Diocese of Canterbury. The members have an overview of the governance arrangements of the Trust and have the power to appoint Trustees and remove those Trustees. More information on the role of members is set out below.

The Trustees are responsible for, and oversee, the management and administration of the Trust and its schools. The Trustees are accountable to government agencies including the Department for Education for the quality of the education provided by the Trust and for its financial viability, and they are required to have systems in place through which they can assure themselves of quality, safety and good practice. The Trustees are also accountable to the Members.

The Board of Trustees is equally responsible and accountable for the performance of **all** the schools within the trust. It has three core functions:

- Ensuring clarity of vision, ethos and strategic direction

- Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff
- Overseeing the financial performance of the organisation and making sure its money is well spent.

In order to discharge these responsibilities, the Articles of Association require the Trustees to establish a Local Governing Body (LGB) for each school.

Decision making may be delegated by the Board of Trustees to Trust Committees – described in section 4.2 - and LGBs. DEALT begins with the principle that it will delegate a wide range of decisions to every school's local governing body as set out in this Scheme of Delegation – including in the grid at Appendix 2 .

### **1.1. Church of England Schools**

Where a school is designated with a Church of England religious character, it must be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and in having regard to any advice and following any directives issued by the Diocesan Board of Education (DBE).

Where a school is a Church of England school under the provisions of the Diocesan Boards of Education Measure 1991 the Trustees are required to ensure that the school is conducted as a Church of England School and in respect of that requirement are accountable to the Diocesan Board of Education and to site Trustees (as defined in the Articles – who make available the land on which the school sits). Neither DEALT Trustees nor the Local Governing Body can make any alteration to the religious character of the school or the conduct of the school as a Church of England School without the written consent of the DBE.

### **1.2. Community Schools**

Where a school is not designated as a Church of England School, the Members, Trustees and Local Governing Body are placed under a duty by the articles to recognise and support their individual ethos. This obligation makes change very difficult.

No change can be made to the character of the school without a formal process which includes consultation with parents and the local authority, a full business case to the DfE and the formal consent of the Secretary of State.

DEALT will not make any changes to the character and ethos of any of its schools.

## 2. Delegation of functions

The multi academy Trust's (MAT) Board of Trustees is accountable in law for all decisions about its schools. However, this does not mean that the Board of Trustees is required to make all the decisions. While the Board of Trustees cannot ever delegate its accountability, it can delegate some of the detailed scrutiny, oversight and decision making. Many decisions are delegated to Local Governing Bodies, to the CEO and to Trust Committees. A chart showing the governance structure is at Appendix 1.

This Scheme, written in accordance with the Articles of Association, sets out how the Trustees delegate responsibility and secures that the LGBs, the Committees and the CEO have the necessary authority to act on behalf of the Board of Trustees. The schedule attached at Appendix 2 provides a more detailed description of powers and responsibilities and the level within the Trust at which decisions will be taken.

In recognition of the role of the DBE in relation to the Church schools, the Board of Trustees will consult with the DBE on any changes to the Scheme of Delegation and will take account of any advice offered.

When schools join the Trust, the local governing body will be established on a structure which matches as closely as possible the structure set out in the school's instrument of government and existing local governors will continue in place and serve out their term of office. From the date of conversion the local governing body will function in accordance with this scheme of delegation.

Where LGBs need to *appoint* new governors, the Board of Trustees, in consultation with LGBs ratify all new local governor appointments. Parent and staff governors continue to be elected.

In order to secure their accountability for educational and financial outcomes at each of the Trust's academies the Board of Trustees have powers to appoint and remove governors from LGBs, or to reduce the level of delegation. For church schools the appointment and removal of governors will follow the arrangements set by the DBE.

Factors which may influence the Board of Trustees decision to change governors or the level of delegation to each LGB may include (but not exhaustively):

- School performance (including in-year data, end of year data, performance tables, outcomes of monitoring activity and data dashboards)
- A recent Ofsted (including SIAMs for Church schools) report
- Financial and administrative performance
- Leadership and governance capacity and capability
- Governors seeking to meet the expected standard of governance
- Safeguarding and wellbeing concerns
- Health and safety issues

The Trustees' initial approach where they have a concern about an individual school would be to offer support with a view to maintaining existing governance and levels of delegation. But they retain the right to set a reduced level of delegation. A specific version of the schedule attached at Appendix 2 will be set for the circumstances of the school concerned in the form of an action plan, with the aim of returning in time to full delegation.

Members, trustees, governors and senior leaders will adopt a principle of honesty and transparency in their work with each other.

## **2.1. Financial Accountability**

The Trustees are accountable as the Company's Directors for overall financial management of the Trust and must produce an annual report and accounts. The Trust's accounts are subject to full audit following the requirements that apply to all Charities. The Annual Report and Accounts are submitted to the Department for Education and to Companies House and are published both by the Trust on its website and by Companies House.

The ESFA allocates to each individual academy their budget figure annually. A recharge is levied on each academy in the Trust (currently 3%) to cover centrally provided services. The Board of Trustees delegate to the Local Governing Body the responsibility to set and manage a detailed budget for the year. Monthly monitoring is the responsibility of the school HT, with the support the Chief Finance Officer. Each school's budget monitoring is reported to the Finance Committee three times a year.

In year variances below the sum of £5000 can be made by the HT provided that their school's overall agreed expenditure remains unchanged.

In year variances to an individual school budget above the sum of £5000, must first be agreed with the CEO and CFO.

Each school's budget position is discussed by the Trust Finance Committee at meetings to be held at least three times per year, to which an LGB finance representative is invited as representative of their own school. The Trust Finance committee, CEO and CFO discuss strategic finance matters at these meetings. Following each meeting of the Finance Committee, the chair of the Committee prepares a summary of its business and recommendations for decision to the Board of Trustees.

Where an individual school believes that recharge levied by the Trust is unreasonable or unfair, and the disagreement cannot be resolved at local level within the Trust, the AFH provides a line of appeal from the HT to the ESFA directly, which may, if it cannot be resolved by the ESFA, be referred to the Secretary of State for adjudication, which is then binding on the Trust.

