

Scheme of Delegation



THE CONSORTIUM
ACADEMY TRUST

The Consortium Academy Trust (TCAT)
An Exempt Charity Limited by Guarantee
Company Number 07665828

Status:	Live
Policy / Document Owner:	Chair of the Trust
Statutory / Recommended:	Recommended
Date Adopted:	1 September 2017
Review Period:	12 months
Last Review Date:	December 2019
Revision:	2
Next Review Date:	December 2020
Advisory Committee:	Trust Board
Linked Documents	Articles of Association TCAT Committee Terms of Reference Companies Act 2006

The purpose of this document is to outline the roles and responsibilities of those involved in the governance and management of the academies forming part of The Consortium Academy Trust.

1. INTRODUCTION

As a charity and company limited by guarantee, The Consortium Academy Trust (the “Trust”) is governed by a Board of Trustees (the “Trustees”) who are responsible for, and oversee, the management and administration of the Trust and the academies forming part of the Trust.

1.1 Our vision is to be:

- A Trust that promotes academic excellence, where exciting opportunities allow students to excel in all that they do and leave prepared to achieve all their ambitions.
- A Trust whose academies deliver the maximum potential for progress through inspirational teaching and learning, and outstanding school to school support.
- A Trust with a leading community role, whose academies are the preferred choice for students, parents and staff

1.2 Ethos and Values

1.2.1 The determination of each academy’s ethos and mission statement shall be the responsibility of the Local Governing Body and Head Teacher, recognising the unique character of each academy, while ensuring that the delivery of the Trust’s vision is maintained.

1.2.2 At all times, the Trustees and the Local Governing Body shall ensure that the academy is conducted in accordance with the objects of the Trust, and any agreement entered into with the Secretary of State for the funding of the Trust.

1.3 The Trustees are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for all associated statutory and legal responsibilities including the quality of the education they provide,

and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.

- 1.4 In order to discharge these responsibilities, the Trustees appoint people (the “Governors”) with appropriate skills and knowledge to serve on a board (the “Local Governing Bodies”) which have been established to ensure the good governance and the individual identity of the academies within the Trust.
- 1.5 This Scheme of Delegation explains the ways in which the Trustees fulfil their responsibilities for the leadership and management of the Trust.
- 1.6 This document sets out the respective roles and responsibilities of the Members, Trustees, Local Governing Bodies, the CEO and any person with delegated responsibility and the commitments to each other to ensure the success of the Trust.
- 1.7 This Scheme of Delegation has been put in place by the Trustees from the effective date in accordance with the provisions of the Trust’s Articles of Association (the “Articles”) and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles. In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.

2. TRUSTEES' RESPONSIBILITIES

- 2.1 The Trustees have overall accountability and ultimate decision-making authority for all the work of the Trust, including the establishing and running of academies. This is largely exercised through strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, appraisals, the setting of standards and the implementation of quality management processes. The Trustees have the power to direct change where required.
- 2.2 The Trustees have a duty to act in the fulfilment of the Trust's objects as set out at Article 4.
- 2.3 Trustees will have regard to the interests of all the academies for which the Trust is responsible in deciding and implementing any policy or exercising any authority in respect of the academy.
- 2.4 Articles 100 and 101 provide for the appointment by the Trustees of committees, including Audit and Inspection, Finance and Resources, Pay and Remuneration and Local Governing Bodies to whom the Trustees may delegate certain functions.
- 2.5 The constitution, membership and proceedings of the Local Governing Bodies is determined by the Trustees and this Scheme of Delegation expresses such matters as well as acknowledging the authority delegated to the Local Governing Bodies in order to enable the Local Governing Bodies to lead aspects of provision and outcomes in the academy and fulfil their mission.

3. CONSTITUTION OF THE LOCAL GOVERNING BODY

3.1 Members of the Local Governing Body

3.1.1 The ideal number of people who shall sit on each Local Governing Body will be 9 and meetings will be considered quorate when 50% (rounded up to a whole number) of the governors are present. Any deviation from this requires approval from the trustees. Associate governors, with non-voting rights, may be appointed to serve on a Local Governing body in addition to the 9 members identified in 3.1.2. Associate governors shall not be counted to form a quorum.

