



# Scheme of Delegation

Approval date: December 2023

## Introduction

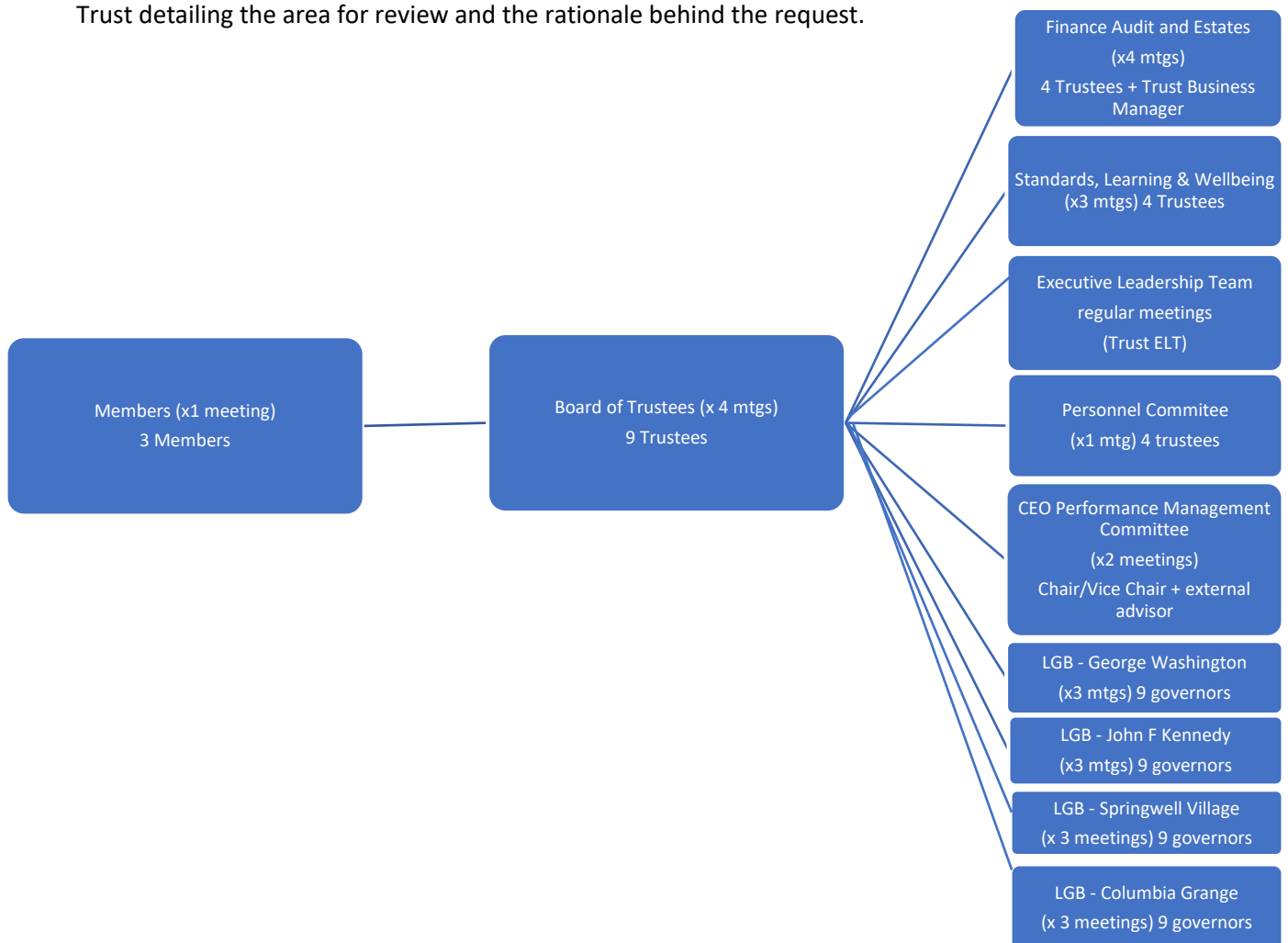
The Oak Learning Trust board of trustees is accountable in law for all decisions about its schools/academies. Many decisions will be delegated, to the Chief Executive Officer (CEO), board committees and local governing bodies. The decision to delegate a function is made by the full board of trustees and is recorded.

## The Purpose of Scheme Delegation

The scheme of delegation (SoD) defines which functions have been delegated and to whom, ensuring members, trustees, committees (including local governing bodies), executive leadership and individual Head Teachers or Heads of School are clear about who has responsibility for making which decisions in the Trust.

This scheme of delegation will be reviewed by the Trust board annually or if and when the circumstances of the trust change.