## **2.2. Alterations to the Scheme of Delegation**

This Scheme was approved and adopted by a resolution of the Board of Trustees of the Academy Trust passed at a meeting held on XXXXXX and take effect from 1 April 2019

The Board of Trustees will review this Scheme of Delegation at least annually and may alter any provisions of it. Before doing so the Board will consult local governing bodies and the Chairs Group.

## **2.3. Parental Engagement**

It is important that at all levels the MAT is connected with, and answerable to, the communities it serves, as Trusts should never become detached, distant or unanswerable to parents/carers. To ensure this, there will continue to be parent governor roles on each of the LGBs.

The Board of Trustees, Local Governing Bodies and schools shall ensure there are mechanisms in place to engage meaningfully with all parents/carers and enable them to put forward their views at key points in their child's education.

Each local governing body will arrange an annual meeting for parents at which the governors will report on the school's progress.



### 3. The role of the Members

As charitable companies limited by guarantee, every Trust has Members who have a similar role to the shareholders in a company limited by shares.

DEALT Members:

- are signatories to the Memorandum and Articles of Association which includes definition of the Trusts' charitable object and governance structure (where they are founding Members)
- may, by special resolution (which requires 75% agreement and will also require the consent of the Canterbury Diocesan Board of Education rather than a simple majority of Members to agree), amend the Articles of Association, subject to any restrictions created by the Trust's funding agreement or charity law
- may appoint new Members or remove existing Members other than those appointed by the Diocese
- have power to appoint Trustees as set out in the Trust's articles of association, and have power under the Companies Act to remove any or all serving Trustees
- may by special resolution issue direction to the Trustees to take a specific action
- appoint the Trust's auditors and receive the Trust's annual audited accounts
- following direction from the Secretary of State, have power to change the name of the charitable company and ultimately, wind up DEALT

Employees of the Trust cannot be appointed as Members.

Members may instruct the Trustees to convene a general meeting at any time, at which Trustees may speak but not vote.

Members are not expected to attend Board of Trustee meetings, participate in the Chief Executive Officer's performance review panel, or contribute to specific decisions in relation to the Trusts' business.

#### 3.1. Appointment of Members

DEALT's Articles of Association stipulate that three of the five Members are appointed by Canterbury Diocesan Board of Education (DBE) The Trust will notify ESFA of the appointment of all Members within 14 days of each change

## 4. The Role and Terms of Reference of the Board of Trustees

The Board of Trustees is legally accountable for managing the business of the Trust and may exercise all the powers of the Trust. The Board of Trustees should focus strongly on the three core functions of governance described in the introduction to this Scheme of Delegation.

The Board of Trustees must ensure compliance with the Trust's charitable Objects and with company and charity law. The Board of Trustees signs off the annual accounts and is responsible for adherence to the Trust's funding agreement with the Secretary of State. It is the Board of Trustees who are responsible for the Trust's accountability to Parliament and to the Secretary of State as the Principal Regulator of academies as exempt charities.

The Board of Trustees are permitted to exercise all the powers of the Trust. The Board of Trustees will delegate to the Chief Executive Officer (CEO) responsibility for the day to day operations of the Trust. The Board of Trustees can determine whether to delegate any governance functions.

The appointment of the Chief Executive Officer to act in the formal role of Accounting Officer does not remove the responsibility of Trustees, both individually and as a board, for the proper conduct and financial operation of the Trust.

The formation of, and subsequent recruitment to, the Board of Trustees should be on the basis of the skills, knowledge and behaviours set out in 'A Competency Framework for Governance 2017'.

The Board of Trustees are also responsible for ensuring that the Trust complies with

- the Companies Act 2006 – the Trust's obligations as a company limited by guarantee must be met;
- charity law – the Trust's charitable status must be observed and the obligations of the Trustees as charity trustees must be met.

Specifically, the Board of Trustees is accountable to the following bodies for the Trust's educational and financial performance:

- The Education and Skills Funding Agency (ESFA)
- The Department for Education (DfE), in particular through the Regional Schools Commissioner (RSC)
- Ofsted

The Board of Trustees main responsibilities are set out in Appendix 3.

### 4.1. Membership of the Board of Trustees

DEALT's Articles of Association provide for the appointment of up to 11 trustees.

Trustees are appointed and removed by Members

The Trust will notify ESFA of the appointment of all Trustees within 14 days of each change

### 4.2. Chair of the Board of Trustees

The Board of Trustees will elect a Chair annually who must not be an employee of the Trust.

The Chair ensures that the Board of Trustees sets strategic direction and vision for the Trust and holds the CEO to account for educational standards, financial propriety and business acumen.

The Chair is responsible for ensuring the effective functioning of the Board of Trustees and has a vital role in setting high expectations for professional standards of governance.

It is the Chair's role to give the Board of Trustees clear leadership and direction, keeping it focused on its core functions. The Chair encourages the Trustees to work together as an effective team, building their skills, knowledge and experience. They need to ensure that everyone is actively contributing relevant skills and experience, participating constructively in meetings, and actively involved in the work of any committees.

The Chair may resign by giving written notice to the clerk. The Trust will notify ESFA of the appointment of the Chair of Board of Trustees, including direct contact details, within 14 days of each change

### **4.3. The Role of Trust Committees**

The Board of Trustees may establish committees to carry out some of its governance functions. The Board of Trustees determines whether decision making powers will be granted to a committee.

Delegated responsibilities of the Trust committees will be detailed in their Terms of Reference. Each committee must consist of at least three Trustees. The Board of Trustees will appoint committee chairs and committee members. The Board of Trustees will ensure committee members have the necessary knowledge, skills and effective behaviours to properly fulfil the committee functions.

The current Academies Financial Handbook establishes the framework within which the Trust must comply as a requirement of its funding agreement with the Secretary of State.

Section 2.1.4 requires that "the academy trust should have a finance committee to which the board delegates financial scrutiny and oversight".

