



The Legacy Learning Trust Scheme of Delegation

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Introduction

The Legacy Learning Trust (TLLT) board of trustees is accountable in law for all major decisions about all 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 functions can and should be delegated elsewhere, including to the CEO, the board's committees, and to academy committees, known as local governing bodies (LGBs). Where the items are delegated to the CEO, this is done with the understanding that this may then be delegated further to executive leaders or members of the shared services team as appropriate. It is vital that the decision to delegate a function is made by the full board of trustees and is recorded. Without such delegation, the individual or committee (board or academy) has no power to act.

The principle governing document in our trust is the articles of association. The articles set out the charitable purpose of the trust, providing a framework for trusts to act within both company and charity law. They do not however include the specific detail of the trust's chosen governance structure and how governance functions have been delegated. This is why it is critical that trusts agree this scheme of delegation that explicitly establishes who carries out which governance function and can therefore make the decisions associated with that function.

A scheme of delegation is not an optional extra – it is an essential requirement for effective governance and clear decision making. As a document, the scheme of delegation should be as simple and systematic as possible, so that the members, trustees, board committees, academy committees (known in TLLT as local governing bodies), and executive leaders are all clear about their roles and responsibilities within the governance structure.

It is important that the scheme of delegation is visible to all, both within and beyond the trust, so that it is clear how the governance structure and lines of accountability work. This is why the scheme of delegation must be published on the trust's website, as well as all of its schools' websites.

Governing and managing groups of schools is complex – hence this scheme is designed to demonstrate not every single governance function but the principles which determine the lines of accountability so that it is clear where certain functions and key decision making lies.

Some points to note:

- Academy trusts should maintain a clear distinction between accountability through governance (i.e. by the trust board and its committees) and accountability through line management (i.e. by executive leaders); you will find examples of mixed accountability in the variations to the standard model of delegation illustrated in this guidance, i.e. where both governance and line management are being utilised.
- TLLT takes the view that there should be clear separation between the layers of governance which means that the individuals making up one tier of the governance structure of the organisation are not the same as another tier; in other words, ideally, the majority of members should not also be trustees. At TLLT one trustee also serves as a member to provide a communication link between the layers of governance.
- Academy trusts with academy committees can choose what they call these committees. At TLLT they are referred to as Local Governing Bodies with their members known as local governors. However, they should be clear that this terminology is not used in the same sense as when it is used in maintained schools, where governing bodies and governors act in accordance with school governance regulations.
- The overarching scheme of delegation should not be confused with the written scheme of delegation of financial powers referred to in the Academy Trust Handbook.

The status of the scheme of delegation

The scheme of delegation is a key governance document because without it, it is not clear how accountability and decision-making works within the trust. This is why the Academy Trust Handbook requires it to be published on the trust's website.

It is especially important that maintained schools joining academy trusts take time to understand the trust's scheme of delegation so that they are clear about the trust's approach to local governance and which functions are delegated. TLLT supplement the scheme of delegation with terms of reference for their academy committees, so it is clear how these are constituted.

As with all committees, the trust board has the power to change the constitution and powers of its committees at any time, and this includes the membership of those committees too.

1. Features of an effective scheme of delegation

TLLT scheme of delegation will:

- reflect the trust's vision and values, promoting a positive climate and a culture of honesty, transparency, and accountability for the benefit of all stakeholders in line with the Nolan Principles
- ensure the executive leadership is clear about which decisions the trust board retains, and the extent of executive powers
- be clear about who appoints and performance manages the chief executive, other senior executives, and the schools' Headteachers
- identify where the trust board retains responsibility for:
 - determining policy
 - management of risk
 - oversight of budgets and financial management
 - oversight of educational performance

2. The standard model of delegation

Members			
Board of Trustees			
Resources, Employment and Finance Committee	Audit and Risk Committee	Standards Committee	Local Governing Bodies
Headteachers			

2.1 Features of the standard model

This model of delegation features three clear layers of governance:

1. members
2. trustees
3. committees and individuals

It makes clear that:

