

## WHITE ROSE ACADEMIES TRUST SCHEME OF DELEGATION (2)

### 1 INTRODUCTION

- 1.1 This Scheme of Delegation is made between White Rose Academies Trust (“the Trust”) and the Local Accountability Board of [Academy] in accordance with the provisions of the Trust’s Articles of Association (“the Articles”) and the Constitution of the Local Accountability Board (wherein this Scheme is referred to as “the Scheme”).
- 1.2 This Scheme of Delegation has been put in place by the Directors and is effective from 1 September 2016.
- 1.3 This Scheme of Delegation explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Directors and the members of the Local Accountability Board (“LAB”) and the commitments to each other to ensure the success of the Academy.
- 1.4 Subject to the requirements of the Trust set out in this Scheme, the Trust delegates to the LAB its responsibility and powers as the Governing Body of the Academy which shall be discharged by the LAB in accordance with the Constitution and Terms of Reference, the Policies of the Trust and advice published from time to time by the Department for Education and Ofsted.
- 1.5 Responsibilities and powers delegated to the LAB may be further delegated to the Principal of the Academy by prior agreement by the Trust Board. It should be remembered that although decisions may be delegated, the LAB together with the Trust as a whole remains responsible for any decisions made under delegation.
- 1.6 The Local Accountability Board must comply with the obligations set out in the Constitution and Standing Orders, which deal with the functioning of the Local Accountability Board, and the limits on its authority set out at Annex 1.
- 1.7 The members of the Local Accountability Board have a duty to act independently and not as agents of those who may have elected/appointed them and must at all times act with integrity, objectivity and honesty in the best interests of the Company and the Academy and must be open about decisions and be prepared to justify those decisions.
- 1.8 The Local Accountability Board shall adopt, and must comply with, the policies laid down by the Directors from time to time.
- 1.9 The Local Accountability Board shall review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.
- 1.10 The Local Accountability Board shall promptly provide (in writing if required) such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors may from time to time require.

- 1.11 The Local Accountability Board shall submit to periodic inspections by the Directors, any inspections pursuant to section 48 of the Education Act 2005 and any other inspections made by regulators from time to time.
- 1.12 The Local Accountability Board shall work closely with, and shall promptly and co-operatively implement any advice given or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State. The Directors expressly reserve the unfettered right to review and/or remove any power or responsibility conferred on the Local Accountability Board under this Scheme of Delegation in such circumstances.

## **2 VALUES**

- 2.1 The Local Accountability Board shall be responsible for ensuring the Academy is conducted in accordance with its agreed values. The determination of the Academy's mission statement shall be the responsibility of the LAB.
- 2.2 At all time, the Directors and the LAB shall ensure that the Academy is conducted in accordance with the object of the Company, and any agreement entered into with the Secretary of State for the funding of the Academy.

## **3 MEMBERS OF THE LAB AGREE TO:**

- 3.1 Attend such training as reasonably required by the Trust in order to update and improve the knowledge and skills available to enable the LAB to fulfil its role in respect of the Academy and as part of the Academy Trust operated by the Trust.
- 3.2 Provide the information required by the Trust in the form indicated in the Scheme and Annex 1 and not to withhold any information which the Trust reasonably requires.

## **4 BUDGETS AND FINANCE**

### **4.1 General Provisions**

- 4.1.1 The LAB shall ensure proper procedures are in place for the safeguarding of funds and that the requirements of the Academies Financial Handbook and all requirements and recommendations of the Directors and the Secretary of State are observed in full at all times by the LAB and the Academy.
- 4.1.2 The LAB shall promptly inform the Directors of any need for significant unplanned expenditure and shall discuss with the Directors options for identifying available funding.
- 4.1.3 The LAB shall comply in full with the Trust's Financial Regulations and shall develop appropriate risk management strategies. The LAB shall at all times adopt financial prudence in managing the financial affairs of the Trust in so far as these relate to the Academy.
- 4.1.4 In the exercise of its powers and functions, the LAB must follow all recommendations given by the Executive Principal and/or the Directors.

## **5 BUDGET AND BUDGET PLAN**

- 5.1 The Trust shall determine the proportion of the overall Academy budget to be retained for central services and shall inform the LAB of the balance ("the budget").
- 5.2 Subject to the limitations set out in Annex 1, the LAB may enter into contracts on behalf of the Trust in so far as they relate to the Academy.