Sections 2.9.1 and 2.9.2 state

*"The academy trust must establish a committee, appointed by the board of trustees, to provide assurance to the board over the suitability of, and compliance with, its financial systems and operational controls, and to ensure that risks are being adequately identified and managed.*

*Trusts with an annual income over £50 million must have a dedicated audit committee. Other trusts can either establish a dedicated audit committee or include the functions of an audit committee within another committee."*

The three DEALT standing committees are:

- Standards
- Finance
- Ethos

The Finance Committee must adhere to the letter and spirit of the current Academies Financial Handbook, as this establishes the financial framework within which the Trust is required to comply as a requirement of its funding agreement with the Secretary of State. The Finance Committee must also adhere to the current Academies Accounts Direction as this is the guidance that the Trust and its auditors must use when preparing its annual reports and financial statements.

### **4.4. Clerk to the Board of Trustees**

The Clerk's agreed responsibilities are attached at Appendix 4

## 5. Local Governing Bodies

The purpose of the LGB is to both champion the Trust's ethos and mission and uphold each individual school's unique ethos and values. It will hold to account and support the Headteacher and monitor the school's key performance indicators. Its role is to provide focused governance for a school at a local level, subject to the provisions of this scheme.

**Areas of responsibility for Local Governing Bodies are attached at Appendix 5**

### 5.1. Membership of Local Governing Bodies

The length of service of local governors is four years. Where the local governor was a governor of the predecessor school immediately prior to conversion, their first term of office is deemed to have commenced on the date of their appointment to the predecessor school.

Local parent governors are appointed to ensure that boards stay accessible and connected to the community they serve and that there is always a diverse range of perspectives around the table to support robust decision making.

Any person wishing to become a local governor of a Church of England school is required to sign a declaration of acceptance and of willingness to act as a local governor, which shall include an undertaking to Canterbury's Diocesan Board of Education, to uphold the Church of England character of the school.

No person is qualified to serve on the LGB unless they are aged 18 or over at the date of their election or appointment. No current pupil or student of the Trust may serve on the LGB. Trustees may attend any meeting of the LGB.

The Board of Trustees is entitled to remove any member of the LGB from office at any time. Governors automatically cease to hold office if they are employed by the Trust, whether or not at a school.

The membership of the LGB of each individual academy can be found in Appendix 8

### 5.2. Chair of the Local Governing Body

The Chair of the LGB is elected annually by the LGB, subject to the approval of the Board of Trustees. Neither the Chair nor Vice Chair may be an employee of the Trust.

The Chair serves for one year, but is eligible for re-election at the end of that term. It is recommended that the Chair will hold their position for a maximum of 4 years. If there is a good reason why this should be extended, consultation should take place with the CEO. On conversion to academy status the Chair will remain in place for an additional year in order to facilitate transition.

The responsibilities of the Chair include:

- Chair meetings of the LGB
- Follow the Trust's standard agenda for LGB meetings
- Report to the Board of Trustees through LGB minutes (and when requested by Board of Trustees in person) following any LGB meeting
- Provide a direct link between the LGB and the Board of Trustees **through membership of the Chairs board**

### **5.3. Parent Local Governor**

Parent Local Governors for each LGB are elected in accordance with the process set out below:

- When a vacancy arises, the LGB writes to all parents/carers of pupils at the school seeking nominees for the vacancy. Nominees are asked to provide a short statement about why they are interested in being a Parent Local Governor and their background and experience that makes them suitable for the role.
- In the event that the number of nominees equals or is less than the number of vacancies on the LGB, the nominees are deemed to be elected.
- Where the number of nominees is less than the number of vacancies on the LGB, the Board of Trustees may appoint suitable persons to fill any vacancy.
- Where there are more nominees than places available, the LGB writes to all parents/carers of pupils at the school asking them to vote for their preferred candidate.

A Parent Local Governor should be a parent/carer of a registered pupil at the school where they are a governor.

### **5.4. Ceasing to be a Governor**

The office of governor is vacated if:

- Any event or circumstance occurs which would disqualify them from the office of governor – including failure to comply with the principles of public life, the Governors Handbook and the Governors Code of Conduct.
- The governor has, without the consent of the LGB, failed to attend three consecutive LGB meetings
- The governor resigns from office by written notice to Chair of the LGB
- The governor becomes incapable by reason of illness or injury of managing or administering their own affairs.

### **5.5. Clerk to the Local Governing Body**

The Clerk's agreed responsibilities are at Appendix 6

### **5.6. Convening meetings of the Local Governing Body**

Each LGB meets in accordance with their 'Model of Governance'.

The Clerk to the LGB gives written notice of each meeting and circulates the agenda and associated **papers to members of the LGB, to the CEO and to the Trustees** at least seven clear days in advance of the meeting. However, where the Chair determines that there are matters demanding urgent consideration, it is sufficient that a copy of the agenda and other papers are given within a shorter period as the Chair directs.

Governors can invite persons who are not governors to attend the whole or part of any meeting for purposes connected with such a meeting.

The convening of a meeting and the proceedings conducted are not invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda.

## 6. 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 schools. The CEO reports to the Board of Trustees on strategic Trust performance.

The CEO is the leader of education for the Trust.

The CEO leads the Heads Board. The Heads Board contributes to key educational policy-making decisions, establishes collaborative projects and offers and receives mutual support and challenge. The CEO professionally line manages the Heads and holds them to account through effective performance management.

A key part of the role of the CEO is as the Accounting Officer (AO) for the Trust. In this role the CEO has personal responsibility to Parliament for the financial resources under the Trust's control. As AO the CEO **must** be able to assure Parliament, and the public, of high standards of probity in the management of public funds, particularly:

- value for money - achieving the best possible educational outcomes through the economic, efficient and effective use of resources. A key objective is to achieve value for money not only for the trust but for taxpayers generally.
- regularity – dealing with all items of income and expenditure in accordance with legislation, the terms of the Trust's funding agreement and the AFH, and compliance with the trust's internal procedures
- propriety – a requirement that expenditure and receipts are dealt with in accordance with Parliament's intentions and the principles of parliamentary control
- ensuring feasibility of plans and decisions
- annual financial reporting
- a range of other duties imposed by the DfE, including that relating to the Prevent duty and safeguarding more widely.