- The members have a limited yet distinct and vitally important role.
- The board of trustees is responsible for the core governance functions.
- The board of trustees appoint the chief executive (CEO), to whom it delegates responsibility for the conduct and performance of the trust, including the performance of the schools within the trust, and for its financial management.
- The board constitutes committees for finance, audit and risk, and for curriculum and standards; these look in detail at resources and risk, and progress and attainment across the trust.
- The board also constitutes academy committees (local governing bodies) to provide links to parents and the community, as well as for providing additional scrutiny of how the trust is managing its schools. These may have formal delegated governance functions or decision-making powers eg Pupil Premium and report to trustees.
- It should also be clear from which tier within the governance structure that panels are convened; this should include formal complaints panels, reviewing pupil exclusions and dealing with disciplinary matters.

3. Detailed roles and responsibilities

3.1 The role of the members

- The members of the trust are guardians of the governance of the trust and must ensure it carries out its charitable objective.
- There must be at least three members, although the DfE prefer at least five; members are not permitted to be employees of the academy trust.
- The members agree the trust's articles of association, appoint trustees and appoint the trust's external auditors.
- The members should receive information about the trust's business and receive the annual report and accounts. If they have concerns that the trust is not carrying out its charitable objective, members should remove trustees that are failing to fulfil this responsibility.

3.2 The role of the 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 (within the terms of the Companies Act 2006).
- Trustees are bound by both charity and company law so the terms ‘trustees’ and ‘directors’ are often used interchangeably. TLLT uses the term trustee as it avoids the possible confusion caused when executive leaders are called directors but are neither company directors nor trustees. The use of trustee also serves to highlight the overarching charitable purpose of the organisation, distinguishing it from other directorships that may be held in the private sector.
- Trustees are responsible for the general control and management of the trust, and in accordance with the provisions set out in the memorandum and articles of association and its funding agreement are legally accountable for all statutory functions and for the performance of all the schools within the trust; they do this by carrying out the core governance functions.
- The board of trustees must approve a written scheme of financial delegation and if they choose to delegate to board committees and academy committees (local governing bodies), must approve a written scheme of delegation and committee terms of reference.
- The trust creates information pathways between the trust board, the academy committees (LGBs) and the chief executive so that academy committees (LGBs) can share with them any concerns (or celebrations) they may have.

3.3 The role of trust board committees

- Trustees delegate some governance functions to board committees, one of which must include audit and risk which advises on the adequacy of the trust’s controls and risks.
- Board committees must have at least three trustees in membership, and trustees must be in the majority for voting purposes; it is usual for the trust board to appoint board committee chairs and committee members according to their skills.

Most trusts will delegate detailed scrutiny of financial management and school performance to board committees.

3.4 The role of local governing bodies

- Trustees delegate some governance functions to the local governing bodies for each school; the articles of association do not require trustee membership of the local governing bodies and by committing to the separation of individuals on each tier in the governance structure, trusts are able to demonstrate transparent decision making and prevent bias and conflicts from emerging, thus strengthening the governance checks and balances within the trust.

- It is advisable for the trust board to approve the appointment of the local governing body Chairs, and many will also approve the appointment of the majority of the committee members.
- Most trusts opt for parent representation to be at school level with parents elected to sit on the local governing bodies as opposed to trust wide elections for parent trustees.

Being close to and representative of the community the school serves, the local governing bodies should be:

- a valued point of consultation and representation in the development of trust policies
- the recipients of detailed information about how their schools are being managed
- tasked with scrutinising management information thus providing assurance to trustees that the school is:
- operating within the ethos and values of the trust and creating a positive climate for all stakeholders
- working within agreed policies
- meeting the agreed targets
- engaging with stakeholders
- acting as an ambassador for the trust
- In trusts with very small schools, or schools in very close proximity, or a number of schools overseen by an executive headteacher, having one academy committee overseeing that group of schools is an effective approach to local governance.
- The trust board should demonstrate the value they put on local governance by ensuring effective channels of communication between trustees and local governing bodies, as well as providing specific training and development for all involved in the governance of the trust.