Review of the scheme, or an aspect of it can be requested by any trustee by writing to the Chair of the Trust detailing the area for review and the rationale behind the request.



## **Oak Learning Trust**

The Board of Trustees of a multi academy trust delegate responsibility for delivery of the vision and strategy to the Oak Learning Trust Chief Executive Officer. The MAT board will hold the Chief Executive Officer to account for the performance of the trust, including the performance of the academies within the trust. The board will delegate some of the detailed scrutiny, oversight and decision making.

In this scheme of delegation (SoD) the trust board delegates responsibility for the performance of the trust, including the performance of the academies within the trust, to the Chief Executive Officer. This includes delegation of all the normal day to day business of running any school in the Trust or the central services, unless they are otherwise specifically delegated within this scheme.

Some responsibilities concerning the performance of each academy are delegated to a Head Teacher, Head of School or local governing body (LGB). These responsibilities include (but are not limited to) ensuring monitoring: whether the school is working within the agreed policies; determining school related policies; standards and curriculum and if the money is being well spent by monitoring the quality of provision and resources in school. The LGB will use its detailed knowledge and engagement with stakeholders to ensure that their school is being well served by the executive leadership, it will report regularly to the Trust Board and will receive a termly report from the Chair of the Trust. As a board committee the LGB has direct access to the board of Trustees if there are concerns.

As the CEO is accountable to the board for the performance of the trust as a whole, the CEO will report to the board on the performance of the trust including on the performance of the trust's schools, this may also be supplemented by monitoring reports from the LGBs and Heads of School.

The CEO performance is managed by the Trust board, but this is delegated to the CEO performance management committee (Chair and Vice Chair of the Trust) who will be supported by an external advisor. The CEO performance manages the Deputy CEO, Head Teachers and Heads of School but will seek input from the LGB chairs or Trustees as part of the performance management process.

### **Roles and Responsibilities**

#### **The role of the members**

The members of the Trust have a different status to trustees. The articles of association 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 objects are 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 Trust to the members. Members are also responsible for approving any amendments made to the Trust's articles of association. The articles state that 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 of the Charities Act 2011) and are responsible for the general control and management of the administration of the trust 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 trust and as such must:

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

Because trustees are bound by both charity and company law, the terms ‘trustees’ and ‘directors’ are often used interchangeably. We use the term trustee as it avoids the possible confusion caused when executive leaders are called directors but are not company directors and trustees.

The trust board is permitted to exercise all the powers of the academy trust. The trust board will delegate to the CEO responsibility for the day-to-day operations of the trust. The trustees determine whether to delegate any governance functions.

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

The trust board will be advised by the CEO on all matters where it determines a need.

#### **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. The committees will be responsible for scrutinising and amending policies and business linked to their area of expertise prior to recommending their adoption by the Trust board.

The committees are not legally responsible or accountable for statutory functions – the trust board retains overall accountability and responsibility. The trust board may appoint and remove committee members and committee chairs and vice chairs.

The local governing body is a committee of the trust board, and the responsibilities of school governing bodies are set out in this scheme of delegation.

#### **The role of the local governing body (LGB)**

The trust board will establish LGB’s, appoint the chair, ensure a minimum of two parents are elected and will determine what will be delegated. The LGBs are responsible for holding the Head Teacher or Head of School to account for the performance of the school, developing good knowledge of standards and provision in the school by rigorous governor monitoring, developing school-based policies in line with trust strategic statements (e.g., curriculum and behaviour policies), maintaining oversight of spending of key school priorities and understanding statutory data and its impact on future school improvement priorities, engaging with stakeholders and reporting to the board.

There will be no further sub committees of this committee.

The number and type of governors at each school/academy will be agreed by the Trust Board and is currently 9:

3 parent governors  
3 community governors  
2 staff governors (1 teaching, 1 non-teaching)  
Headteacher/Head of School

The chair and vice chair of the local governing body will be determined by the Trustees, having regard to the views of the local governing body and the Headteacher / Head of School.

As a committee of the board, delegation can be removed at any time.

### **The role of the Chief Executive Officer**

The CEO has the delegated responsibility for the operation of the Trust including the performance of the Trust's schools. The CEO performance manages the Heads of School supported by the LGB chair.

The CEO is the accounting officer so has overall responsibility for the operation of the academy 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 CEO leads the executive leadership team of the academy trust (CEO, DCEO, headteacher/Heads of school and trust business manager). The Executive Head Teacher will delegate executive management functions to the executive leadership team as deemed appropriate and is accountable to the trust board for the performance of the executive leadership team.

### **The role of the Deputy Chief Executive Officer**

The Deputy CEO supports the CEO in the running of the Trust, in developing senior leaders to the Trust and leads on teaching, learning, curriculum, recruitment and governance development across the Trust.