As AO, the CEO must take personal responsibility for assuring the Board of Trustees that there is compliance with the AFH and the Funding Agreement and must complete and sign an annual statement on regularity, propriety and compliance and submit this to the ESFA with the Trust's audited accounts. This is a formal declaration by the Trust's AO that their personal responsibilities to Parliament for the resources under their control during the year have been met. The AO **must** also demonstrate how the Trust has secured value for money via the governance statement in the audited accounts. As Accounting Officer, the CEO has the power to challenge decisions made by Local Governing Bodies and may seek reconsideration of those decisions in the discharge of their legal duties.

The Trust will notify ESFA of the appointment of the Accounting Officer, including direct contact details, within 14 days of each change

## **7. The Role of the Headteacher**

Each HT is responsible for the day to day management of their own school and has responsibilities delegated to them by the LGB and by the CEO. The HT is the lead professional in the school and reports to the LGB and to the CEO as appropriate on matters which have been delegated to them.

The annual performance management of the HT is undertaken by the LGB with the support of the CEO as external adviser.

HTs are professionally line managed by the CEO. The CEO is responsible for ensuring each HT has a mid-year review and annual performance review. Salary progression is determined in accordance with Trust's pay policy and recommendation to the Trust Finance Committee. The CEO, or a person acting on their behalf, ensures professional support and challenge on all areas of the school's performance. However, accountability for the performance management of the HTs rests with the CEO.

HTs engage constructively with their LGB. As determined by the CEO, each HT produces a written report for the LGB covering the main areas of their responsibilities. This report is always part of the communication between LGBs and the Board of Trustees.

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## **8. Trust and school policies**

All statutory policies in the Trust are ultimately the responsibility of the Board of Trustees. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Board of Trustees:

1. either set a full Trust wide policy,  
Or
2. set a 'policy principles' document (a framework within which LGBs develop a full and appropriately customised policy),  
Or
3. delegate to LGBs the power to develop their own policy which the Board of Trustees will then ratify.

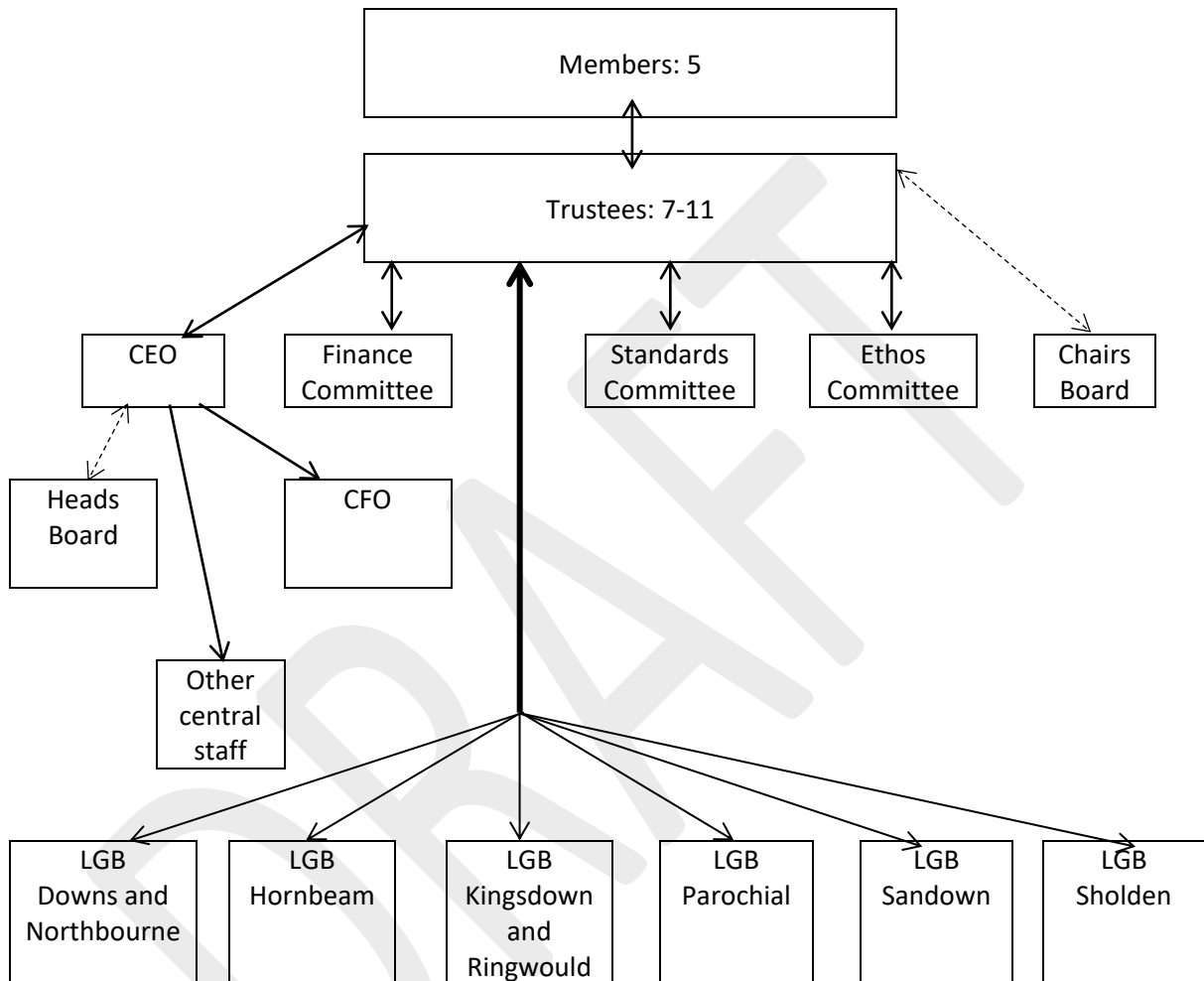
Details are set out in Appendix 7

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### Governance Structure

#### Deal Education Alliance for Learning Trust (DEALT)



Key

Responsibility delegated



Advisory group



## Schedule of delegation

Key	
Blue box	Function cannot be legally carried out at this level.
✓	Action to be undertaken at this level
A	Provide advice and support to those accountable for decision making
<>	Direction of advice and support
Grid 1 – delegation to LGB	
Level 1:	Members
Level 2:	Board of Trustees
Level 3:	Chief Executive Officer
Level 4:	Chief Financial Officer
Level 5:	Local Governance Board (LGB)
Level 6:	Headteacher