- 5.3 The LAB shall develop the individual Budget Plan for spending the budget in accordance with the Academies Financial Handbook and the School Development Plan and shall present the proposed Budget Plan to the Trust for approval.
- 5.4 The Trust shall approve the Budget Plan provided that:
- It is consistent with the Academies Financial Handbook
  - It is consistent with the ethos of the Trust and the Academy
  - It is consistent with all policies published by the Trust
  - It represents what the Trust considers to be the most appropriate allocation of resources consistent with the Development Plan for the Academy

## **6 FINANCIAL MONITORING**

### **6.1 The LAB shall:**

- 6.1.1 Monitor the monthly expenditure of the Academy against the approved Budget Plan;
- 6.1.2 Enter into contracts within the financial limits published by the Trust from time to time (White Rose Academies Trust Financial Regulations) and within the Budget Plan;
- 6.1.3 Observe the policy on charging and remissions agreed by the Trust from time to time;
- 6.1.4 Not agree to any expenditure outside of the approved Budget Plan without the approval of the Trust;
- 6.1.5 Provide (in writing if required) such information about the finances of the Academy as often and in such format as the Directors may require.

## **7 PREMISES, INSURANCE AND HEALTH & SAFETY**

### **7.1 Premises**

- 7.1.1 The LAB shall develop an estate management strategy which shall identify the suitability of buildings and facilities in light of the needs of the Academy and the need for, and availability of, capital investment to meet the Local Accountability Board's responsibility to ensure the buildings and facilities are maintained to a good standard.
- 7.1.2 Subject to and without prejudice to clauses 5.2 and 7.2.2, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the LAB, who shall have regard at all times to the safety of the users of the buildings and the facilities, and the legal responsibilities of the Directors (and/or any others) as owners of such buildings and facilities.
- 7.1.3 The responsibility for any disposals or acquisitions of land to be used by the Academy shall be that of the Directors alone.

### **7.2 Insurance**

- 7.2.1 The Trust shall effect an insurance policy for buildings, public liability, business continuity and officers' liability in accordance with the Articles.
- 7.2.2 Insuring the land and buildings used by the Academy shall be the responsibility of the Directors who shall recover the cost from the budget delegated to the LAB.

### **7.3 Health & Safety**

- 7.3.1 The LAB shall ensure that the Academy implements and complies with the Health & Safety Policy approved by the Trust from time to time.

## **8 STAFFING AND RESOURCES**

### **8.1 Appointments**

- 8.1.1 The LAB shall appoint the Principal in conjunction with the Executive Principal, ensuring there is a representative of the Board on the appointment panel.
- 8.1.2 The LAB shall notify the Trust immediately a vacancy at Senior Leadership level (leadership scale) arises.
- 8.1.3 The LAB must ensure there is a representative of the Board on appointment panels for all Senior Leadership Team positions.

### **8.2 Delegation**

- 8.2.1 The Directors and the Local Accountability Board may delegate such powers and functions as they consider are required by the Principal for the internal organisation, management and control of the Academy (including appointments and implementation of all policies approved by the Directors and the LAB and for the direction of the teaching and curriculum at the Academy).

### **8.3 Policies**

- 8.3.1 The LAB shall comply in full with health & safety and HR policies approved by the Trust from time to time and shall be responsible for the staff employed at the Academy. The LAB shall:

Comply with all policies dealing with staff issued by the Directors from time to time;

Comply with any pay terms set by the Directors;

Adopt any standard contracts or terms and conditions for the employment of staff issued by the Directors;

Manage any claims and disputes with staff members, having regard to any advice and recommendations given by the Directors or Executive Principal.

### **8.4 Performance Review, Pay Discretions**

#### **8.4.1 Principal**

The performance review of the Principal shall be conducted by the Chair of the LAB, Executive Principal and/or an External Advisor with the agreement of the Executive Principal, and in accordance with the Trust's Performance Management Policy.

#### **8.4.2 Other Staff**

The LAB shall ensure that the performance review of all other staff is conducted in accordance with the Trust's Performance Management Policy approved from time to time. The LAB shall ensure procedures are in place for the proper professional and personal development of staff.

#### **8.4.3 Pay Discretions**

The Board may, in line with the Trust Pay Policy and the Budget Plan, and with any written recommendations from the Performance Review procedure, make discretionary pay awards for the Principal.

The LAB may, in line with the Trust Pay Policy and the Budget Plan, award pay discretions to staff other than the Principal, consistent with recommendations from the Performance Review procedure.

## **9 HUMAN RESOURCES MATTERS**

### **9.1 Disciplinary and Capability Procedure**

The LAB shall undertake any capability or disciplinary procedure in accordance with the Trust's policies and in accordance with advice from the Trust's HR provider.

### **9.2 Determining Contract Settlements**

In the event that a staff member agrees a contract settlement, no payment in respect of that settlement shall be made without the consent of the Trust's Executive Principal and in accordance with the Academies Financial Handbook.

### **9.3 Dismissal**

The LAB has the authority to dismiss, in line with the Disciplinary and Performance Capability Policies. The advice of the Executive Principal must be sought if a decision to dismiss is considered. If the dismissal relates to the Principal, the Executive Principal must be in agreement with the proposal.

