

# Three Counties Academy Trust



## Scheme of Delegation



## **Introduction**

Three Counties Academy Trust was formed in 2022 when the previous QEHC Academy Trust, a SAT in North Herefordshire, welcomed 2 new primary academies, St. Peter's Primary School and Bredenbury Primary School into the trust and accepted Mat articles under the new name Three Counties Academy Trust.

The structure of the MAT is based on centralised practice. We run a GAG pooling model of funding and operate with an Executive Team and Heads of School.

This Scheme of Delegation has built into it those areas delegated to a Local Governing Body so that new entrants to the Trust can be accommodated swiftly and conduct those tasks delegated to them by the Trust Board. Where no distinct Local Governing Body exists (e.g., Queen Elizabeth High School) then the Trust Board will assume the roles and responsibilities at Local Governing Body level until such time that a Local Governing Body is constituted.

If the Trust grows and there are further entrants to the Trust then the Scheme of Delegation will be reviewed, and in any case, it will always be reviewed annually as a minimum expectation.

## **Supporting Information**

A multi academy trust's (MAT) Trust Board is accountable in law for all major decisions about their academies. However, this does not mean that the Trust Board is required to conduct all of the Trust's governance functions, and many can and should be delegated, including to the Executive Officer(s) and appointed committees. It is vital that the decision to delegate a function is made by the full Trust Board and is recorded. Without such delegation, the individual or committee has no power to act. Which functions the Trust Board decides to delegate will vary depending upon the size of the Trust, both in terms of the number of academies and the number of pupils in the Trust, and the way in which its leadership is structured, as well as the geographical spread and the context of the academies. Three Counties Academy Trust, even allowing for local geographical growth, remains a small Trust and is structured accordingly with a relatively flat structure in use.

is also possible for a Trust to mix models of delegation, for example delegating functions to academy committees in its secondary academies and to a hub committee for its primary academies, this will be the intention for Three Counties Academy Trust moving forward with amalgamation of primary school governing bodies into a combined Local Governing Body. A Scheme of Delegation is the key document defining the lines of responsibility and accountability in a Trust. It should be a simple yet systematic way of ensuring that the Members, Trustees, board committees and Local Governors, cluster and/or academy committees, Executive Leadership Team, and academy 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 Academy Trust Handbook.

## **Scheme of Delegation**

Some Governing Bodies join a Trust assuming that they will continue to function as they did when the Governing Body of a maintained school. However, even if on joining they are known as the Local Governing Body (LGB), this body will in fact be a committee appointed by the Trust Board who has the power to appoint and remove committees at any time, be it a Trust Board committee or a Local Governing Body committee.

A detailed yet clear Scheme of Delegation will prevent confusion arising before any misunderstanding develops and leads to a loss of trust and damaged working relationships. A Scheme of Delegation must be fit for purpose which means it clearly demonstrates the lines of accountability. Where there is duplication or overlap, questions should be asked as workload issues may develop (e.g., the need to produce reports for and attending meetings of more than one layer of governance) and cracks can develop as

assumptions are made about who is responsible for what with the result that decisions are either not made or different decisions are reached by different people or committees.

### **Format and Structure**

Each of NGA's approved models including this variant, aim to clarify decision making and lines of accountability in a simple, succinct, and clear format and as such it includes:

- A structure diagram which shows the layers of governance and lines of accountability
- A short paragraph of text which describes the structure
- Detailed 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 six key areas to reflect both the governance framework and the three core functions of the Trust Board and Local Governing Bodies:

1. The governance framework:

- a. People
- b. Systems and structures
- c. Reporting

2. Being strategic

3. Holding to account

4. Ensuring financial probity

5. Education and Curriculum

6. Operational

### **Review and adapt**

As a MAT matures and grows, the workings of the MAT, both in terms of governance and management are likely to change. The Scheme of Delegation should be reviewed annually, with changes made as the context changes, if necessary, each year. This is not a failure, but recognition of the need to be responsive to changing circumstances and to adapt accordingly. It is, however, important to ensure that all involved in governance are made aware of any changes and what these mean in practice.