*This grid illustrates full delegation to the LGB which is the default assumption in Deal Education Alliance for Learning Trust. In practice, if there were to be concerns sufficient for the Board of Trustees to consider changing the level of delegation, they may propose a more targeted variation of grid.*

## Delegated decision making – Local Governing Board

Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
<b>Governance framework</b>							
<b>People</b>	Members: Appoint/Remove	✓					
	Trustees: Appoint/Remove	✓					
	Role descriptions for Members	✓					
	Role descriptions for Trustees/chair/ specific roles/committee members: agree		✓	<A			
	Parent governor: elected by the parents			A>		✓	
	Committee chairs: appoint and remove		✓	<A			
	LGB chairs: appoint			A>		✓	
	LGB Chairs: remove		✓	<A			
	Clerk to Members and Board of Trustees: appoint and remove		✓	<A			
	Clerk to LGB: appoint and remove			A>		✓	

Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
Systems and structures	Articles of Association: agree and review	✓	<A	<A			
	Governance structure for the Trust: establish and review annually		✓	<A			
	Scheme of Delegation and Terms of Reference for Trust Committees: agree annually		✓	<A	<A	<A	<A
	Terms of reference for LGB: agree and review annually or as need arises		✓	<A		A	
	Skills audit: complete and recruit to fill gaps Trust and LGB		✓	<A>		✓	A
	Self-review of Board of Trustees' performance: complete annually		✓				
	Self-review of LGB performance: complete annually					✓	
	Chair's performance: carry out 360 review periodically Trust and LGB		✓	<A>		✓	<A
	Trustee and governor contribution: review annually Trust and LGB		✓			✓	
	Annual schedule of business for Trust Board: agree		✓	<A>	<A>		
Annual schedule of business for LGB agree		A>	A>		✓		
<b>Reporting</b>							

Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
Reporting	Trust governance details on Trust and academies' websites: monitor compliance		✓	<A			
	School governance details on website: monitor compliance			<A>		✓	<A
	Register of all interests, business, pecuniary, loyalty for Members/Trustees/committee members: establish and publish	✓	✓	<A>		✓	
	Annual report on performance of the Trust: submit to Members and publish		✓	<A	<A		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	<A	<A		
	All LGB minutes submitted to Trust			A>		✓	<A
<b>Being Strategic</b>							
Being Strategic	Determine Trust wide policies which reflect the Trust's ethos and values (facilitating discussions		✓	<A	<A		

Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
	with unions where appropriate) as determined in the policies section of this document: approve						
	Determine school level policies which reflect the school's ethos and values as determined in the policies section of this document: approve					✓	A
	Central spend/top slice: agree	A	✓	<A	<A		A
	Management of risk: establish register, review and monitor		✓	<A>	<A	✓	A
	Engagement with stakeholders	✓	✓	✓	✓	✓	✓
	Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		✓	<A		A	A
	Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine			A>		✓	A
	Chief Executive Officer: Appoint and dismiss	A>	✓				

Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
	Headteachers: appoint and dismiss		✓	<A		✓	
	Chief Financial Officer: appoint and dismiss		✓	<A			
	Budget plan to support delivery of Trust key priorities: agree		✓	<A	<A	A	A
	Budget plan to support delivery of school key priorities: agree			<A>	<A>	✓	<A
	Trust's central staffing structure: agree		✓	<A	<A		
	School staffing structure: agree			A>	A>	✓	A
<b>Holding to account</b>							
Holding to account	Auditing and reporting arrangements for matters of compliance (eg safeguarding, health and safety, employment): agree		✓	<A>	<A>	✓	<A
	Reporting arrangements for progress on key priorities: agree		✓	<A>	<A>	✓	A

Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
	Performance management of the Chief Executive Officer: undertake		✓				
	Appraisal of Headteachers: undertake			A>		✓	
	Appraisal of Chief Financial Officer: undertake			✓			
	Board of Trustees monitoring: agree arrangements		✓	<A			
	LGB Terms of Reference: agree		✓	A>	A>		
	LGB member monitoring			A>		✓	<A
<b>Ensuring Financial Probity</b>							
	Trust's scheme of financial delegation: establish and review		✓	<A	A		
	External auditors' report: receive and respond	✓	✓	<A	A		



Area	Decision	Delegation					
		Members	Board of Trustees	CEO	CFO	LGB	HT
	Chief Executive Officer pay award: Finance Committee agree		✓				
	Headteachers' pay award: Finance Committee agree		A	<A	A	✓	
	Chief Financial Officer pay award: Finance Committee agree		✓	<A			
	Staff appraisal procedure		✓	✓	✓	✓	✓
	Pay progression – all staff: Finance and Staffing Committee agree		✓	✓	<A		<A
	Benchmarking and Trust wide value for money: ensure robustness		✓	<A	<A		
	Develop Trust wide procurement strategies and efficiency savings programme		✓	<A	✓		A
	Monitoring the school budget (within agreed variance) for value for money in relation to the SDP		A>			✓	A
	Ensuring that any school budget variances are reported to the Board of Trustees for approval		✓	<A	<A	✓	A