3.5 The role of the chief executive

- The trustees delegate the day-to-day management of the trust to the chief executive, line managing them in line with the trust's appraisal and performance management policies.
- The chief executive is also the accounting officer and so is not only responsible for the performance of the trust as a whole but has a personal responsibility to parliament for the regularity, propriety and value for money, and for assuring the board about compliance with the funding agreement and the Academy Trust Handbook. Whilst accountability for financial matters cannot be delegated, the accounting officer will inevitably need to place reliance on the work of the Chief Finance Officer (CFO), which the trust board is required by the Academies Handbook to appoint.

- The chief executive will be responsible for the leadership and management of the central executive team and the schools' headteachers and will report to the trust board and its committees.

3.6 The role of headteachers

- The chief executive delegates the day-to-day management of the trust's schools to headteachers, line managing them in accordance with the trust's appraisal and performance management policies.
- Headteachers share information about how the trust is managing the school with the local governing body so that committee members build an understanding about how the school operates and are enabled to monitor and scrutinise how key policies and improvement plans are working in practice.

4. Variations to the standard model

4.1 Delegation to an intervention board

Some trusts find the use of an intervention board an effective way of managing a school which requires rapid improvement across a range of operational areas as well as to the local governance function. Similar to an interim executive board in a maintained school, an intervention board will generally consist of a small number of senior executives plus one or two non-executives (trustees or local governing body members) who will meet very regularly (eg fortnightly or every three weeks or so) to monitor and evaluate agreed actions and to take key decisions. The board should be chaired by the chief executive (or in a large trust, the appropriate senior executive), and its work should be reported directly to the board via the chief executive.

Typically, these boards do not include parents, so it is important that a parent council or similar is established in the school as soon as it is practicable. This is also why any intervention board should be time limited with the aim of establishing a local governance function as soon as possible.

5. Delegation and decision making The Legacy Learning Trust

Key
A Accountable – Answerable for the task being delivered. Delegates the task to those responsible. There should only be one person/group accountable for each task/decision.
R Responsible – Responsible for delivery and does the work to achieve the task, Can be shared between groups/individuals.
C Consult – Needs to be involved before the decision is made. Communication is two way, these are important stakeholders or have relevant specialist knowledge.
* denotes a compliance item.
<p>Note: Decisions delegated to the trust board may be delegated to a board committee but not the CEO, academy committee or HT. Decisions delegated to CEO may be further delegated to Executive Leaders. Those accountable are also assumed responsible unless signposted otherwise.</p> <p>It is assumed that persons/groups will be informed as appropriate.</p>

	Function	Members	Trust board / board committees	CEO / accounting officer	Local Governing Body	HT
1 Governance	1.1 Members: appoint/remove	A *				
	1.2 Trustees: appoint/remove	A *				
	1.3 Elect Chair of trustees		A *			
	1.4 Trust Board committee chairs: appoint and remove		A *			
	1.5 Determine the powers of Chair in urgent situations		A *			
	1.6 Agree named safeguarding trustee		A *			
	1.7 Agree named trustee for SEND		A *			
	1.8 Agree named careers trustee (requirement for secondary phase)		A *			
	1.9 Local governing body chairs: appoint and remove		A *		C	

Function		Members	Trust board / board committees	CEO / accounting officer	Local Governing Body	HT
2 Vision and Strategy	1.10 Local governing body members: appoint and remove		A *		C	
	1.11 Appoint trust governance professional		A *	R		
	1.12 Agree local governing body clerking arrangements		A *	R	C	
	1.13 Articles of association: review		A *			
	1.14 Articles of association: ratify changes	A *				
	1.15 Governance structure for the trust: establish and review annually		A *	C		
	1.16 Agree Committee terms of reference		A *	R	C	C
	1.17 Complete annual review of scheme of delegation		A *	R	C	C
	1.18 Commission external review of trust board effectiveness every 3 years	C	A	C		
	1.19 Complete regular trust board self- review		A		C	
	1.20 Complete review of local governance		A	R	C	C
	1.21 Publish governance arrangements on trust and academy websites		A *	R		
	1.22 Ensure trust website is compliant and effective		A *	R		
	1.23 Ensure academy websites are compliant and effective		A *	R		R
	1.24 Annual report on the performance of the trust: submit to members and publish		A	R		
	1.25 Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit to members and Companies House		A *	R		
	2.1 Determine trust's vision, strategy and key priorities		A/R	R	C	C
	2.2 Determine trust wide statutory policies which reflect the trust's ethos and values		A *	R		
	2.3 Determine trust wide non statutory policies			A		
	2.4 Determine school level statutory policies		A *	R	R	R
	2.5 Determine school level non statutory policies				A	R
	2.6 Establish risk register and conduct regular review		A *	R		