3.1.2 Each Local Governing Body shall ideally have the following governors:

3.1.2.1 up to 5 governors (including the Headteacher of the academy), appointed under clause 3.2.1;

3.1.2.2 up to 2 staff governors, appointed under clause 3.2.2;

3.1.2.3 2 parent governors, appointed under clause 3.2.4;

3.1.2.4 the Local Governing Body has the option to co-opt associate governors with non-voting rights

3.2 Appointment of governors of the Local Governing Body

3.2.1 The Trustees will appoint up to 5 persons (including the Headteacher of the academy) to serve on each Local Governing Body. The Local Governing Body will be responsible to the Trustees for ensuring that the people serving on the Local Governing Body between them have an appropriate range of skills and experience and due attention is given to succession planning.

3.2.2 The Local Governing Body will appoint up to two people who are employed at the academy to serve on the Local Governing Body, provided that the total number of such persons (including the Headteacher) does not exceed one third of the total number of persons

on the Local Governing Body, and does not exceed one third of the total number of members present at a meeting to vote on any matter.

3.2.3 Unless the Trustees agree otherwise, in appointing persons to serve on the Local Governing Body who are employed at the academy, the Local Governing Body shall invite nominations from all staff employed by the Trust under a contract of employment or a contract for services or otherwise engaged to provide services to the academy (excluding the Headteacher) and, where there are any contested posts, shall hold an election by a secret ballot of such staff employed at the time of the election. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Body.

3.2.4 The Local Governing Body may appoint 2 people with parental responsibilities for a child at the academy. Unless the Trustees agree otherwise, in appointing persons to serve on the Local Governing Body who have parental responsibilities, the Local Governing Body shall invite nominations from all eligible parents/carers and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined by the Local Governing Body.

3.2.5 The Headteacher shall be treated for all purposes as being an ex officio member of the Local Governing Body and as such will have voting rights.

3.2.6 Trustees have voting rights on, and may attend any meeting of, any of the Trust's Local Governing Bodies.

3.2.7 The Trustees reserve the right to appoint, transfer or remove any governor to or from the Local Governing Body

3.3 Term of office

3.3.1 The term of office for any person serving on the Local Governing Body with the exception of the Headteacher, shall be 3 years. Subject to remaining eligible to be a particular type of governor on the Local Governing Body, any person may be re-appointed or re-elected to the Local Governing Body. The end date of the term of office of existing governors of the school does not change by the transfer of the school to the academy. This will prevent experience and skills being lost at the same time across the entire Local Governing Body.

3.3.2 If the child of a Parent Governor leaves the academy then the parent may continue to fulfil their term of office at the discretion of the Trust Board.

3.4 Resignation and removal

3.4.1 A person serving on the Local Governing Body shall cease to hold office if they resign their office by notice to Chair of the Local Governing Body.

3.4.2 A person serving on the Local Governing Body shall cease to hold office if they are removed by the person or persons who appointed them, subject to the approval of the Trustees. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Governing Body by a person or persons who appointed them, any failure to uphold the values of the Trust and/or the academy or to act in a way which is appropriate in light of this Scheme of Delegation will be taken into account. A person may also be removed by the Trustees but only after the Trustees have given due regard to any representations by the Local Governing Body.

3.4.3 If any Staff Governor who serves on the Local Governing Body ceases to work at the academy, then they shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of their work at the academy.

3.4.4 Where a person who serves on the Local Governing Body resigns their office, that person shall give written notice to the chair of the Local Governing Body, who shall inform the Trustees.

3.5 Disqualification of governors of the Local Governing Body

3.5.1 With the exception of governors appointed under paragraph 3.1.2.4, no person shall be qualified to serve on the Local Governing Body unless they are aged 18 or over at the date of their election or appointment.

3.5.2 A person serving on the Local Governing Body shall cease to hold office if they are absent without the permission of the Chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months and the Local Governing Body resolves that their office be vacated.

3.5.3 A person shall be disqualified from serving on the Local Governing Body if:

3.5.3.1 their estate has been seized and the appropriation has not been discharged, annulled or reduced; or

3.5.3.2 they are the subject of a bankruptcy restrictions order or an interim order.

3.5.3.3 at any time when they are subject to a disqualification order or a disqualification undertaking under the Company Trustees Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

3.5.3.4 they would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a Trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

3.5.3.5 they have been removed from the office of charity Trustee or Trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated.