### **An effective scheme of delegation will:**

- Promote a culture of honesty and accountability
- Ensure the executive leadership is clear about which decisions the Trust Board remain in control of
- Identify responsibility for the appointment and performance management of the CEO/Executive Headteacher

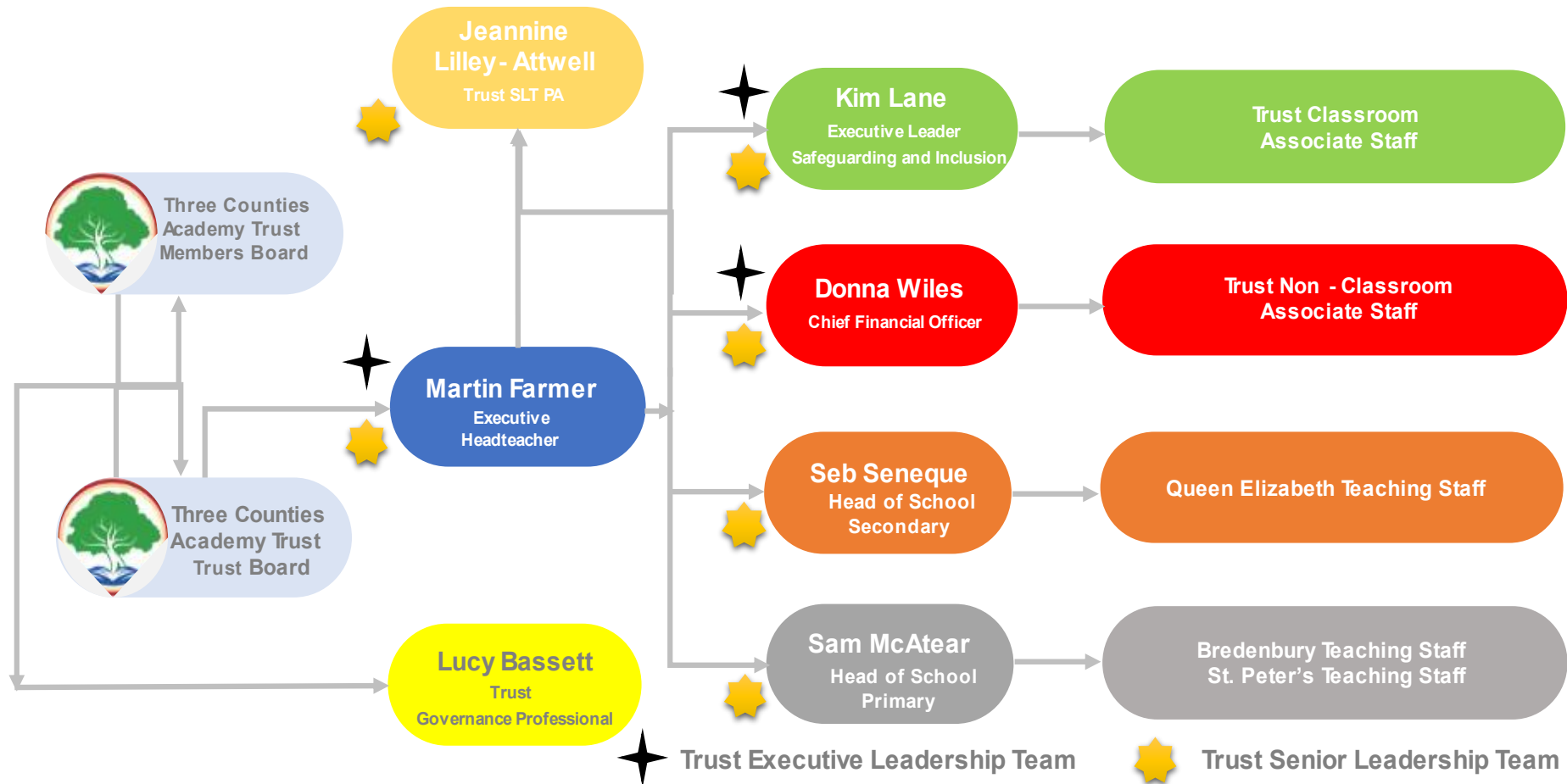
- Ensure that the role of the executive leadership is fully understood throughout the Trust
- Identify responsibility for policy and practice in each member academy
- Identify responsibility for oversight of educational performance in each member academy
- Identify responsibility for oversight of each member academy's budget and risk