Function		Members	Trust board / board committees	CEO / accounting officer	Local Governing Body	HT
3. Learners and Learning	2.7 Determine a programme of internal audit in line with the risk register and monitor its delivery		A * R	R		
	2.8 Agree trust growth plans		A	R		
	2.9 Set trust financial strategy		A	R		
	2.10 Monitor schools' overall effectiveness		A	R	R	R
	2.11 Monitor and review strategic business plan		A	R		
4. Workforce	3.1 Follow statutory process and policy for: Attendance Suspensions and Permanent Exclusions Admissions Disciplinary		A *	C	R	R
	3.2 Set the dates of school terms and holidays			R	A	R
	3.3 Set the times of school sessions			C	A	R
	3.4 Delivery of careers guidance with regard to statutory requirement			C	C	A *
	3.5 Review the performance of the academies		A	R	R	R
	3.6 Compliance with SEND code of practice					A *
	3.7 At academy level devise, implement and monitor progress of SEF/SDP			C	A	R
	3.8 Ensure all child protection and safeguarding policies and procedures are in place and followed		A *	R	C	R

Function		Members	Trust board / board committees	CEO / accounting officer	Local Governing Body	HT
4. Executive Team	4.6 Appointment or suspension/dismissal of trust central staff		C	A *		
	4.7 Appointment or suspension/dismissal of CFO/COO/CFOO		A *	R		
	4.8 Setting Executive pay levels		A *			
	4.9 CEO appraisal and pay review		A *			
	4.10 Executive Team appraisal and pay review		A *	R		
	4.11 Performance management of Headteacher			A *	C	
	4.12 Ensure Central Team performance management and appraisal carried out in line with policy			A		
	4.13 Ensure school based performance management and appraisal carried out in line with policy				A *	R
	4.14 Determine trust Central Team and Executive Team staffing structure		C	A		
	4.15 Annual staffing structure at each school set and adhered to for any in year appointments			A		R
	4.16 Absence management/approval of leave of absence for Headteachers, Head of School and Central Team			A		
	4.17 Implementation of all nationally agreed revisions to pay and conditions		A	R		
	5.1 Develop stakeholder partnerships across the Trust		A	R	C	C
5. Community	5.2 Develop stakeholder partnerships at academy level			C	A	R
	6.1 Monitor academy estates to ensure safe and well maintained		A *		R	R
6. Finance and Operations	6.2 Agree premises management documents		A *	R	C	R
	6.3 Appoint and remove external auditors	A *	C			
	6.4 Trust's scheme of financial delegation: establish, monitor and review		A *	R		
	6.5 Receive external auditors' report	A *				

Function	Members	Trust board / board committees	CEO / accounting officer	Local Governing Body	HT
6.6 Action recommendations arising from external and internal audit reports 6.7 Benchmarking and trust wide value for money: ensure robustness 6.8 Monitoring trust and academy budgets 6.9 Agree budget plan to support delivery of trust strategic priorities 6.10 Agree budget plan to support delivery of schools' strategic priorities 6.11 Produce annual report and accounts in line with the Charity Commission's Statement of Recommended Practice 6.12 Submit ESFA required reports and returns		A *	R		

Budget Setting	
Delegated Authority	Action
Headteacher and SBM	To set, submit and monitor budget at school level and report to LGB
CFOO	To QA school level budget setting and monitoring
CEO	Responsibility and recommendations to trustees
REF/TB	Accountability and approval
CFOO	To set, submit and monitor budget at central and trust level
CEO	Responsibility and recommendations to trustees
REF/TB	Accountability and approval