3.5.4 A person shall be disqualified from serving on the Local Governing Body at any time when they are:

3.5.4.1 included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or

3.5.4.2 disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000;

3.5.4.3 barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).

3.5.5 A person shall be disqualified from serving on the Local Governing Body where they have, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 72 of the Charities Act 1993.

3.5.6 A person shall be disqualified from serving on the Local Governing Body if they have not provided to the chair of the Local Governing Body a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the chair or the Headteacher confirm their unsuitability to work with children that person shall be disqualified.

3.5.7 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body and they were, or were proposed, to so serve, they shall upon becoming so disqualified give written notice of that fact to the Local Governing Body who shall inform the Trustees.

4. DELEGATED RESPONSIBILITIES

4.1 General Provisions

4.1.1 This Scheme of Delegation is subject to the provisions of the Companies Act 2006, the Articles of Association and to any directions given by the Members following a special resolution.

4.1.2 The management of the Trust as detailed in the appendix, shall be delegated by the Trustees to the CEO, Local Governing Bodies and others who may exercise all the powers of the Trust in accordance with the terms of this Scheme of Delegation.

4.1.3 The accountability of the Trustees is to determine the policy and procedures of the Trust and to direct such operational matters as they see fit, unless specified within the scheme of delegation and itemised within the appendix.

4.1.4 The appendix to this Scheme specifies the delegated responsibilities from the Trust Board and its committees to the Local Governing Body, CEO and from there to individuals. This will be reviewed by the Trustees on an annual basis, or more frequently should circumstances dictate. Trustees have the right to remove any delegation at any time, whilst having due regard to the views of the affected party.

4.2 Leadership

4.2.1 The Trustees shall appoint the CEO and any other executive role at director level and above.

4.2.2 The Trustees shall appoint any Headteacher.

4.2.3 The Trustees may delegate such powers and functions as they consider are required by the Headteacher for the internal organisation, management and control of the academy (including the implementation of all policies approved by the Trustees and the Local

Governing Body, the management of staffing, finances and resources and for the direction of the teaching and curriculum at the academy).

4.3 Provision and Standards

4.3.1 The Local Governing Body shall be responsible for the monitoring and review of the curriculum, within the remit of relevant Trust policy, but shall have regard to any views of the Trustees and CEO.

4.3.2 The Local Governing Body shall be responsible for the provision and standards achieved by the academy and the learners attending the academy, as detailed in the appendix, but shall follow advice and recommendations of the Trustees and CEO.

4.3.3 The Local Governing Body shall be responsible for the setting and review from time to time of the academy's admissions policy provided that no change will be made to the admissions criteria without the written consent of the Trustees.

4.3.4 Any decision to expand the academy shall be that of the Trustees, having regard to the views of the Local Governing Body.

4.4 Extended Schools and Business Activities

4.4.1 Whilst the undertaking of any activities which would be described as part of the academy's 'extended schools agenda' or any activities designed to generate business income, would be the responsibility of the Local Governing Body, this shall only be undertaken in a manner consistent with any policy set by the Trustees and having regard to the viability of such activities, the impact on the academy's activities and any financial implications, such as the threat of taxation in light of the Trust's charitable objects and any threat to funding provided by the Secretary of State. It should be recognised by the Local Governing Body that all school-based facilities are first and foremost provided for the benefit of the learners in the academy and any funds generated should include a proportion for maintenance and replacement of facilities and resources.

4.5 **Regulatory Matters**

4.5.1 The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Trustees' but the Local Governing Body shall do all such things as the Trustees may specify as being necessary to ensure that the Trust is operating in accordance with current legislation and any Codes of Practice issued by Government Departments or any other statutory bodies.