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

The Headteacher/Head of School is responsible for the day-to-day management of the school and reports to the CEO and to the LGB on matters which have been delegated to the LGB. In schools with a Head of School, the Executive Head Teacher retains statutory Headteacher duties and leads on premises and finance.

### **Terms of Office**

- Members will serve 4 years
- Trustees will serve 4 years
- Local Governors will serve 3 years

Subject to remaining eligible and willing, any trustee may be reappointed at an AGM or other meetings of the members or the board of Trustees.

Subject to remaining eligible and willing, any governor may be reappointed at a trustee meeting. Subject to remaining eligible and willing, any parent governor can stand for re-election after their 3-year term ends.

### Table Key

✓ Action to be undertaken at this level

A Provide advice and support to those accountable for decision making

\*\* Where not previously involved in decision making

### Oak Learning Trust Summary of Delegation

This table provides an overview of delegated powers. It is not exhaustive list and powers required for the day to day running of the schools and the Trust are delegated to the CEO and in her absence to the Heads of school.

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
Approve and review Articles	✓	A							
Determine Objects of Trust	✓	A							
Appoint and remove members	✓								
Appoint and remove Trustees	✓	✓							
Hold general meetings in accordance with Articles of association	✓	✓							
Manage the business of the Trust and exercise all powers		✓							
To use the Trust funds in such a manner as they consider most beneficial for the achievement of the objectives.		✓	✓			✓A	✓A		
Dealing with all aspects of any legal proceedings instituted or threatened against the Trust or engaging in arbitration or other dispute resolution regarding disputes involving the Trust.		✓				A			
Determine Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs)		✓				✓A/L	✓		
Determine school's vision and strategy, agreeing key priorities and key performance indicators (KPIs)			✓					✓	
Establish Governance structure (committees) for the trust and review annually		✓							
Determine constitution, membership and proceedings of local governing bodies		✓							
Terms of reference for trust committees: agree annually		✓							
Determine delegation of any trustees' powers		✓							
Annual review scheme of delegation		✓							
Request revision of scheme of delegation	✓	✓	✓			✓A			
Determine role descriptions for members	✓								
Determine role descriptions for trustees/chair/specific roles/committee members		✓							
Committee chairs: appoint and remove		✓							
LGB chairs: appoint and remove		✓							
Vice chair of the LGB: appoint and remove		✓							

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
Appointment of LGB committee members		✓							
Arrange election of parent committee members to LGB								✓	✓
Appoint and remove clerk to board		✓							
Appoint and remove clerk to LGB		✓							
Duty to adhere to instructions given by CEO/Deputy CEO					✓			✓	✓
<b>Actions</b>									
Complete skills audit and recruit to fill gaps		✓			✓				
Annual self-review of trust board and committee performance		✓							
Annual self-review of LGB performance					✓			A	
Register and publish Trust governance details, interests, business, pecuniary and loyalty for members and trustees		✓							
Scrutinise annual accounts			✓						
Receive and approve annual accounts from auditors	✓	✓							
File annual report on performance & accounts (policies, signed statement on regularity, propriety and compliance, governance statement demonstrating value for money), submit to members and publish on Trust and school websites.		✓							
Determine expenses policy for Trustees		✓							
Termly report from Trust board to LGB		✓							
Termly report from LGB to trust					✓				
Scrutinise Trust policies and strategy statements			✓	✓					
Approve Trust policies reflecting Trust's ethos and values ( <i>discussions with unions where appropriate</i> )		✓							
Ensure indemnity insurance is in place to cover the liability of Trustees	✓								A
Trustee monitoring: agree arrangements		✓							
LGB member monitoring: agree arrangements					✓				
Respond to Ofsted visit and direct LGB						✓	✓	✓	

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
Consult with CEO before responding to any investigation or Ofsted visit					✓			✓	
Set high expectations and ensure high standards in all areas		✓			✓	✓	✓	✓	✓
Engagement with stakeholders	✓	✓		✓	✓	✓	✓	✓	✓
Challenging and monitoring school standards and performance - reporting to Trustees					✓	✓	✓		
Holding LGB to account for individual school performance		✓				✓	✓		
Determination of admissions policy		✓							
Application of admissions policy					✓			✓	
Ensure accurate school self-review and quality assurance					✓	A	✓	✓	
Setting school session times and holidays (in consultation with EHT/CEO)		✓							
Considering formal complaints (stage 2)								✓	
Considering formal complaints (stage 3)		✓			✓				