### **Governance Structure and Accountability**

- The Trust Board is responsible for the three core governance functions
- The Trust Board appoint the Executive Officer (EO), to whom it delegates responsibility for delivery of its vision and strategy, and will hold the EO to account for the conduct and performance of the Trust, including the performance of the academies within the Trust, and for its financial management
- In turn, the EO line manages other senior executives in the Trust Executive Team and the academies' Heads of School, setting their targets and performance managing them
- The Trust Board constitutes Local Governing Bodies, (LGBs); these look in detail at resources and progress and attainment across the trust reporting back as required to the Trust Board
- The Trust Board delegates some of its academy level monitoring and scrutinising functions to Local Governing Bodies (LGBs)
- Trustees do not need to sit on LGB committees, and so lines of communication to the Trust Board must be clearly established. It is usual for the EO to seek input from the chairs of the LGBs when undertaking the Heads of School performance management
- As the Heads of School are being line managed by the EO, the LGBs do not conduct the governance function of holding the Heads of School to account. In this Trust and model, the EO acts as Executive Headteacher who is held to account by the Trust Board

# Three Counties Academy Trust

## Executive and School Leadership Structure



The model above reflects the leadership of the Trust as mandated by the Trust Board. Constituted Local Governing Bodies will function as a committee of the Trust Board and will report directly to the Trust Board. They will retain a separate Clerk to the Local Governing Body.

## **Roles and Responsibilities**

### **The role of the 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 will have been the signatories to the Memorandum of Association and will have 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 will 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 objective is conducted and so must be able to remove Trustees if they fail to fulfil this responsibility. Accordingly, the Trust Board (TB) 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.

There must be at least three Members, although the DfE prefer at least five, and 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 Trust Board (TB)**

The MAT 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. Three Counties Academy Trust will use the term Trustee when referring to Trust Board members, Governors when referring to LGB members and Executive Officers when referring to the Trust Executive Team.

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, it is legally responsible and accountable for all statutory functions, for the performance of all academies within the Trust, and must approve a written Financial Scheme of Delegation that maintains robust internal control arrangements.

In addition, it must conduct the three 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 academies 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 Trust Board has the right to review and adapt its governance structure at any time which includes removing delegation.

### **The role of Trust Board committees**

The Trust Board may establish committees to conduct some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the Trust Board. The membership (there must be at least three members) 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 Academy Trust Handbook makes it clear

that the Trust Board should have a Finance Committee to which the Trust Board delegates financial scrutiny and oversight. Three Counties Academy Trust by virtue of size, combines its Finance and Audit Committees into a single entity.

Committees established currently are as follows:

- Finance and Audit (Trust Board)
- Executive Officer/Executive Headteacher Appraisal and Review (Trust Board)
- Local Governing Body Primary
- Local Governing Body Secondary (note until this committee is fully populated it remains un-constituted and will include Trustees)

Additionally, a number of ad hoc committees or working parties may at any time operate across the Trust.

### **The role of the Executive Officer (EO)**

The Executive Officer has the delegated responsibility for the operation of the Trust including the performance of the Trust's academies and so the EO performance manages the academy Heads of School. The EO 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 EO leads the Executive Leadership Team of the Trust. The EO will delegate executive management functions to the Executive Leadership Team including, but not limited to the Trust Finance Officer, and is accountable to the Trust Board for the performance of the Executive Leadership Team.

### **The role of the Local Governing Body (LGB)**

The Trustees may establish LGBs to conduct some of its local area and academy level governance functions. As Trustees are not required to sit on LGBs, decision-making is delegated. Trustees will appoint the Chair or will sanction the decision to elect a Chair by the LGB.

Typically, delegated functions may include:

- Building an understanding of how the LGBs academies are led and managed
- Monitoring whether the academies within the LGB are:
  - Working within agreed policies
  - Is meeting their agreed targets
- Engaging with stakeholders
- Being a point of consultation and representation
- Reporting to the Trust Board on vision delivery

As a committee of the Trust Board, delegation to the LGB can be removed at any time.

### **The role of the Head of School**

The Heads of School are responsible for the day-to-day management and performance of their academies. The Head of School reports to the EO who acts as Executive Headteacher regarding functions that have been delegated.