### The Board of Trustees' main responsibilities:

- A. To set and communicate a strategic vision for the Trust and to plan strategically for its future, including for its sustainable growth, future shape, leadership, outcomes and financial health
- B. To assess and manage principal risks to the Trust – financial, educational, reputational and legal risk in particular
- C. On the advice of Members, appoint the Chief Executive Officer with consent of the Canterbury Diocesan Board of Education
- D. To hold CEO to account for the Trust's overall performance and progress towards achieving key performance indicators in the Trust's Business Plan
- E. To determine arrangements for the performance management of the CEO including securing external professional advice
- F. On the advice of the CEO, appoint individual Headteachers (HT) and the Chief Financial Officer (CFO)
- G. To ensure that the terms of the Funding Agreement with the Secretary of State are being fully met
- H. To ensure that all strategic decisions are taken in the light of the Trust's charitable status
- I. To ensure the requirements of the current Academies Financial Handbook (AFH) are being met as this sets out the financial framework within which the Trust is required to comply as a requirement of its funding agreement with the Secretary of State.
- J. To ensure the requirements of the current Academies Accounts Direction are being fully met, as this is the guidance that the Trust and its auditors must use when preparing its annual reports and financial statements.
- K. To ensure that the Trust undertakes prudent financial planning and remains solvent at all times in order that it can continue to discharge its responsibilities
- L. To appoint, and arrange for the training and inducting of local governors. To monitor the work of Local Governing Bodies (LGBs) for each Trust school and to delegate roles and responsibilities to those LGBs according to their capacity
- M. To set a budget for the Trust, (to include the 'Trust running costs' and the allocations of funding for each school in the Trust with a range of indicative benchmarks for the school to use when setting the individual school's budget), to monitor the budget of the Trust as a whole at least three times per year and to take action when necessary in the light of that monitoring.
- N. To ensure, in line with the requirements of the AFH, that an appeals procedure is in place for a Headteacher to challenge the budget share allocated to their school on grounds of unfairness or unreasonableness.
- O. To agree the levels of financial delegation to the CEO, including discretionary awards.
- P. To monitor pupil achievement for each school in the Trust at least three times per year and to take action when necessary in the light of that monitoring
- Q. To monitor pupil attendance for each school in the Trust three times per year and to take appropriate action in the light of that monitoring
- R. To hold the CEO to account in ensuring a robust appraisal system is in place for all groups of staff across all Trust schools
- S. Through Headteacher reports and school plans, evaluate both value for money and investment in Trust staff professional development as necessary prerequisites in aiding the future performance of the Trust and its constituent schools
- T. To ensure that each LGB is discharging the obligations placed by the Board of Trustees on their behalf with respect to the distinctive character of worship and religious education in their school. This is determined by the school's religious, or non-religious, designation prior to conversion, is set out in the Funding Agreement from the Secretary of State and is therefore a duty of Board of Trustees. In DEALT this duty is delegated at an operational level to LGBs
- U. To make sure appropriate arrangements are made for the external verification or moderation of statutory information provided by the CEO, CFO, LGBs, and HTs
- V. To ensure that the health and safety and safeguarding obligations of the Trust (including 'Prevent' and 'British values') are met
- W. To ensure that all conflicts of interest are declared and documented
- X. To ensure the Trust meets its responsibilities in matters of Equalities legislation

## Clerk to the Board of Trustees

The Clerk's agreed responsibilities include, but are not limited to:

- A. clear understanding of the Memorandum and Articles of Association, Scheme of Delegation and other operational documents of the Trust;
- B. supporting and guiding the Board of Trustees in understanding their delegation and responsibilities;
- C. Maintaining up to date records relating to the membership of the Board of Trustees, including any national requirements for publicising the membership of the Governance of the Trust e.g. ESFA;
- D. informing the named person responsible for the management of the Trust website of any changes, including membership and access rights
- E. ensuring all meetings are professionally recorded and that documents and minutes are provided to the Board of Trustees within the time scales required;
  - Within 7 days of each meeting, the Clerk produces an agreed set of draft minutes of its meeting identifying:*
    - i. Decisions made*
    - ii. Items for further discussion by the Board of Trustees*
- F. Communicate educational matters of Trust wide significance with the Board of Trustees and constituent schools in a timely manner commensurate with the importance of the information.
- G. working closely with the Chair and CEO to prepare a purposeful agenda which includes Trust and government items and is focused on the three core responsibilities of governance, namely:
- H. Recording the attendance of Trustees at meetings and take appropriate action as agreed by the Trust regarding Trustee absences.
- I. Maintaining records of Board of Trustees membership, Disclosure and Barring Service (DBS) status, vacancies and Committee Terms of Reference.
- J. Maintaining a register of Trustees' pecuniary interests
- K. Professional clerking of Trust Committees, ensuring all meetings are professionally recorded and that documents, summary and minutes are provided to the Board of Trustees within the time scales required;
  - a. Within 7 days of each meeting, the Clerk produces an agreed set of draft minutes identifying:
    - i. Decisions made*
    - ii. Recommendations to the Board of Trustees*
    - iii. Items for further discussion by the Board of Trustees*
- L. Maintaining records of Board of Trustees correspondence

## Areas of responsibility for Local Governing Bodies

The duties of the LGBs are detailed below. These are reviewed by the Board of Trustees from time to time. LGBs may be directed to undertake additional duties. Such additional duties are communicated in writing from the Board of Trustees to the Chair of the LGB.

LGBs bring a local perspective to the way in which the schools are managed. Their duties can be described as follows:

### General:

Promote and uphold the ethos of the Trust and of the school

Carry out any requirements the Board of Trustees may specify necessary to ensure that the Trust is meeting its legal obligations.

Ensure the school implements and monitors the policies approved by the Board of Trustees with particular reference to statutory policies

### Risk, health and safety, safeguarding and asset management:

Ensure asset management systems are adhered to within the school.

Ensure local arrangements for the effective supervision of building maintenance and minor works.

Hold the HT to account for maintaining high standards of compliance and best practice in safeguarding and health and safety; this will include regular scrutiny of the Single Central Record

Implement the Trust Health & Safety Policy, ensuring full compliance with regulations and report on this to the Board of Trustees three times a year

Review annually the Risk Register relating to the school and supporting the HT in the mitigation of risk.

### Governance:

The LGBs' role is to question and challenge the HT in order to assure themselves that appropriate action is being taken to identify and address areas for improvement, and to inform the Board of Trustees of the school's performance.

Ensure that all requests for information or actions required are met within agreed timescales.

Make arrangements for the election of parent governors.

Appoint from its number, governors with specific responsibilities for Safeguarding, Health and Safety, website compliance and other priorities as identified in the School Development Plan (SDP).

