



Scheme of Delegation 2021/22

Introduction

The Board of Trustees for Pennine Academy Trust is accountable in law for all major decisions about the schools within the Trust. However, this does not mean that the Board is required to carry out all the Trust's governance functions and many can and should be delegated, including to the CEH, the Board's Committees, and to Scrutiny Committees. Any decision to delegate a function is made by the full Board of Trustees and is recorded. Without such delegation, an individual or Committee has no power to act on behalf of the Trust.

This Scheme of Delegation is the key document defining the lines of responsibility and accountability in the Trust. It is intended to ensure that Members, Trustees, Board Committees, Scrutiny Committees (as agreed by Trustees), the Chief Executive Officer (and Trust Central Team) and Headteachers / Executive Headteachers / Heads of School are all clear about their roles and responsibilities. This overarching Scheme of Delegation for all decision making in the Trust should not be confused with the written scheme of delegation of financial powers referred to in the Academies Financial Handbook. This Scheme of Delegation sets out three levels of delegation in terms of local governance for the schools within Trust. The Board of Trustees will review the level of delegation applied to each layer of governance and responsibility, at least annually. The Trustees may, at any time, instruct a change to the level of delegation as deemed appropriate.

Format, Structure and Clarity

This Scheme of Delegation aims to clarify decision making and lines of accountability in a simple, succinct and clear format and, as such, includes:

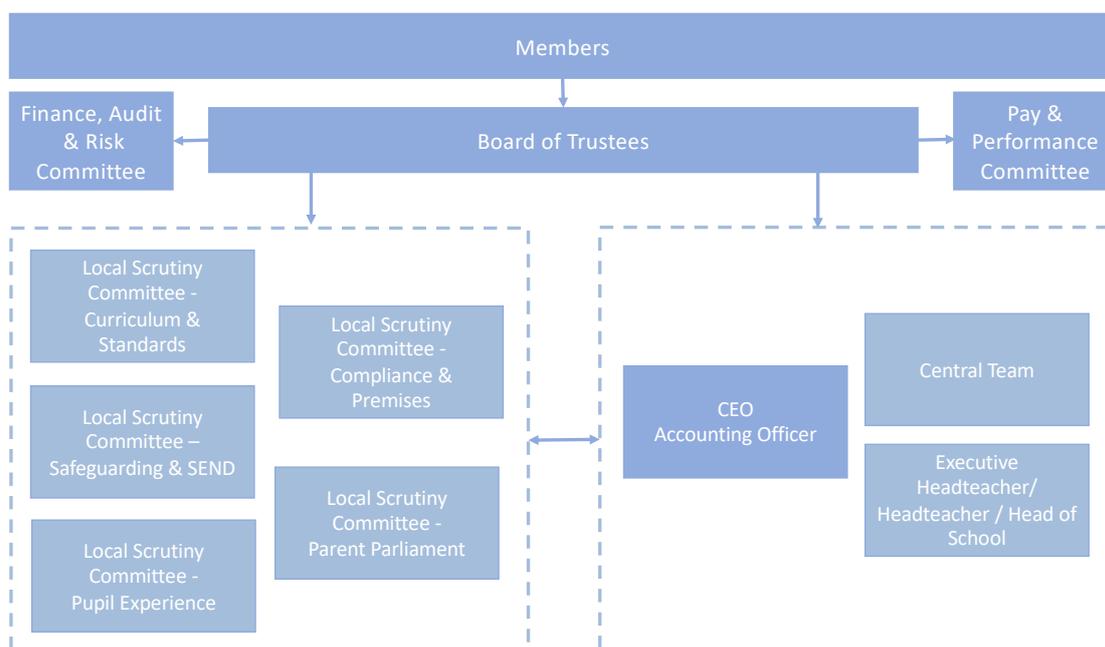
- A structure diagram which shows the layers of governance and lines of accountability;
- A brief text description of the structure;
- Narrative on roles and responsibilities;
- A grid format, with columns for each layer of governance which enables stakeholders to quickly determine who is responsible for each strategic decision within the Trust. The grid is in four key areas to reflect both the governance framework and the core functions of those responsible for academy trust governance:
 1. The governance framework (people, systems & structures, reporting);
 2. Being strategic;
 3. Holding to account;
 4. Ensuring financial probity.

