

# **The Illuminare Academy Trust**

## **Scheme of Delegation**

Reviewed 26.04.23



## **Introduction**

The Illuminare Academy Trust's board of trustees is accountable in law for all decisions about its schools. Many decisions will be delegated, including to the CEO, board committees and local governing bodies. The decision to delegate a function is made by the full board of trustees and must be recorded.

## **The purpose of the scheme of delegation**

The scheme of delegation (SoD) defines which functions have been delegated and to whom; ensuring members, trustees, committees (including each local governing body), the CEO and executive leadership team are clear about who has responsibility for making which decisions in the trust.

## **Delegation to local governing bodies**

### **The Illuminare Academy Trust**

## **Governance structure and lines of accountability**

The board of trustees of a multi academy trust delegate responsibility for delivery of the vision and strategy to the lead professional of the MAT, who is increasingly being termed a chief executive officer (CEO). The MAT board will hold the CEO to account for the performance of the trust, including the performance of the academies within the trust. The CEO in turn holds other senior executives to account by line managing them. The senior executive structure will vary from one MAT to another but it is important that any scheme showing what is delegated by the board includes delegation to the executive as well as to the committees of the board of trustees. While the board cannot ever delegate its accountability, it can and must delegate some of the detailed scrutiny, oversight and decision making. The size of the MAT will determine if any decision-making functions are delegated to cluster or local governing bodies.

In this scheme of delegation (SoD) the trust board delegates responsibility for the performance of the trust, including the performance of the academies within the trust, to the chief executive officer (CEO). However, some responsibilities concerning the performance of each academy are delegated to a local governing body (LGB). These responsibilities may include monitoring whether the school is working within the agreed policies, whether standards are being met, and if the money is being well spent. The LGB will use its detailed knowledge and engagement with stakeholders to ensure that their school is being well served by the executive leadership, and as a board committee has direct access to the board if there are concerns.

This means that as the CEO is accountable to the board for the performance of the trust as a whole, the CEO will report to the board on the performance of the trust including on the performance of the trust's schools, although this may be supplemented by monitoring reports from the LGBs.

The CEO is performance managed by the trust board. The CEO performance manages the school/academy head teachers with input from the LGB chair.

## **Roles and Responsibilities**

### **The role of the members**

The members of the trust have a different status to trustees. Originally, they will have been the signatories to the memorandum of association and will have agreed the trust's first articles of association (the DfE approved document which outlines the governance structure and how the trust will operate). The articles of association also describe how members are recruited and replaced, and how many of the trustees the members can appoint to the trust board. The members appoint trustees to ensure that the trust's charitable object is carried out and so must be able to remove trustees if they fail to fulfil this responsibility. Accordingly, the trust board submits an annual report on the performance of the trust to the members. Members are also responsible for approving any amendments made to the trust's articles of association.

While members are permitted to be appointed as trustees, in order to retain a degree of separation of powers between the members and the trust board, and in line with DfE expectations, not all members should be trustees. The DfE has amended the model articles to state that members are not permitted to be employees of the academy trust.

### **The role of the trustees**

The trustees are the charity trustees (within the terms of section 177(1) of the Charities Act 2011) and are responsible for the general control and management of the administration of the trust in accordance with the provisions set out in the memorandum and articles of association. The board of trustees 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 executive 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 its money is well spent

Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably. We use the term trustee as it avoids the possible confusion caused when executive leaders are called directors but are not company directors and trustees.

The trust board is permitted to exercise all the powers of the academy trust. The trust board will delegate to the chief executive responsibility for the day to day operations of the trust. The trustees can determine whether to delegate any governance functions.

The trust has the right to review and adapt its governance structure at any time which includes removing delegation.

### **The role of committees**

The trustees may establish committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the trust board. However, these committees are not legally responsible or accountable for statutory functions – the trust board retains overall accountability and responsibility. The responsibilities of board committees are set out in their terms of reference; the responsibilities for cluster or school governing committees are set out in the scheme of delegation. The trust board may appoint committee members and committee chairs.