## Delegated Responsibility Matrix

Column 1: Members

Column 2: Trust Board

Column 3: Trust Board Committees

Column 4: Local Governing Body

Column 5: Executive Officer/Executive Headteacher (may include members of the Executive Leadership team)

Column 6: Trust Finance Officer

Column 7: Heads of School

✓	Primary Decision Maker/Responsibility
A>	Primary Adviser to Delegated Lower Level
A<	Primary Adviser to Higher Level Decision Maker/Responsibility
A>	Additional Adviser to Delegated Lower Level
A<	Additional Adviser to Higher Level Decision Maker/Responsibility
GFP	Governance Framework: People
GFS	Governance Framework: Systems and Processes
GFR	Governance Framework: Reporting
BS	Being Strategic
HA	Holding to Account
FP	Ensuring Financial Probity
EC	Education and Curriculum
OP	Operational



**Core Function  
The Governance Framework  
Devolved Responsibility/Task**

**Members  
Trust Board  
Committee  
Local Governing Body  
Executive Officer  
Chief Finance Officer  
Head of School**

<b>GFP 01</b>	Appoint and/or remove Members	✓						
<b>GFP 02</b>	Appoint and/or remove Trustees	✓	A					
<b>GFP 03</b>	Determine Role Description for Members	✓						
<b>GFP 04</b>	Determine Role Descriptions for Trustees/Chair/Committees	A	✓		A<	A<		
<b>GFP 05</b>	Facilitate election of Parent/Carer Trustees/Governors		✓		A<			
<b>GFP 06</b>	Appoint and/or remove Local Governing Body		✓		A<	A<		
<b>GFP 07</b>	Appoint and/or remove Local Governing Body Chairs		✓		A<	A<		
<b>GFP 08</b>	Ratify appointment of Local Governing Body Vice-Chairs		A>		✓			
<b>GFP 09</b>	Remove Local Governing Body Vice-Chairs		A>		✓			
<b>GFP 10</b>	Appoint and/or remove Clerk to Trust Board		✓			A<		
<b>GFP 11</b>	Appoint and/or remove Clerk to Local Governing Body		A>		✓	A<		
<b>GFP 12</b>	Appoint and/or remove Executive Officer		✓		A<			
<b>GFP 13</b>	Appoint and/or remove Chief Finance Officer		✓			A<		
<b>GFP 14</b>	Appoint and/or remove Heads of School		✓		A<	A<		
<b>GFP 15</b>	Appoint and/or remove Senior Leaders				✓	A<		A<
<b>GFP 16</b>	Appoint and/or remove Academy Staff other than Senior Leaders					✓	A<	A<
<b>GFP 17</b>	Ensure completion of Pre-employment checks				✓	A<	A<	A<
<b>GFP 18</b>	Determine and agree Trust wide Pay Policy		✓		A<	A<	A<	
<b>GFP 19</b>	Establish Disciplinary/Capability Procedures		A>		✓	A<		
<b>GFP 20</b>	Determine and make provision for the CPD requirements of Members, Trustees and Governors		✓		A<	A<		
<b>GFS 01</b>	Review and agree Articles of Association	✓	A					
<b>GFS 02</b>	Review and agree Scheme of Delegation		✓		A<	A<		
<b>GFS 03</b>	Review and agree Terms of Reference/Instrument of Governance for Local Governing Body		✓		A<			
<b>GFS 04</b>	Review and agree Terms of Reference Committees		✓	A<	A<	A<	A<	
<b>GFS 05</b>	Conduct Annual Skills Audit and recruitment		✓		A<	A<		

<b>GFS 06</b>	Annual Review of Trust Board and Committees		✓	A<				
<b>GFS 07</b>	Annual Review of Local Governing Body		A>		✓			
<b>GFS 08</b>	Trust Chair 360 review		✓					
<b>GFS 09</b>	Formulate and agree annual schedule of business Trust Board		✓			A<		
<b>GFS 10</b>	Formulate and agree annual schedule of business Local Governing Body		A>		✓	A<		
<b>GFS 11</b>	Develop and agree Trust Board Succession Plan		✓					
<b>GFS 12</b>	Develop and agree Local Governing Body Succession Plan		A>		✓			
<b>GFS 13</b>	Formulate and approve Employment Policies and Staff Handbook		✓		A<	A<	A<	A<
<b>GFS 14</b>	Maintain Register of Business Interests at Trust and LGB levels		✓		✓			
<b>GFS 15</b>	Develop and monitor Trust Safeguarding Policy and procedures in line with statutory requirements		✓	A<	✓	A<		A<
<b>GFR 01</b>	Review and Publish Trust Governance arrangements on Trust/Academy websites as required		✓			A<		
<b>GFR 02</b>	Compile and submit annual report on Trust Performance to Members		✓					
<b>GFR 03</b>	Submit and publish Annual Report and Accounts, to include accounting policies, signed declarations for regularity, propriety, and compliance, incorporating governance statement demonstrating adherence to value for money principles		✓			A<	A<	