Aims of this Scheme of Delegation

- Promote a culture of honesty and accountability;
- Ensure all stakeholders are clear about decisions which remain under the control of the Trust Board;
- Identify responsibility for the appointment and performance management of the CEH, Executive Headteachers / Headteachers / Heads of School;

- Ensure that the role of the CEH and Central Trust Team are fully understood throughout the Trust;
- Identify responsibility for policy and practice in each academy and the Trust;
- Identify responsibility for oversight of educational performance in each academy;
- Identify responsibility for oversight of each academy's budget;
- Identify responsibility for assessment of risk in each academy.

Governance Structure and Lines of Accountability



- The Board of Trustees is responsible for the core governance functions.
- The Board of Trustees appoint the chief executive (CEH), to whom it delegates responsibility for delivery of its vision and strategy, and will hold the CEH to account for the conduct and performance of the Trust, including the performance of the schools within the Trust and for its financial management (as Accounting Officer). School Headteachers / Executive Headteachers / Heads of School are responsible for the performance of their school/schools and the CEH will hold them to account.
- The Board of Trustees conduct the Performance Management of the CEH.
- In turn, the CEH line manages the academy Executive Headteachers, Headteachers and other senior executives, setting their targets and performance managing them.
- The Board constitutes Committees for finance, audit and risk and pay and performance. These look in detail at resources, and internal scrutiny arrangements within the Trust. As Board Committees, at least three Trustees must sit on each.
- The Board of Trustees also reserves the right to delegate some of its school level monitoring and scrutinising functions to Scrutiny Committees, and uses these Committees to promote stakeholder engagement and as a point of consultation.

- Scrutiny Committees will NOT carry out the governance function of holding the Headteachers / Executive Headteachers / Heads of School to account; Trustees will delegate this responsibility to the CEH and will monitor and ensure that the Trust's performance management systems are working correctly and effectively.

Roles and Responsibilities

The Role of Members

The Members of the Trust are guardians of the governance of the Trust and as such have a different status to Trustees. Originally they were the signatories to the memorandum of association and agreed the Trust's first articles of association (the legal 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 Board of Trustees and CEH 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, appointing the trust's External Auditors and making special resolutions to the Board of Trustees.

There must be at least three Members. 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, a minority of Members should be Trustees. Members are not permitted to be employees of the academy Trust.

The Role of Trustees

The Trust is a charitable company and so Trustees are both charity Trustees (within the terms of section 177(1) of the Charities Act 2011) and company directors. Because Trustees are bound by both charity and company law, the terms 'Trustees' and 'Directors' are often used interchangeably. Pennine Academies Trust uses the term Trustee.

The Trustees are responsible for the general control and management of the administration of the Trust, and in accordance with the provisions set out in the memorandum and articles of association and its funding agreement, the Trust Board is legally responsible and accountable for all statutory functions, for the performance of all schools within the Trust, and must approve a written scheme of delegation of financial powers that maintains robust internal control arrangements. In addition, it must carry out the core governance functions:

1. Ensure clarity of vision, ethos and strategic direction;
2. Hold the executive to account for the educational performance of the trust's 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.

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

The Role of the Board Committees

The Trustees may establish Committees to carry out some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the Board of Trustees. The membership (there must be at least three Trustees) and responsibilities of Board Committees are set out in the Committee's terms of reference. It is usual for the Trust Board to appoint Board Committee Chairs and Committee members according to their skills.

The Role of the Chief Executive Headteacher (CEH)

The CEH has the delegated responsibility for the operation of the Trust including the performance of the Trust's schools.