## **The role of the local governing body (LGB)**

The trust board will establish LGB's, appoint the chair, ensure two parents are elected and will determine what will be delegated. Typically, responsibilities may include:

- Building an understanding of how the school is led and managed
- Monitoring whether the school is:
  - Working within agreed policies
  - Is meeting the agreed targets
  - Managing its finances well
- Engaging with stakeholders
- Reporting to the board

As a committee of the board, delegation can be removed at any time.

## **The role of the chief executive officer (CEO)**

The CEO has the delegated responsibility for the operation of the trust including the performance of the trust's academies and so the CEO performance manages the academy principals/head teachers. As there is delegation to a local governing body (LGB) this is usually with the LGB chair alongside.

The CEO is the accounting officer so has overall responsibility for the operation of the academy trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability; avoiding waste and securing value for money.

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

## **The role of the school/academy head teacher**

The school/academy head teacher is responsible for the day to day management of the school/academy and is managed by the chief executive but reports to the LGB on matters which have been delegated to the LGB.

### **Terms of Office**

- members will serve 4 years
- trustees will serve 4 years
- local governors will serve 4 years

The number of local governors at each school / academy will be agreed by the trust board but will not exceed 11. The chair of the LGB will be appointed by the trust board.

### **Conflicts of Interest**

A conflict of interests' register is in place to ensure no conflict of interests between members, trustees and local governors. The clerk is responsible for setting up and maintaining the register and publishing on the Trust website. The first item on each Trust agenda will always be to ask for

any conflict of interests relating to the matters to be discussed at the meeting. The person concerned would then be asked to leave the meeting while that item is discussed.

### **Governance Self Evaluation**

The trust will commission an external review of governance within the first two years of each school being open and annually after that. Local governors will carry out an annual skills audit as part of their self-evaluation, and incorporate their own development objectives into the school development plan. The aim of the self- evaluation process is to identify how local governor skills, expertise and experience are having a positive impact on the development of the school and holding it to account for its performance. The outcomes of the annual governor self-evaluation will be reported to the trust in July each year.

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Head Teacher
<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 trustee/committee member: elected		✓			
	Committee chairs: appoint and remove		✓	A		
	LGB chairs: appoint and remove		✓	A		
	Vice chair of the LGB: appoint and remove		✓			
	Clerk to board: appoint and remove		✓	A		
	Clerk to LGB: appoint and remove		✓	A		
<b>Systems and structures</b>	Articles of association: agree and review	✓	A	A		
	Scheme of delegation: establish and review annually or when there is a change in school performance.		✓	A		
	Governance structure (committees) for the trust: establish and review annually		✓	A		
	Terms of reference for trust committees (including audit if required): agree annually		✓	A		
	Terms of reference for LGB: agree and review annually		✓	A		
	Skills audit: complete and recruit to fill gaps		✓	A	✓	A
	Annual self-review of trust board and committee performance: complete annually		✓	A		
	Annual self-review of LGB performance: complete annually				✓	A
	Trustee / committee member contribution: review annually		✓	A		
	Succession planning		✓	A	✓	A
	Annual schedule of business for trust board: agree		✓	A		
	Annual schedule of business for LGB: agree			A	✓	A