Financial Levels of Authority

Delegated Duty	Value	Delegated Authority	Comment
Approving adverse variances compared to the most recent budget or forecast	Unlimited	Chief Finance Officer and Chief Executive and Trust Board or Finance & Audit Committee.	
Ordering goods and services (including advertising of tenders and award of contracts)	Up to £1000	Authorised budget holder and SBM/Central Finance Manager	If within the approved budget level
	£1000 - £5000	CEO can delegate spending at this level to central Finance Manager. Headteacher spending limit can be delegated to SBM at discretion of Headteacher	If within the approved budget level
	£5001 to £25,000	CFOO spending limit for all schools and central	If within the approved budget level. Orders above £10,000 at least 3 quotations required where possible (see Financial Handbook).
	£25,001 to £100,000	CEO with CFOO	
	Over £100,000	REF Committee	Recommendation from CEO/CFOO.
	Authority to accept other than lowest quotation or tender	Approval required in accordance with the delegated authority set out above	CFOO single supplier authorisation required where 3 quotes cannot be obtained eg where there are not 3 viable alternative suppliers

Delegated Duty	Value	Delegated Authority	Comment
Ordering procedures	£10,000 to £100,000	3 competitive quotations	Written evidence required and within financial delegated authority
	Over £100,000	CFOO and CEO	Tendering procedure
Asset register	Over £3,000	SBM, Trust Finance Manager, CFOO and CEO	Capitalisation limit
	Over £250	SBM, Trust Finance Manager, CFOO	Attractive portable items
Virements between budget headings	Up to £10,000	CFOO	
	Up to £25,000	CEO	
Entering into lease arrangements	Any value	CFOO and CEO and Trust Board and ESFA (where required)	As above authority limits, or as required by lease conditions
Purchases using Corporate Card		Named card holder and Headteacher or CEO or CFOO	In line with purchasing authority limits
Delegated Duty	Value	Delegated authority	Comment
Authorising monthly salary payments	Unlimited	CFOO	
Delegated Duty	Value	Delegated authority	Comment
Signatures for cheques or online payments	Up to £17,500	2 signatories in accordance with the bank mandate	
Signatures for cheques or online payments	Over £17,500	2 signatories in accordance with the bank mandate – one of which must be CEO	
Delegated Duty	Value	Delegated authority	Comment

Signatories for grant claims and DfE returns	Unlimited	CFOO and CEO (Accounting Officer)	2 signatories or as required by DfE/ESFA
Delegated Duty	Value	Delegated authority	Comment
Disposal of assets	Up to £250	CFOO	
	£250 to £5,000	REF	CFO to report to REF Committee
	Over £5,000	Trust Board and CFO and CEO and Trust Board	DfE approval required for disposal of assets funded with more than £25,000 of DfE grant or transferred from the LA at nominal consideration, freehold land and buildings or heritage assets
Delegated Duty	Value	Delegated authority	Comment
Write off bad debts	Up to £250	HT and CFOO	
	Over £250	Trust Board	Approval from ESFA for write off of debts over £45,000 (ATH 2022)
Delegated Duty	Value	Delegated authority	Comment
Other monetary limits			
Petty Cash imprest	£500	SBM and HT	Except for an unusual event
Safe cash/cheque limits	Cash up to £10,000 £5,000 cheques £500 monetary instruments ie stamps and vouchers	SBM and HT	As per insurance policy
External audit	Over £10,000	Trust Board	Fees in respect of non audit services to be approved by the Trust Board

All post holders will include 'Acting' or 'Associate' post holders. The position of Head of School will assume the same delegated authority within Trust policies, procedures and this scheme of delegation, as the position of Headteacher

Appendix 1

Structure diagrams for variations on the standard model

Delegation to an intervention board

Members				
Board of Trustees				
Resources, Employment and Finance Committee	Audit and Risk Committee	Standards Committee	Intervention Board	Local Governing Bodies
Headteachers				