The CEH is the accounting officer so has overall responsibility for the operation of the 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 CEH leads the executive management team of the Trust. The CEH will delegate executive management functions to the Trust Central Team and is accountable to the Board of Trustees for the performance of the Trust Central Team.

The role of the Scrutiny Committees and Oversight Groups

The Trustees may establish Scrutiny Committees to carry out some of its school level monitoring and stakeholder engagement. Trustees are not required to sit on Local Scrutiny Committees. The Trustees will appoint the Scrutiny Committee members based on skills identified. Each Scrutiny Committee will be chaired by a Trustee who will be appointed as Chair by the Board of Trustees.

Functions of Scrutiny Committees include:

- Oversight of local safeguarding and SEND provision and compliance
- Oversight of local curriculum and standards;
- Oversight pupil wellbeing and experience;
- Oversight of health & safety and premises compliance
- Parent Parliament;

Scrutiny Committee members are appointed by the Board, and so delegation can be removed at any time, with the exception of the Parent Parliament, whose membership will be determined in consultation with the parent body across the Trust.

Scrutiny Committees will meet three times per annum. Each committee will have clear Terms of Reference that will be reviewed, at least annually, by the Board of Trustees.

The role of the Headteacher/ Executive Headteacher / Head of School

The academy Headteacher / Executive Headteacher / Head of School is responsible for the day to day management of the academy and is managed by the Chief Executive (CEH) but reports to the Board of Trustees and Scrutiny Committees on matters which have been delegated to them.

Delegation Grid Key

Key

Column 1: Members

Column 2: Board of Trustees (including Committees)

Column 3: Chief Executive Officer (including Trust Central Team)

Column 6: Headteacher/ Executive Headteacher/ Head of School

Column 7: Scrutiny Committee

✓ Action/Decision to be undertaken at this level

S Strategic responsibility for holding leaders to account to ensure in place and effective.

A May make recommendations or provide advice to those accountable for decision making.

Area	Decision	Members	Board of Trustees	CEH	EH/ HT / HOS	Scrutiny Committee
People	Appoint / Remove Members	✓				
	Appoint / Remove Trustees	✓	✓			
	Review and agreed role descriptions, induction and training programme for members / trustees / chair / specific roles / committees / scrutiny committees		✓	A		
	Appoint Chair of the Board		✓			
	Remove Chair of the Board	✓				
	Appoint / Remove Board Committee Chairs		✓			
	Appoint / Remove Clerk to Board		✓	A		
	Appoint / Remove Scrutiny Committee Chair		✓	A		
	Appoint / Remove Clerk to the Scrutiny Committee		✓	A		
	Appoint / Remove Scrutiny Committee members		✓	A		
	Appointment/Dismissal of CEO and CFO		✓			
	Appointment of School Headteacher / Executive Headteacher / Head of School		✓	✓		
	Dismissal of School Head / Executive Headteacher / Head of School		✓	A		
	Appointment of school leadership roles			✓	✓	A
	Appointment of other school staff				✓	A
	Appointment of Trust central staff			A	✓	
Central Trust Staffing Structure			✓	A		

Area	Decision	Members	Board of Trustees	CEH	EH/ HT / HOS	Scrutiny Committee
	School Staffing Structure / Restructure		✓	A	A	
	Take part in formal HR Hearings/Appeals		✓	✓	✓	✓
	Termination of employment: no severance above contractual entitlement		A	✓	✓	
	Termination of employment: severance above contractual entitlement or compromise agreement		✓	A	A	
Systems and structures	Review, agree and change Articles of Association	✓	A	A		
	Establish and review the governance structure		✓	A		
	Review and agree Scheme of Delegation		✓	A		
	Review and agree terms of reference for Board Committees and Scrutiny Committees		✓	A		
	Monitor Scrutiny Committee Chair performance		✓	A		
	Board of Trustees – Succession planning / Recruitment / Retention		✓	A		
	Review annual schedule of business for Board of Trustees		✓	A		
	Review annual schedule of business for Scrutiny Committees		✓	✓	A	A
	Oversight and management of conflicts of interest	A	✓	A	A	A
	Decision making for Fixed Term and Permanent Exclusions			✓	✓	
	Agreeing Term Dates for Trust Schools		✓	A		
Reporting	Agreement of Trust's annual accounts and report		✓			
	Consideration and acceptance of Trust's annual accounts and report	✓	A			

