

SCHEME OF DELEGATION

Learning Academies Trust

Version: 1.1

Approved by: LAT Curriculum Committee

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CHANGES

Policy date	Summary of change	Author	Version	Review date
Sept 2021	Policy has been created.	Simon Spry	1.0	Sept 2022
Sept 2022	Minor amendments.	Simon Spry	1.1	Sept 2023

SCHEME OF DELEGATION

This Scheme of Delegation is between the Learning Academies Trust (LAT) and the Local Governing Board (LGB) of each Academy within the Trust in accordance with the Constitution of the LGB (wherein this Scheme of Delegation is referred to as “the Scheme”). Subject to the requirements of the Trust set out in this Scheme, the Trust delegates to the LGB its responsibility and powers as the Governing Body of the Academy which shall be discharged by the LGB in accordance with its Constitution and Terms of Reference, the Policies of the Trust and advice published from time to time by the Department for Education and OFSTED.

Responsibilities and powers delegated to the LGB may be further delegated to a Committee or to the Executive Headteacher / Headteacher of the Academy. It should be remembered that although decisions may be delegated, the LGB together with the Trust as a whole remains responsible for any decision made under delegation. All policies referred to in this Scheme of Delegation means the current policy by that title as published at www.learningat.uk

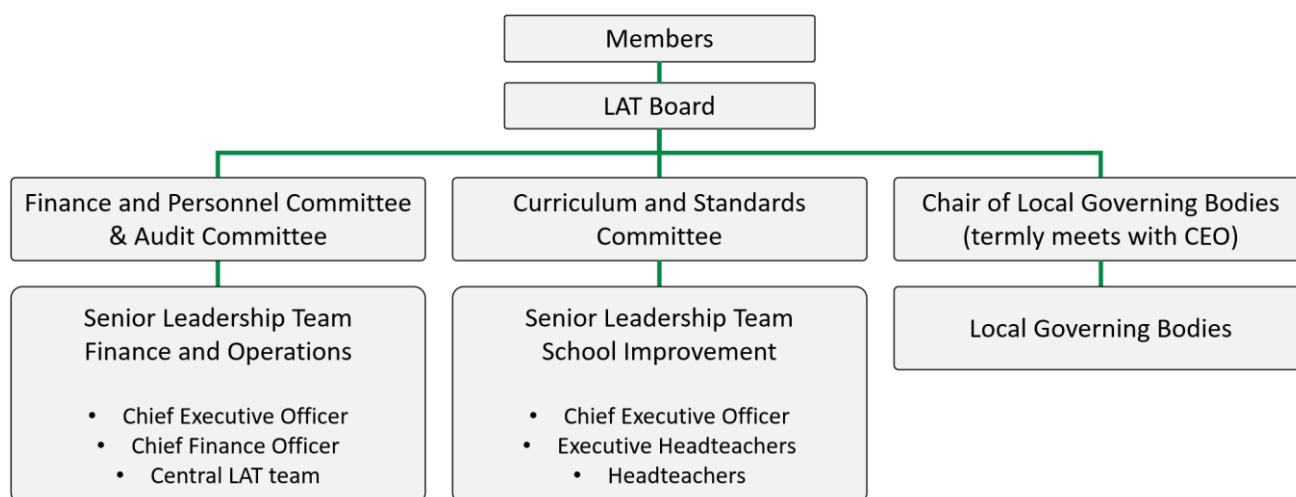
GENERAL PRINCIPLES

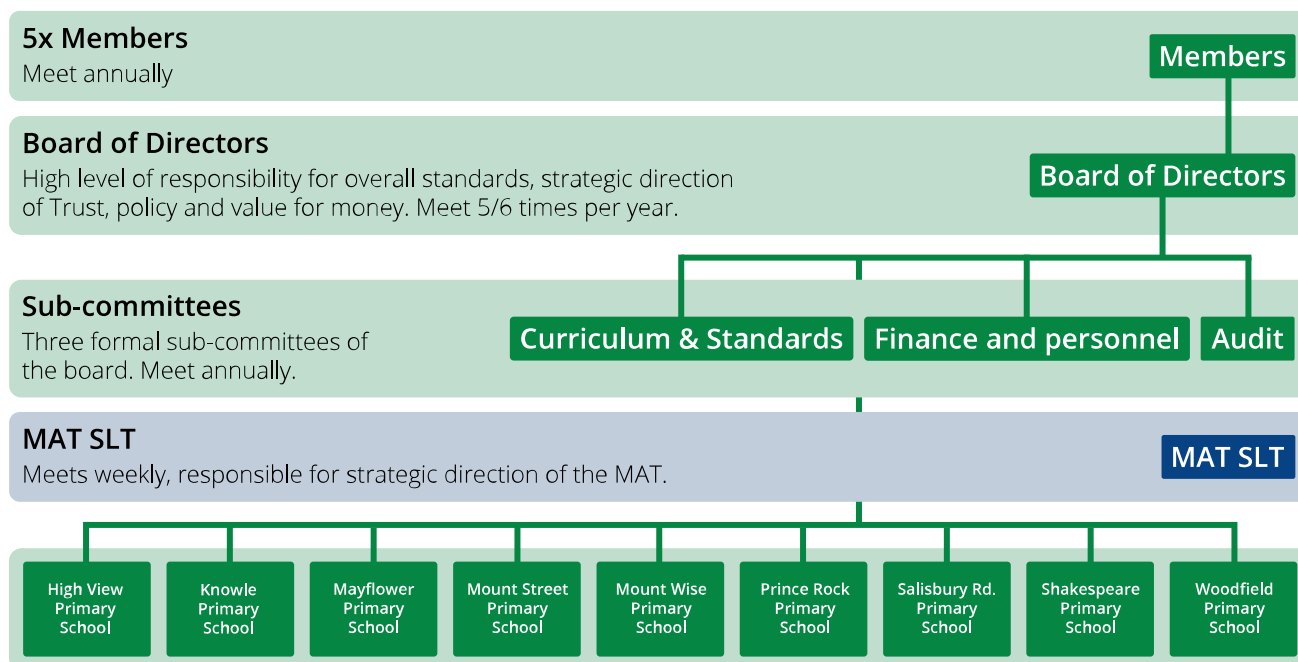
The Board and Local Governing Boards will work collaboratively and in partnership at all times.

- The Board will make decisions, following consultation with MAT SLT and Local Governing Boards, on matters which affect all academies in the Trust: Local Governing Boards will make additional decisions on matters which affect individual academies.
- Local Governing Boards and Executive Headteachers / Headteachers of academies in the trust should be encouraged to innovate as much as possible, but also work towards the LAT concept of ‘Research Informed Collaborative Alignment’.
- Local Governing Boards and Executive Headteachers / Headteachers will have delegation of responsibility and decision making for the strategic direction and day-to-day operation of their academies, unless there is a cause for concern. (See Governance Structure and Lines of Accountability paragraph and appendix 2)