5. OPERATIONAL MATTERS

- 5.1 The Local Governing Body shall comply with the obligations set out in the Terms of Reference of a Local Governing Body which deals with the day to day operation of the Local Governing Body and as set out in the appendix, which details the delegated responsibilities of the Local Governing Body.
- 5.2 The Local Governing Body will adopt and will comply with all Trust-wide policies of the Trustees communicated to the LGB.
- 5.3 The Trustees and governors of the Local Governing Body have a duty to act independently and not as agents of those who may have appointed them and will act in accordance with the Nolan Principles of Public Life namely: selflessness, integrity, objectivity, accountability,
- 5.4 The Local Governing Body will review its policies and practices on a regular basis, having regard to recommendations made by the Trustees, in order to ensure that the governance of the academy is best able to adapt to the changing educational, political and legal environment for the success and sustainability of the academy and the Trust.
- 5.5 The Local Governing Body shall provide such data and information regarding the business of the academy as the Trustees may require from time to time.
- 5.6 The Local Governing Body shall submit to any inspections by the Trustees to assess how well the academy is being managed in light of the additional responsibilities and expectations of schools which are an academy.
- 5.7 The Local Governing Body will undertake an annual review of provisions and standards in order to ensure that the academy meets its agreed targets and shall promptly implement any advice or recommendations made by the Trustees in the event that intervention is either threatened or is carried out by the Secretary of State and the Trustees expressly reserve the right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation in such circumstances.

6. **ANNUAL REVIEW**

- 6.1 This Scheme of Delegation shall operate from the effective date (1 September 2017).
- 6.2 The Trustees will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.
- 6.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Trustees will have regard to and give due consideration to any views of the Local Governing Body.

Appendix

The Consortium Academy Trust Delegation Matrix

The Trust is accountable for all aspects of its work, and in particular for learner outcomes and the appropriate and effective use of its funds.

The table below sets out key roles and decisions within the Trust and where appropriate where the Trust has delegated responsibility, whilst retaining accountability for all elements. The table forms an appendix to the Trust's Scheme of Delegation.

Trust-wide actions (1-4)

	Decision / Action	Responsibility				
1	The Trust's Rationale and Purpose	Members	Trust	CEO	LGB	Academy HT
1.1	Establish the Trust's vision, aims and values of the Trust		✓			
1.2	Establish Trust wide Code of Conduct for staff and Governors		✓			
1.3	Agree the Trust's key priorities and key performance indicators (KPIs)		✓			
1.4	Consider an application for schools wishing to join the Trust		✓			

	Decision / Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
2	Trust Governance					
2.1	Appoint/remove Members	✓				
2.2	Appoint/remove Trustees	✓				
2.3	Review and amend Articles of Association		✓			
2.4	Approve amendments to Articles of Association	✓				
2.5	Establish and review annually Governance structure		✓			
2.6	Agree annually terms of reference for all Trust Committees		✓			
2.7	Agree role descriptions for Chair and statutory links		✓			
2.8	Appoint/remove Trust Committee Chairs		✓			
2.9	Review Scheme of Delegation annually		✓			
2.10	Complete annual skills audit for Trust Board.		✓			
2.11	Complete annual Trust self-assessment of the Trust Board and Committees		✓			
2.12	Carry out 360 review of Trust Chair's performance periodically		✓			

	Decision / Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
2	Trust Governance					
2.13	Review Trustee/Committee member contribution annually		✓			
2.14	Co-ordinate annual calendar of meetings for Trust committees			✓		
2.15	Agree Trust reporting framework		✓			
2.16	Ensure required reports are available for all Trust Board and committee meetings			✓		
2.17	Ensure compliance of Trust website			✓		
2.18	Establish Admissions Arrangements for the Trust		✓			
2.19	Establish Appeals Policy, procedure and panel		✓			
2.20	Produce the Annual Report and accounts			✓		
2.21	Approve the Annual Report and accounts		✓			
2.22	Receive and publish Annual Report and accounts	✓				
2.23	Submit signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money			✓		

	Decision / Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
2	Trust Governance					
2.24	Ensure compliance with Company and Charity Law		✓			
2.25	Ensure compliance through effective internal and external audit controls		✓			
2.26	Ensure compliance of register of interests for Members/Trustees /Committee members		✓			
2.27	Evaluate the academy's impact on progress against targets for all groups of learners in all academies		✓			