Area	Decision	Members	Board of Trustees	CEH	EH/ HT / HOS	Scrutiny Committee
	Ensure publication on Trust and schools' websites of all required details on governance arrangements		✓	✓		
	Oversight of submission of other statutory reports (budget forecast returns, gender pay gap reporting, executive pay reporting etc.)		✓	A		
	Annual reporting on Trust/school safeguarding arrangements and efficacy.		✓	✓	✓	✓
	Annual reporting on Trust/school SEND arrangements and efficacy.					
Being Strategic	Determine and approve statutory and financial Trust-wide policies (facilitating discussions with unions where appropriate)		✓	A		
	Determine and approve statutory school level policies		✓			
	Development of statutory school level policies		✓	✓	A	A
	Determine and approve non-statutory school level policies		✓	✓	A	A
	Agree central spend / top slice		✓	A		
	Establish, review and monitor management of risk: establish, risk management strategy and risk register.		✓	A		
	Determine, agree and monitor Trust vision and strategy, key priorities and key performance indicators (KPIs)		✓	A		
	Determine and agree school vision and strategy, key priorities and key performance indicators (KPIs)		✓	✓	A	A
	Monitor school vision and strategy, key priorities and key performance indicators (KPIs)		✓	✓	✓	✓

Area	Decision	Members	Board of Trustees	CEH	EH/ HT / HOS	Scrutiny Committee
	Agree budget plan to support delivery of Trust key priorities, including capital strategy.		✓	A		
	Agree budget plan to support delivery of school key priorities		✓	A		
	Engagement with key stakeholders		✓	✓	✓	✓
Holding to account	Agree auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment, HMRC pensions)		✓	A		
	Ensure the Trust's compliance with the Academy Trust Handbook	✓	✓	✓	✓	✓
	Reporting arrangements for progress on key priorities		✓	A	A	
	Performance management of the Chief Executive Officer		✓			
	Performance management of other Central Trust Staff			✓		
	Performance management of Executive Headteacher			S	✓	
	Performance management of Headteacher/Head of School				✓	A
	Performance management of other school staff				✓	✓
	Trustee performance monitoring, (including Chair / Vice Chair roles) through periodic review		S	✓	A	
	Scrutiny Committee performance monitoring (including Chair / Vice Chair roles) through periodic review			✓	A	
	Oversight and monitoring of individual school curricula				✓	✓
Oversight and monitoring of individual school standards and outcomes			✓	✓	✓	✓

Area	Decision	Members	Board of Trustees	CEH	EH/ HT / HOS	Scrutiny Committee
	Oversight and monitoring of premises maintenance and health and safety.		✓	✓	✓	✓
Ensuring Financial Probity	Appoint Trust's External Auditors	✓				
	Appoint Trust's Internal Auditors and agree audit plan		✓			
	Establish and review Trust's scheme of financial delegation		✓	A		
	Receive and review External auditors' report		✓	A		
	Agreed CEO pay award		✓			
	Agree Executive Headteacher / Headteacher / Head of School pay award		✓	A		
	Review and agree staff appraisal procedure and pay progression.		✓	✓		
	Review and agree any staff pay protection requests.		✓			
	Ensure robust Trust-wide benchmarking and value for money strategies		✓			
	Develop Trust-wide procurement strategies and efficiency savings programme				✓	
	Review and approve Trust-wide procurement strategies and efficiency savings programme			✓		