- The Board will support each academy to run efficiently and effectively. Effective arrangements will be maintained for monitoring and evaluating the performance of Local Governing Boards and academies.
- The Board will take action, including the full or partial withdrawal of delegated authorities to individuals, groups and Local Governing Boards should the individual, group, or Local Governing Boards, fail to carry out their duties and responsibilities effectively as outlined in appendix 2.
- The governance arrangements of good / outstanding schools/academies joining the trust will remain in the main unchanged except where changes are required in order to comply with legal or statutory requirements, or to ensure operational effectiveness. Schools that join who are less than good will have clearly agreed delegated powers in line with the Board's view on their needs at any given time. See Appendix 2 for more details.
- The Board through the CEO will fully consult Local Governing Boards on proposals for the composition, membership, structure, and terms of reference for Local Governing Boards and sub-committees, on arrangements for the recruitment and appointment of governors, and on arrangements for the introduction of the Trust's multi-academy governance arrangements before any decisions are made.
- The Board will consult Local Governing Boards before putting in place any arrangements which directly affect Local Governing Boards and individual academies and before taking any decisions on policy or procedural matters.
- Local Governing Boards will report at least termly to the Board through meetings with the CEO and MAT SLT and will make available all relevant data and information on performance as requested. LGB minutes will be sent to the CEO through the LAT's governance support professional .

LEARNING ACADEMIES GOVERNANCE AND LEADERSHIP STRUCTURE





GOVERNANCE STRUCTURE AND LINES OF ACCOUNTABILITY

The Trustees of the Learning Academies Trust delegate responsibility for delivery of the vision and strategy to the CEO. The MAT Board holds 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 staff to account by line managing them. While the Trust Board cannot ever delegate its accountability, it does delegate some of the detailed scrutiny, oversight, advice and decision making (see Appendix I).

The Trust Board determines on a case by case basis whether to delegate some responsibilities concerning the performance of each academy to a local governing board (LGB).