The LGB will follow agenda and any other standing items as directed by the Board of Trustees

Ensure that accurate minutes are taken of LGB meetings, reporting to the Board of Trustees on intended actions and outcomes.

Maintain a register of governor's pecuniary interests and ensure the proper and effective management of conflicts of interest.

Respect the confidential nature of all matters discussed, relating to the work of the Trust schools and Trust

### Staffing:

Participate as an interview panel member in the recruitment of HTs

When requested by the Board of Trustees, participate as a panel member in appraisal, pay, disciplinary, complaints, capability, exclusions, appeals and admissions hearings.

### Admissions:

Ensure arrangements are in place for the implementation and monitoring of the Admissions Policy for the individual school.

Positively promote pupil admissions to the Trust academies

### Behaviour:

Monitor the school's pupil behaviour and discipline as prescribed by its policy

**Complaints:**

Monitor the management of complaints as prescribed by the Trust's Complaints Procedure.

**Ofsted and SIAMS:**

Represent the school for interview by Ofsted/ Diocesan representatives as requested.

Monitor and hold the HT to account in the implementation of post-inspection agreed actions

**Ethos and vision:**

Commission and report the outcomes of consultations to the Board of Trustees in respect of the school's mission, ethos and policies;

In the case of a Church of England school, the LGB will monitor the extent to which the school is upholding its distinctive Christian values, within the context of SIAMs.

**Standards:**

Ensure that the SDP identifies and addresses achievement priorities through the analysis of publically available and internally generated data. The SDP should form the focus of the annual budget setting process and regular financial monitoring

Monitor and evaluate the SDP

Ensure that the curriculum and its planning is fit for purpose, fully compliant with national and Trust requirements and enables pupils to flourish and maximise their potential

Examine progress towards targets for all pupils and all nationally identified pupil groups (including SEND and disadvantaged) and in each year group (not just end of key stage), challenging the HT on progress towards targets.

Monitor and scrutinise the quality of key judgements made in each area of the Self Evaluation Form (SEF)

Scrutinise the impact of staff professional development in enabling the staff team to raise standards in line with the SDP priorities

Monitor behaviour, exclusions and attendance, and scrutinise impact made by school interventions

In conjunction with the HT, prepare a report for the Board of Trustees at least three times a year, concerning the progress of the SDP and its priorities

**Community and parents:**

Monitor the character and quality of religious education to ensure that it meets the requirements, denominational or otherwise, of the school's character as established in the Funding Agreement

Monitor the character, content and quality of assemblies or collective worship to ensure that they meet the requirements, denominational or otherwise, of the school's character as established in the Funding Agreement

Ensure the quality and appropriateness of the PSHE and sex and relationships education offered to pupils, including the promotion of fundamental British values

Where there are established local relationships with other organisations, for example with a local church, ensure that these are appropriate to the school's character and are nurtured and maintained in the interests of the school's pupils

Hold the HT to account to ensure there is a wide range of good quality extra-curricular activities

In conjunction with the HT, maintain a positive link with the Incumbent, the Parish and the wider community in the case of a Church of England school.

Ensure a good quality of communication with the HT, parents and the wider community

Monitor compliance of school website

Monitor the outcomes of all surveys of parents, staff and pupils

**Finance:**

Monitor the school budget for value for money in relation to the SDP, ensuring that any variances are reported to the Finance Committee for approval

Ensure the LGB is represented by one of its governors at appropriate meetings of the Trust Finance Committee as requested, in order to receive a briefing on their school's individual budget position

**Appraisal:**

Hold the HT to account for ensuring a robust appraisal system is in place for all groups of staff  
In conjunction with the CEO, annually review the performance of the HT

**Reporting to the Board of Trustees:**

The Chair of each LGB, in collaboration with the Clerk, is required after each LGB meeting, to agree a succinct summary of the meeting (normally covering one side of A4). This will include, areas of progress in relation to the SDP, any issues of concern and highlight any all agreed actions. Where there is a serious concern about the school or the HT's performance, this will be communicated in a confidential annexe to the summary report on expected actions and outcomes

### Clerk to the Local Governing Body

The Clerk's agreed responsibilities include, but are not limited to:

- A. clear understanding of the Scheme of Delegation and other operational documents of the Trust;
- B. supporting and guiding the LGB in understanding their delegation and responsibilities;
- C. maintaining up to date records relating to the membership of the LGB
- D. informing the named person responsible for the management of the school website of any changes, including membership and access rights
- E. ensuring all meetings are professionally recorded and that documents, summary and minutes are provided to the Board of Trustees within the time scales required;
  - a. Within 7 days of each meeting, the Clerk produces an agreed set of draft minutes.
- F. working closely with the Chair and HT to prepare a purposeful agenda which includes Trust and CEO items and is focused on school improvement
- G. Recording the attendance of governors at meetings and take appropriate action as agreed by the Trust regarding Trustee absences.
- H. Maintaining records of LGB membership, Disclosure and Barring Service (DBS) status and vacancies
- I. Maintaining a register of governors' pecuniary interests
- J. Maintaining records of LGB correspondence

## Trust and school policies

All statutory policies in the Trust are ultimately the responsibility of the Board of Trustees. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Board of Trustees:

- 1 either set a full Trust wide policy,  
Or
- 2 set a 'policy principles' document (a framework within which LGBs develop a full and appropriately customised policy),  
Or
- 3 delegate to LGBs the power to develop their own policy which the Board of Trustees will then ratify.