3	Decision / Action	Delegation				
		Members	Trust	CEO	LGB	Academy HT
3.1	Identification of services to be procured on behalf of individual academies			✓		
3.2	Centrally procured services procured to secure best value: Identify and agree			✓		
3.3	Approve Trust structure within budget		✓			
3.4	Approve Trust appointments at director level and above		✓			
3.5	Approve creation of new Trust posts: director level and above		✓			
3.6	Appointment of all other CST roles			✓		
3.7	Appraisal review of Central Services Team. (Chairs of Committees to be involved in Director appraisals)			✓		
3.8	Approval of contracts of CST staff, including any major variations to terms and conditions		✓			
3.9	Appoint/suspend/remove CEO		✓			
3.10	Performance management of the CEO including pay progression		✓			
3.11	Ensure all required Trust policies are in place			✓		

4	The Trust's Management of its Assets	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
4.1	Creation and implementation of Strategic Business Plan			✓		
4.2	Approval and monitoring of Strategic Business Plan		✓			
4.2	Management of risk: Maintain and review Risk Register			✓		
4.3	Review and implement Health and Safety Policy			✓		
4.4	Approve Estates Vision and Strategy		✓			
4.5	Monitor and evaluate the implementation of the Estates Management Plan			✓		
4.6	Develop and implement Buildings Maintenance Plan including Capital Build where required			✓		
4.7	Approve Trust's financial policies and procedures		✓			
4.8	Ensure compliance with all Funding Agreements			✓		
4.9	Ensure probity in financial procedures and execution			✓		
4.10	Receive Internal and External auditors' report		✓			
4.11	Develop Trust wide procurement strategies and value for money principles			✓		

Academy-level actions (5-8)

Decision / Action		Responsibility				
5	The Trust's Rationale and Purpose	Members	Trust	CEO	LGB	Academy HT
5.1	Implement, monitor and review the mission, ethos and aims of the individual academy				✓	
5.2	Agree the academy's key priorities and key performance indicators (KPIs)			✓		

6.	Decision/Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
6.1	Appoint / suspend / remove Local Governing Body Chairs		✓			
6.2	Agree and review structure of Local Governing Bodies		✓			
6.3	Complete skills audit for all LGB members.				✓	
6.4	Complete annual (self)-review of Local Governing Body performance				✓	
6.5	Identify Governor support and CPD requirements				✓	
6.6	Co-ordinate annual calendar of meetings			✓		
6.7	Review and agree Local Governing Body procedures and practice		✓			
6.8	Ensure reports are available for all Local Governing Body meetings			✓		
6.9	Ensure compliance of academy websites				✓	
6.10	Set admission arrangements within agreed Trust parameters				✓	

	Decision/Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
7	Academy Improvement					
7.1	Selection and recommendation of academy Headteacher			✓		
7.2	Appointment or removal of academy Headteacher		✓			
7.3	Suspend academy Headteacher			✓		
7.4	Appoint/suspend Leadership Team					✓
7.5	Appoint/suspend / remove academy staff					✓
7.6	Recommend removal of Leadership Team					✓
7.7	Approve removal of Leadership Team		✓			
7.8	Hear appeals regarding restructure / changes in work		✓			
7.9	Approve academy Improvement plans			✓		
7.10	Implement and monitor Improvement plan					✓

	Decision/Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
7	Academy Improvement					
7.11	Develop and deliver academy curriculum including all statutory requirements					✓
7.12	Produce academy prospectus					✓
7.13	Monitor and improve curriculum and academic outcomes				✓	
7.14	Ensure all policies are in place					✓
7.15	Approve academy staffing structure within agreed budget			✓		
7.16	Approve academy leadership structure within agreed budget			✓		
7.17	Agree and approve term dates, holidays and sessions times			✓		
7.18	Propose targets for learner outcomes					✓
7.19	Agree targets for learner outcomes			✓		

7.20	Monitor progress against agreed targets for learner outcomes				✓	
7.21	Appraisal of academy Headteacher including pay progression recommendation			✓		
7.22	Leadership Team and other staff appraisal procedure and pay progression approval					✓

	Decision/Action	Responsibility				
		Members	Trust	CEO	LGB	Academy HT
8.	The Academy's Management of Assets					
8.1	Monitor monthly academy expenditure					✓
8.2	Consider/approve in year variations to agreed academy staffing structure/establishment – within overall agreed budget					✓
8.3	Approve in year variations to agreed academy staffing structure/establishment – outside of overall agreed budget			✓		
8.4	Implement Health and Safety Policy					✓
8.5	Propose individual academy budget					✓
8.6	Approve individual academy budget		✓			