Factors which may influence the decision to delegate include:

- School performance, especially around data * (see appendix 2 below)
- Financial and administrative performance and compliance with the Academies Handbook
- Leadership and governance capacity and capability

Subject to the criteria outlined in appendix 2, the Learning Academies Trust Board believes that all of our current schools have a similar level of autonomy and the scheme of delegation is constructed on this basis. Should performance for any of the schools become a concern or a new academy join the Trust, the Board will review the scheme of delegation at that time.

This means that as the CEO is accountable to the Trust Board for the performance of the MAT as a whole, the CEO will report to the Trust Board on the performance of the MAT including on the performance of the LAT schools, supplemented by monitoring reports and updates from the LGB's.

The CEO is performance managed by the Trust Board and is responsible for performance managing the Executive Headteachers / Headteachers in partnership with the LGB. Decisions around CPD for all LAT staff are to be agreed with respective line managers through performance management, subject to the guidelines outlined in the LAT finance policy.

LOCAL GOVERNING BOARDS

The Local Governing Board's role is to understand how the school is led and managed, acting as the eyes and ears of the school and its community and have a role in influencing decision making. They have a direct link to the Trust Board, through their 1/2 termly meetings with the CEO and their Headteachers / Executive Headteachers weekly MAT SLT meetings with the CEO.

The Local Governing Board (LGB) responsibilities include monitoring:

- whether the school is working within the agreed policies,
- whether standards are being met,
- if the money is being well spent and is compliant

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 has direct access to the board, if there are concerns.

The LGB's membership and operating procedures are outlined in the LGB handbook which is regularly updated. The Trust Board approve the LGBs membership and reserve the right to appoint their own representatives to the LGB as and when required, or if concerns arise.

ROLES AND RESPONSIBILITIES

The role of the Members

The Members of the Trust have a different status to trustees. They are the signatories to the memorandum of association and have agreed the Trust Board's articles of association (a 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 MAT'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 MAT to the Members. Members are also responsible for approving any amendments made to the MAT'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. 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 MAT 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 MAT as such must;

- Ensure clarity of vision, ethos and strategic direction
- Hold the senior staff to account for the educational performance of the schools and their pupils, and the performance management of staff
- Oversee the financial performance of the MAT and make sure its money is well spent and the MAT is compliant

Because Trustees are bound by both charity and company law, the terms 'Trustees' and 'Directors' are often used interchangeably.

The Trust Board is permitted to exercise all the powers of the LAT. The Trust Board will delegate to the CEO responsibility for the day to day operations of the Trust. The Trustees can determine whether to delegate any governance functions.

The Trust Board 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 Trust Board committees are set out in their terms of reference; the responsibilities of Local Governing Boards are set out in the scheme of delegation. The Trust Board may appoint committee members and committee chairs.

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 MAT's academies and the performance management of the Headteachers / Executive Headteachers in partnership with the LGB.

The CEO is the accounting officer so has overall responsibility for the operation of the MAT'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 senior staff of the academy trust. The CEO will delegate various functions to the senior team and is accountable to the Trust Board for the performance of the LAT's senior staff.

The role of the Executive Headteacher / Headteacher

The Executive Headteacher / Headteacher is responsible for the day to day leadership and management of the school (s). The Executive Headteacher / Headteacher is accountable to the CEO, but if there is delegation to a head of school, this will be clear. The Executive Headteacher / Headteacher reports to the LGB on matters which have been delegated to the LGB.

The role of the Local Governing Board

The Trust Board will establish LGB's, approve appointment of their chairs, ensure that parents are elected to each LGB, and will determine what will be delegated. Responsibilities will include: monitoring whether the schools are:

- Building an understanding of how the MAT's schools are led and managed
- Working within agreed policies
- Meeting the agreed targets
- Using and managing the finances well
- Ensuring the school's remain safe and compliant
- Engaging with stakeholders
- Reporting to the board

The level of delegation to the Local Governing Board remains at the discretion of the trust board and subject to appendix 2.