**Scheme of Delegation key:    ✓ Action    A Provide advice and support to those accountable for decision making**

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Head Teacher
<b>Reporting</b>						
<b>Reporting</b>	Trust governance details on trust and academies' websites: ensure		✓	A		
	Academy governance details on academy website: ensure		✓	A		
	Register and publish interests, business, pecuniary, loyalty for members and trustees		✓	A		
	Annual report on performance of the trust: submit to members and publish		✓	A		
	Annual report & accounts (policies, signed statement on regularity, propriety and compliance, governance statement demonstrating value for money): submit		✓	A		
	Annual report on the work of LGB: submit to trust and publish				✓	A
<b>Being Strategic</b>						
<b>Being strategic</b>	Determine trust policies reflecting Trust's ethos and values ( <i>consultation with unions where appropriate</i> ) including: admissions; charging and remissions; complaints; expenses; health and safety, premises management where applicable; data protection and FOI; staffing policies: capability, discipline, conduct and grievance; SEND; safeguarding and child protection; curriculum; behaviour		✓	A		A
	Central spend / top slice policy, including appeals: agree		✓	A		
	Management of risk: establish register, review and monitor		✓	A	✓	A
	Engagement with stakeholders	✓	✓	✓	✓	✓
	Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against progress towards achieving the vision can be measured: determine		✓	A		
	Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against progress towards achieving the vision can be measured: determine			A	✓	A
	Budget plan to support delivery of trust key priorities: agree		✓	A		
	Budget plan to support delivery of school key priorities: agree			A	✓	A



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		Members	Trust Board	CEO	LGB	Head Teacher
<b>Holding to account</b>						
<b>Holding to account</b>	Auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment): agree		✓	A	✓	A
	Reporting arrangements for progress on key priorities: agree		✓	A	✓	A
	Performance management of the CEO: undertake with external adviser		✓			
	Performance management of school / academy head teacher: undertake			✓	✓	
	Performance management of CFO		✓	✓		
	Performance management of senior leadership team					✓
	Trustee monitoring: agree arrangements		✓	A		
LGB member monitoring: agree arrangements				✓	A	
<b>Ensuring financial probity</b>						
<b>Ensuring financial probity</b>	CFO for delivery of trusts detailed accounting processes: appoint		✓	A		
	Trust's financial policies and procedures		✓	A		
	Trust's scheme of financial delegation: establish and review		✓	A		
	School's scheme of financial delegation: establish and review		✓	A		
	External auditors' report: receive and respond		✓	A	✓	A
	CEO pay award: agree with external adviser		✓			
	School / academy head teacher pay award: agree		✓	A	A	
	Staff appraisal procedure and pay progression: monitor and agree		✓	A		A
	CFO pay award		✓	A		
	Benchmarking and trust wide value for money: ensure robustness		✓	A		
	Benchmarking and school / academy value for money: ensure robustness				✓	A
Develop trust wide procurement strategies and efficiency savings programme		✓	A		A	

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Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Head Teacher
<b>Human Resources &amp; Staffing</b>						
<b>Ensuring Clear and Robust HR policies and Procedures</b>	Approve terms and conditions policy		✓	A		A
	Approve disciplinary / capability / grievance / performance management and pay policies		✓	A		A
	Implement, monitor, review and propose amendments to the HR policies		✓	A		A
	Suspend staff following HR policies (in line with the above)		✓	✓		✓
	Implement HR hearings, appeal hearings and dismiss staff (in line with the above)		✓	✓		✓
	Approve any leaving payments (redundancy, dismissal, early retirement) in accordance with academy policy		✓	✓		A
	Appointment of CEO		✓			
	Appointment of CFO		✓	A		
	Appointment of school/academy head teacher		✓	✓	A	
	Appointment of all other trust central team staff		✓	✓		
	Appointment of all other senior leadership team posts		✓	✓	✓	A
Appointment of all other school posts			A		✓	

Area	Decision	Delegation				
		Members	Trust Board	CEO	LGB	Head Teacher
<b>Student Development</b>						
<b>Ensure policies support learning</b>	To ensure that the curriculum complies with the legal and funding agreement requirements		✓	A	✓	A
	To ensure behaviour policies is applied consistently		✓	A	✓	A
	Determine and apply attendance and punctuality protocols and procedures		✓	A	✓	A
	To exclude a pupil (fixed term)			A		✓
	To exclude a pupil (permanently) and hear any appeals			A	A	✓

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