**Core Function  
Being Strategic**

**Devolved Responsibility/Task**

**Members**

**Trust Board**

**Committee**

**Local Governing Body**

**Executive Officer**

**Trust Finance Officer**

**Head of School**

<b>BS 01</b>	Determine Trust wide policies and publish in line with current requirements		✓			A<	A<	
<b>BS 02</b>	Determine and approve academy policies which reflect ethos and values of the Trust and/or academy		✓	A<		A<		
<b>BS 03</b>	Determine and agree central trust spending		✓		A<	A<	A<	
<b>BS 04</b>	Management of risk, establish risk register, review, and monitor as required		✓		A<	A<	A<	
<b>BS 05</b>	Engage with stakeholders and the local community at an appropriate level	✓	✓		✓	✓	✓	✓
<b>BS 06</b>	Set Trust vision and strategy		✓		A<	A<	A<	
<b>BS 07</b>	Determine and set Trust Key Performance Indicators (KPI's) to measure progress towards vision		✓		A<	A<	A<	
<b>BS 08</b>	Set Academy vision and strategy		✓		A<	A<	A<	A<
<b>BS 09</b>	Determine and set Academy Key Performance Indicators (KPI's) to measure progress towards vision		✓		A<	A<	A<	A<
<b>BS 10</b>	Determine and agree Trust Budget Plan		✓		A<	A<	A<	
<b>BS 11</b>	Determine and agree Academy Budget Plans		✓		A<	A<	A<	A<
<b>BS 12</b>	Determine and agree Trust staffing structure		✓			A<	A<	
<b>BS 13</b>	Determine and agree Academy staffing structures		✓		A<	A<	A<	A<

**Core Function  
Holding to Account**

**Devolved Responsibility/Task**

**Members**

**Trust Board**

**Committee**

**Local Governing Body**

**Executive Officer**

**Trust Finance Officer**

**Head of School**

<b>HA 01</b>	Agree, audit and report arrangements to ensure compliance e.g., Safeguarding, Employment, Health, and Safety		✓		A<	A<	A<	
<b>HA 02</b>	Agree procedure for reporting on progress towards KPI's		✓	A<	A<	A<	A<	
<b>HA 03</b>	Determine and undertake Performance Management for Executive Officer and Trust Finance Officer		✓	A<		A<	A<	
<b>HA 04</b>	Determine and undertake Performance Management for Academy Staff		A>		A<	✓	✓	✓
<b>HA 05</b>	Agree Trustee monitoring arrangements	A>	✓					
<b>HA 06</b>	Agree Governor monitoring arrangements		✓		A<			
<b>HA 07</b>	Agree Committee monitoring arrangements		✓	A<		A<		

**Core Function**  
**Ensuring Financial Probity**  
**Devolved Responsibility/Task**

		Members	Trust Board	Committee	Local Governing Body	Executive Officer	Trust Finance Officer	Head of School
FP 01	Review and agree Trust Financial Scheme of Delegation		✓			A<	A<	
FP 02	Appoint external auditors	✓						
FP 03	Receive and respond to external audit report		✓			A<	A<	
FP 04	Agree Executive Officer and Chief Finance Officer pay award		✓	A<				
FP 05	Agree Head of School pay awards		✓			A<		
FP 06	Agree Academy staff appraisal procedure and pay progression		✓			A<	A<	A<
FP 07	Ensure Trust wide benchmarking and value for money		✓			A<	A<	
FP 08	Ensure Academy benchmarking and value for money		✓			A<	A<	
FP 09	Develop, review, and approve Trust wide procurement strategies		✓			A<	A<	
FP 10	Develop, review, and approve Trust Efficiency Savings Programme		✓			A<	A<	
FP 11	Determine scope and value of Service Level Agreements delivered through Trust resources		✓			A<	A<	
FP 12	Plan, manage and monitor Trust expenditure and financial reports monthly including remedial variance analysis and approval of virements between budget headings		✓	A<		A<	A<	
FP 13	Plan, manage and monitor Academy expenditure and financial reports monthly including remedial variance analysis and approval of virements between budget headings		✓			A<	A<	A<
FP 14	Establish and approve policy and procedure to correct perceived conflicts of interest and connected party transactions		✓			A<	A<	
FP 15	Determine and establish financial decision-making schemes and limits		✓	A<		A<	A<	
FP 16	Appoint Responsible Officer for each Academy		✓			A<	A<	
FP 17	Set rates for and collect self-generated income within each Academy		✓			A<	A<	
FP 18	Approve and implement Trust Investment Policy		✓			A<	A<	
FP 19	Authorise acquisition and disposal of assets		✓			A<	A<	
FP 20	Ensure review and reporting of Pupil Premium Spend		✓		✓	A<	A<	A<
FP 21	Manage central Trust funds		✓	A<		A<	A<	