APPENDIX I – DELEGATED LAT DECISION MAKING

A= Advise > Direction

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
Governance framework						
People	Members: Appoint/Remove	✓				
	Trustees: Appoint/Remove (Number defined in articles)	✓	✓			
	Role descriptions for members	✓				
	Role descriptions for trustees/chair/ specific roles/committee members: agree		✓	<A		
	Parent LGB/committee member: elected / appointed				✓	<A
	Trust committee chairs: appoint and remove		✓	<A		
	LGB chairs: appoint and remove		A>	A>	✓	
	Clerk to board: appoint and remove		✓	<A		
	Clerk to LGB: appoint and remove			A>	✓	<A
	Managing complaints – LGB hears first / Board for appeals/ decisions		✓	<A>	✓	<A
	Settlement agreements, capability, disciplinary and redundancy situations (this list is not exhaustive) LGB to discuss first / Board to sign off		✓	<A With HR support	<A	<A
	Managing pupil exclusions – LGB hears first / Head decides with CEO			A>	✓	<A

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
	advice / approval					
Systems and structures	Articles of association: agree and review	✓	<A	<A		
	Governance structure (committees) for the trust: establish and review annually		✓	<A		
	Scheme of delegation agree and review annually.		✓	<A		
	Terms of reference for trust committees (including audit and schemes for LGB): agree annually		✓	<A		
	Terms of reference for LGB/local committees: agree and review annually		✓	<A		
	Support and training programme for Trustees and LGB Members		✓	<A>	✓	< A
	Skills audit: complete and recruit to fill gaps for LGBs and the Board		✓	<A>	✓	< A
	Annual self-review of Trust Board and committee performance: complete annually		✓	<A		
	Annual self-review of LGB performance: complete annually			A>	✓	<A
	Succession: plan -		✓	<A>	✓	<A
	Annual governance plan for Trust Board: agree		✓	<A		
	Annual governance plan for LGB: agree			A>	✓	<A
	Annual KS 2 test arrangements			✓		<A

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
Reporting						
Reporting	Ensure Trust governance details on Trust and academies' websites		✓	<A		
	Individual Academy governance details on academy website and Get Information about Schools (GIAS): ensure up to date at all times			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		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	<A		
Bring strategic						
	Determine Trust wide policies which reflect the Trust's ethos and values (facilitating discussions with unions where appropriate) including statutory, staffing, financial, H+S, Safeguarding, complaints, admissions policies.		✓	<A		
	Approve and determine any school level policies which reflect the school's ethos and values.			A>	✓	<A
	School organization including: term dates and length of school day. Will need to include 3 x set joint LAT training days			A>	✓	<A
	Central top slice: agree		✓	<A		

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
Being strategic	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		
	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>	✓			
	Executive Headteacher / Headteacher: Appoint and dismiss		✓	<A	<A	
	Trust budget plan to support delivery of key Trust priorities: agree		✓	<A		
	School level budget plan to support delivery of key ICT, building and Health and Safety / compliance elements		✓	<A by ICT, finance and Estates staff	<A	
	School level budget plan to support delivery of key school teaching and learning priorities: once above priorities agreed and budget balances: agree			A>	✓	<A
	Monitoring of budget plan to support delivery of school key priorities.		✓	<A>	✓	<A
	Trust's staffing structure: agree		✓	<A		
	School leadership staffing structure: agree		✓	<A	<A	< A

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
	School office / admin staff structure: agree		✓	<A	<A	<A
	Remaining school staffing structure, apart from those listed above: agree (within agreed balanced budget). For the creation of any new posts and / or changes to existing posts i.e. grade changes or changes in job description, this to be subject to approval from the CEO in advance, following discussion,			A>	✓	<A
Holding to account						
Holding to account	Auditing and reporting arrangements for matters of compliance (e.g. financial, safeguarding, H&S, employment): agree		✓	<A	<A	<A
	Reporting arrangements for progress on key Trust priorities: agree		✓	<A	<A	<A
	Reporting arrangements for progress on key school priorities: agree			A>	✓	<A
	Performance management of the Chief Executive Officer: undertake	A>	✓			
	Performance management of academy Executive Headteacher / Headteacher; agree, oversee and advise (any pay awards approved by trust board)		A>	✓	<A	
	Performance management of all school based non leadership academy staff: agree, oversee and advise					✓
	Trustee self-assessment: agree arrangements		✓	<A		
	LGB self-assessment: agree arrangements			A>	✓	<A