Policy/statement breakdown taken from DfE Statutory policies for schools 2014, Academies Financial Handbook and Key for Governors 'List of statutory and mandatory policies and documents'

Statutory policies required by education legislation and the levels of delegation for them are as follows:

<b><u>Statutory policies</u></b>	<b><u>Level at which set (see above)</u></b>
Charging and remissions	2
School Behaviour	3
Sex education	3
Special Educational Needs and Disability	2
First Aid	2
Risk Assessment	2

Statutory policies required by other legislation and the levels of delegation for them are as follows:

<b><u>Statutory policies required by other legislation</u></b>	<b><u>Level at which set (see above)</u></b>
Data Protection and Freedom on Information	1
Health and safety	2

Contractual policies and the levels of delegation for them are as follows:

<b><u>Contractual policies</u></b>	<b><u>Level at which set (see above)</u></b>
Capability of Staff	1
Teacher Appraisal	1
Teachers' Pay	1

Other statutory documents and the levels of delegation for them are as follows:

<b><u>Other statutory documents</u></b>	<b><u>Level at which set (see above)</u></b>
Admissions arrangements	2
Accessibility plan	2
Central Record of Recruitment and vetting checks	1
Complaints Procedure Statement	1
Freedom of Information	1
Home-school agreement document (not nurseries)	3
Minutes of, and papers considered at, meetings of the governing body and its committees	2
Premises management documents	2



Equality Information and objectives (public sector equality duty) statement for publication	1
School information published on a website	2
Register of pupils' admissions to school	3
Register of pupils attendance	3
Staff discipline, conduct and grievance (procedures for addressing)	1

Documents referenced in statutory guidance and the levels of delegation for them are as follows:

<b><u>Documents referenced in statutory guidance</u></b>	<b><u>Level at which set (see above)</u></b>
Child Protection policy and procedures	1
Early Years Foundation Stage (EYFS)	2
Statement of procedures for dealing with allegations of abuse against staff	1
Supporting pupils with medical conditions	2

Mandatory policies for academies and the levels of delegation for them are as follows:

<b><u>Mandatory policies for academies</u></b>	<b><u>Level at which set (see above)</u></b>
Accounting	1
Investment policy (to manage, control and track financial exposure and ensure value for money)	1
Competitive tendering	1

Recommended policies for academies and the levels of delegation for them are as follows:

<b><u>Recommended policies for academies</u></b>	<b><u>Level at which set (see above)</u></b>
Acceptance of gifts, hospitality, award, prizes or other benefit policy and register	1
Pay and Conditions	1

Other policies and other non-statutory documents and the levels of delegation for them are as follows:

<b><u>Other policies and other non-statutory documents</u></b>	<b><u>Level at which set (see above)</u></b>
Acceptable Internet Use and Agreement	1
Administering medicines	2
Anti-bullying	2
Anti-Cyber bullying	2
Attendance and targets	2
Behaviour Principles Written Statement	2
Children missing education	1
Collective worship	3
Curriculum policies (see individual schools)	3
Dealing with unacceptable behaviour from parents and visitors	1
E-safety	2
Educational Visits and Journeys	1
Exclusions	1
Expenses	1
Finance	1
Fire safety (H and S)	2

Gifted and talented	2
Governor Allowances (schemes for paying) statement	1
Homework	3
Lettings	2
Lone working	1
Looked After Children	2
Marking	3
Master Funding Agreement	1
Memorandum and Articles of Association	1
Mobile phone safety and acceptable use	1
Outdoor education	2
Positive handling	1
Records Management and retention	1
Register of Business interests of Headteachers and governors written statement	1
Safer Recruitment	1
Spiritual moral social cultural	3
Staff Conduct	2
Staff leave and absence	1
Staff Well-being statement in handbook	2
Trust Trustees register	1
Trust financial statement year ending	1
Whistleblowing	1
Worship, RE and religious ethos	3

## Local Governing Bodies – structure, membership and appointments

### Foundation Governors

In the case of a school with a Church of England Foundation, “foundation governors” will be appointed by the Trustees following Canterbury Diocesan Board of Education’s (DBE) arrangements for appointing foundation governors and reflecting the instrument of government of the predecessor school.

In all cases one foundation governor place shall be retained ex-officio for an officiating minister in a parish in which the school is situated. Where there is a vacancy or the ex officio governor is unwilling to act, an alternate may be appointed to act in their stead by the Archdeacon of Area in which the School is located.

### The Federation of the Downs and Northbourne CE Primary Schools

- 1 foundation governor appointed by the Trustees with the DBE who will consult Northbourne PCC
- 1 foundation governor appointed by the Trustees with the DBE who will consult St Mary’s Walmer PCC
- 1 “ex officio” foundation governor – an officiating minister representing the parishes in which The Downs and Northbourne are situated.
- 4 governors appointed by the Trustees
- 2 elected parent governors
- 1 elected staff governor
- The Headteacher Downs CE Primary School (ex officio)
- The Headteacher Northbourne CE Primary School(ex officio)

### Hornbeam Primary School

- 7 governors appointed by the Trustees
- 2 elected parent governors
- 1 elected staff governor
- The Headteacher (ex officio)

### Kingsdown and Ringwould Church of England Primary School

- 2 foundation governors appointed by the Trustees with the DBE
- 1 “ex officio” foundation governor – the Principal Officiating Minister of the parish in which the school is situated
- 4 governors appointed by the Trustees
- 2 elected parent governors
- 1 elected staff governor
- The Headteacher (ex officio)

### Deal Parochial Church of England Primary School

- 3 foundation governors appointed by the Trustees with the DBE
- 1 foundation governor appointed by the Trustees with the PCC of St Andrew’s Deal who will consult the DBE
- 1 foundation governor appointed by the Trustees with the PCC of St George’s Deal who will consult the DBE
- 1 foundation governor appointed by the Trustees with the PCC of St Leonard’s Deal who will consult the DBE
- 1 “ex officio” foundation governor – a Principal Officiating Minister representing the parishes of St Andrew’s Deal, St George’s Deal, St Leonard’s Deal
- 2 elected parent governors
- 1 elected staff governor

- The Headteacher (ex officio)

#### **Sandown School**

- 7 governors appointed by the Trustees
- 2 elected parent governors
- 1 elected staff governor
- The Headteacher (ex officio)

#### **Sholden Church of England Primary School**

- 2 foundation governors appointed by the Trustees with the DBE
- 4 foundation governor appointed by the Trustees with the PCC in which the school is situated who will consult the DBE
- 1 “ex officio” foundation governor – the Principal Officiating Minister of the parish in which the school is situated
- 2 elected parent governors
- 1 elected staff governor
- The Headteacher (ex officio)