**Education and Curriculum**  
**Devolved Responsibility/Task**

		Members	Trust Board	Committee	Local Governing Body	Executive Officer	Trust Finance Officer	Head of School
<b>EC 01</b>	Develop and implement Academy Curriculum Policy				✓	A<		A<
<b>EC 02</b>	Monitor standards of teaching in each Academy		✓		✓	A<		A<
<b>EC 03</b>	Monitor standards of teaching across the Trust		✓			A<		A<
<b>EC 04</b>	Establish and implement Sex and Relationship Education Policy		✓		✓	A<		A<
<b>EC 05</b>	Establish and monitor delivery of Citizenship and British Values education in each Academy		✓		✓	A<		A<
<b>EC 06</b>	Collate and publish Academy assessment data				✓	A<		A<
<b>EC 07</b>	Develop and implement Academy Improvement Plans				✓	A<	A<	A<
<b>EC 08</b>	Set targets for Student Performance Indicators		✓		✓	A<		A<
<b>EC 09</b>	Agree targets for Student Performance Indicators		✓	A<	A<	A<		A<
<b>EC 10</b>	Establish and monitor a Behaviour Policy				✓	A<		A<
<b>EC 11</b>	Establish an Attendance Policy		✓		A<	A<		A<
<b>EC 12</b>	Monitor an Attendance Policy				✓	A<		A<
<b>EC 13</b>	Monitor Academy suspensions and exclusions and establish an Exclusion Appeals Committee				✓	A<		A<
<b>EC 14</b>	Establish, implement, and monitor Fair Access Procedures and Admissions Policy and Appeals		✓		A<	A<		A<

**Operational**  
**Devolved Responsibility/Task**

		Members	Trust Board	Committee	Local Governing Body	Executive Officer	Trust Finance Officer	Head of School
<b>OP 01</b>	Determine timings of school day and term times		✓		A<	A<		A<
<b>OP 02</b>	Determine INSET dates and focus		✓		A<	A<		A<
<b>OP 03</b>	Develop and publish Trust prospectus to include individual Academies		✓		A<	A<		A<
<b>OP 04</b>	Develop and implement Home School Agreements				✓	A<		A<
<b>OP 05</b>	Determine process for the appointment of Trustees and Governors		✓		A<			
<b>OP 06</b>	Implement agreed Trust Safeguarding Policy		✓		✓	A<		A<
<b>OP 07</b>	Maintain accurate, secure, and effective student records				✓	A<	A<	A<
<b>OP 08</b>	Implement and comply with current Data Protection/GDPR regulations		✓		✓	A<	A<	A<
<b>OP 09</b>	Review policies as delegated to Local Governing Bodies in line with agreed schedules of review				✓	A<	A<	A<
<b>OP 10</b>	Review Trust policies in line with agreed schedules of review and distribute to Academies		✓		A<	A<	A<	
<b>OP 11</b>	Handle complaints received for an individual Academy		A>		✓	A<		
<b>OP 12</b>	Handle complaints received at Trust level		✓			A<		
<b>OP 13</b>	Maintain Trust and Academy websites as compliant		✓		A<	A<	A<	A<
<b>OP 14</b>	Manage Data Access/Freedom of Information requests		A>		A>	✓		
<b>OP 15</b>	Authorise and ensure appropriate planning of educational visits		✓		✓	A<		A<