In the event of the Executive Principal potentially dismissing a Principal it would be intended that the Chair and the full LAB would be party to, and partners in, the process.

Were a situation to arise whereby the Executive Principal did not feel that the LAB was acting in the best interests of the Trust in both their support and challenge to the Principal, the Executive Principal would be able to insist on a course of action.

### **9.4 Requests for Early Retirement**

The LAB shall consider any requests for Early Retirement and may seek advice in that respect from the Trust's HR provider.

## **10 STANDARDS, CURRICULUM AND TARGET SETTING**

10.1 The LAB shall determine the curriculum of the Academy but shall have regard to any views of the Directors, in recognition of the Directors' obligations to the Secretary of State to provide a broad and balanced curriculum.

10.2 The LAB shall be responsible for the standards achieved by the Academy and the pupils attending the Academy.

## **11 ADMISSIONS, STRUCTURE AND OPENING TIMES**

### **11.1 Admissions**

11.1.1 The Board shall determine and review from time to time the Academy's Admissions Policy. The LAB shall ensure that the Policy is correctly and fairly applied.

11.1.2 Any decision to expand the Academy shall be that of the Directors. The Directors shall have regard to the views of the LAB.

## **11.2 Structure**

11.2.1 The LAB shall refer to the Trust any proposal to alter opening times of the Academy, term dates, the age range of the Academy, prior to implementation of, or consultation on such changes, and shall not make or consult upon any such change without the prior consent of the Trust.

11.2.2 Any such changes shall be consistent with any policy set by the Directors. The LAB shall have regard to, and report to the Directors upon, the viability of such activities, the impact on the Academy's activities, and any financial implications.

## **12 SAFEGUARDING**

12.1 The LAB shall ensure that the Academy has a Designated Officer and Deputy and that their details are published on the Academy website. The LAB shall also ensure that the names of the Designated Officer and Deputy are sent to the Trust so that contact details may be published on the Trust's website.

12.2 The LAB shall appoint a member with specific responsibility for safeguarding and make details for that member available on the Academy website. The LAB shall also inform the Trust of the name of the person responsible for publication on the Trust's website.

## **13 REGULATORY MATTERS**

13.1 The Directors are responsible for the satisfaction and observance of all regulatory and legal matters. The LAB shall promptly and co-operatively do everything the Directors may specify as being necessary to ensure that the Trust is meeting its legal obligations. The members of the LAB shall not do or omit to do anything that would give rise to a breach of the Trust's Funding Agreements with the Secretary of State, or to censure of any kind by the Principal Regulator, the Charity Commission or any other regulator.

## **14 ANNUAL REVIEW**

14.1 This Scheme of Delegation shall operate from the Effective Date in respect of the Academy.

14.2 The Directors have the absolute discretion to review and amend the Scheme of Delegation at least on an annual basis.

14.3 In considering any material changes to this Scheme of Delegation, the Directors shall have regard to and give due consideration of any views of the Local Accountability Board.

14.4 The Local Accountability Board shall undertake annual self-review. The outcomes of the governance self-review shall be shared with the Board of Directors.

## **ANNEX 1**

### **LIMITATIONS ON THE AUTHORITY OF THE LOCAL ACCOUNTABILITY BOARD**

- 1 Doing or omitting to do any act or thing which might reasonably be expected to give rise to a breach of the Company's Funding Agreements with the Secretary of State or to give rise to censure of any kind by the Principal Regulator, the Charity Commission or any regulator.
- 2 Doing or omitting to do any act or thing which might reasonably be expected to give rise to a breach of the Company's policies from time to time.
- 3 Incurring any capital expenditure which is not provided for in the Budget.
- 4 Adopting or amending the Budget in respect of each year.
- 5 Commencing any new business except as provided in the Budget.
- 6 Forming any subsidiary or acquiring shares or an interest in a company or participating in any partnership or joint venture except as provided in the Budget.
- 7 Making any acquisition or disposal of any asset(s) except as provided in the Budget and in accordance with the Academies Financial Handbook.
- 8 Making any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits or in the ordinary course of business) or giving any guarantee or indemnity.
- 9 Entering into, modifying or terminating any material contract (being a contract with an annual value of £5,000 or more, or such other figure as may be set by the Directors).
- 10 Without prejudice to the foregoing, entering into any arrangement, contract or transaction except as provided in the Budget.
- 11 Establishing or amending any bonus or other incentive scheme of any nature for employees except as provided in the Budget.
- 12 Instituting, settling or compromising any legal proceedings instituted or threatened against the Academy or submitting to arbitration or alternative dispute resolution any dispute involving the Academy.
- 13 Responding to any investigation or Ofsted inspection visit, without consulting with and acting in accordance with the requirements of the Directors.
- 14 Acquiring any interest in, or varying the terms on which freehold or leasehold property is held or settling any rent review.
- 15 Altering the name of the Academy.