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
Ensuring financial probity						
Ensuring financial probity	Approve the Financial Procedures manual. Including the appointment of the internal auditor. Ensure compliance.		✓	<A		
	Chief Finance Officer for delivery of trusts detailed accounting processes: appoint		✓	<A		
	Trust's scheme of financial delegation: establish and review		✓	<A		
	External auditors' report: receive and respond		✓	<A		
	Internal auditors’ report: receive and respond		✓	<A		
	Budget monitoring – Trust level		✓	<A		
	Budget monitoring – School level (as advised in the LGB handbook)		✓	<A	<A	<A
	CEO pay award: agree		✓			
	Academy Executive Headteacher / Headteacher pay award: agree		✓	<A		
	Academy Executive Headteacher / Headteacher pay award: recommend			A>	✓	
	Leadership staff appraisal procedure and pay progression agree		✓	<A		
	Non Leadership staff appraisal procedure and pay progression agree				✓	<A
	Staff appraisal delivery and pay progression within agreed budget: monitor and agree				✓	<A
	Benchmarking and trust wide value for money: ensure robustness		✓	<A		

Area	Decision	Delegation				
		Members	Trust Board	CEO (advised by MAT SLT)	LGB	Executive Head / Headteacher
	Develop Trust wide procurement and efficiency savings programme		✓	<A		
	Approve Trust wide MIS, finance, budgeting, HR and payroll software		✓	<A		<A

APPENDIX 2

The LAT Board reserves the right (subject to discussion / negotiation) to withdraw certain delegated powers from Executive Headteachers / Headteachers / LGBs around school level policy and strategy in the circumstances listed below.

In addition, the LAT Board reserves the right to withdraw certain delegated powers from SBMs / school finance staff / headteachers, where there are concerns over financial accuracy and / or timely financial delivery and / or general financial capability, or a failure to work within the guidance of the Academies Financial Handbook or the school's funding agreements.

The scenarios below will also frame a discussion between the Executive Headteacher / Headteacher / LGB and the CEO around the level of support available for the following year from the 'LAT offer'.

1. The school has an Ofsted 3 or 4 on joining, slips into an Ofsted 3 or 4 or is about to be inspected.
2. Overall foundation GLD is 20% or more below national
3. Overall year 1 phonics data is 10% or more below national
4. Overall year 2 individual RWM subject scores are 15% or more below national
5. Overall year 6 combined RWM subject scores are 10% or more below national

The above figures in points 2-6 need to be considered in the light of any downward trends over time & part of the negotiation/discussion will take account of this.

The above figures will form the basis for a discussion in terms of the LAT offer detailed below.

Now that there is new 'official' data, LAT support for 2022/2023 will be focused on items 2-5, links to current grade and the potential of an imminent Ofsted visit.

THE LAT SCHOOL IMPROVEMENT 'OFFER'

What does the LAT 'school improvement offer' look like in our various schools?

The LAT approach to school improvement is a fully collaborative model with a core offer for all, providing both challenge and support for every school in our Trust. This core offer includes a range of monitoring and evaluation activities to challenge school leaders, and to support them on their school improvement journey.

For those schools that identify just one or two specific aspects of school performance that need improvement (identified either by the school or by the LAT), additional support is offered and can be provided.

Where whole-school improvement is required, the school is on an Ofsted grade 3 or due an inspection, targeted additional support is provided.

The Core LAT offer

- Termly 'challenge and support' visit from the CEO / NLE
- Annual headteacher performance management and a mid year / 6 monthly review
- Termly school visit from both the LAT Maths, English and Early Years Leads
- Access to the LAT EDT PP peer review programme and corresponding training
- Termly 'Away day' / SLT professional development days
- Access to annual PTSA / LAT visit to schools out of the city
- Funded annual attendance at the heads 'Inspiring Leadership' conference in Birmingham

- Weekly SLT meetings and the challenge and support of LAT headteacher colleagues
- Access to the LAT CPD / training fund (various NPQs) for LAT school leaders
- Access to the full range of general LAT INSET and targeted LAT CPD opportunities
- Access as required and negotiated / bought in, to the full range of designated LAT / PTSA LLEs, SLEs and PLEs
- NLE / CEO support for any / all leadership appointments
- Governance support from Karen Powell

Additional support – all the above plus

- Bespoke additional support as required / identified through audit / monitoring
- Additional access to the LAT Maths, English and EYFS leads
- Additional Access to NLE / CEO time

Targeted additional support – all the above plus

- Additional (minimum extra 1 x termly) NLE / CEO support and challenge visit
- NLE / PTSA support with accessing additional funding streams for extra resources ie TCAF / RSC sponsor grants / any DFE 'School Improvement' offers
- External 'bought in' as required ie Pupil Premium or phonics review
- External 'bought in' as required Ex Ofsted / HMI inspector 'Mocksted' type 'pre inspection' review / preparation
- NLE / CEO support with Ofsted preparation / SIF and SEF writing / Website preparation
- Additional bespoke governance support / inspection preparation from Karen Powell