	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
Determining and reviewing curriculum – in line with Trust strategic policy					✓	✓	✓	A	
Ensure that curriculum complies with legal and funding agreement requirements		✓				A	A		
Design and implement school curriculum					✓			✓	
Ensure curriculum is engaging and enriched						A	✓	✓	
Monitor impact of curriculum on pupils					✓	✓		✓	
To determine strategic behaviour principles		✓							
To approve and adopt school-based policies and processes (e.g., behaviour, attendance, curriculum, pupil related)					✓	A	A	A	
To scrutinise Trust policies linked to pupil wellbeing e.g., safeguarding, cared for children, SEN				✓		A			
To ensure effective safeguarding procedures are in place and to monitor these regularly		✓			✓	A	✓	✓	
To ensure behaviour policy is applied consistently					✓		✓	✓	
Put systems in place to ensure equality of opportunity, safety and good practice		✓			✓	A	✓	A	
To monitor standards across all schools				✓		✓	✓		
To regularly monitor standards in individual school					✓				
Determine strategic attendance overview and expectations		✓							
Determine and apply attendance and punctuality protocols						A		✓	
Monitor and support school attendance				✓	✓				
To suspend a pupil (fixed term)								✓	
To exclude a pupil (permanently)						✓			
Consideration of exclusions and parent representations		✓			✓				

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
<b>Employment Policies</b>									
Determine policies and set pay terms for all academy staff including contracts, terms and conditions,		✓	A						
Follow policies for all academy staff including contracts, terms and conditions as set by Trustees		✓	✓	✓	✓	✓		✓	✓
Scrutinise pay and HR policies			✓						
Adopt and implement HR Policies (inc. disciplinary, capability, grievance, whistleblowing)		✓							
Power to direct workforce to work across the Trust						✓			
<b>Appointments and structures</b>									
Determine all matters relating to appointment of CEO		✓							
Determine all matters relating to appointment of Deputy CEO		A				✓			
Determine all matters relating to appointment of TBM/CFO		A				✓			
Appointment of school leadership posts or leadership scale					A	✓	A	A	
Appointment of teaching and support staff in individual schools					A	A	✓	✓	
Determine staffing structure, Trust and school levels including approving staffing reduction plan		✓				A			
Determining need for staff reductions (all staff)			✓			A			
Seek advice on and implement staffing reduction			✓			✓			
Hear appeals from staff affected by decision to reduce staff		✓	✓						
<b>Pay considerations</b>									
Arrange annual appraisal of CEO/DCEO/Exec SEND/Headteachers/Heads of School						✓	✓		
Make recommendations on pay with engagement of the Chair of the LGB/Trustees						✓	✓		
Arrange annual appraisal of central Trust staff and make recommendations on pay						✓			✓
Arrange annual appraisal of other school staff and make recommendations on pay								✓	
Annual determination of salary of CEO (performance management by Chair and Vice chair supported by external advisor – fed back to Trust Board)		✓							
Annual approval of teachers' performance related pay (to include main scale 6/UPS teachers including those with TLR payments).					✓				
Approval of annual national pay award		✓							

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
Annual approval of teachers' performance related pay for all staff on the leadership scale (except CEO).			✓						
Annual determination of salary of Deputy CEO/Head of School and other staff based on CEO/HoS recommendations			✓						
Consideration of re-grading claims from support staff			✓						
Consider salary appeals across the Trust (not Personnel committee Trustees)		✓							
<b>Grievance</b>									
Initial consideration of grievance								✓	
Appeals against grievances			✓						
Initial consideration of grievance (Deputy CEO/HoS or central staff)						✓			
Appeals against grievances (Deputy CEO/HoS or central staff)			✓						
Initial consideration of grievance (CEO)		✓							
Appeal against grievance (CEO)		✓ **							
Grievance against trustees	✓								
<b>Conduct (inc disciplinary, capability, inc medical, and dismissal)</b>									
Consideration of disciplinary cases and issuing of sanctions up to and including final written warning (staff in schools)								✓	
Consideration of disciplinary cases and issuing of sanctions up to and including final written warning (Deputy CEO/HoS and central staff)						✓			
Consideration of disciplinary cases and issuing of sanctions up to and including final written warning (CEO)		✓							
Initial determination on dismissals of employees		✓				✓			
Initial determination on dismissals of CEO			✓						
Appeals from staff in respect of sanctions/dismissals previously considered			✓						
Appeals from CEO in respect of dismissal		✓ **							

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
<b>Suspension</b>									
Suspend/lift suspension (where no action) school staff								✓	
Suspend/lift suspension (where no action) Deputy CEO/Head of School/central staff						✓			
Suspend/lift suspension (where no action) CEO		✓							
<b>Other</b>									
Consider and decide requests for flexible working for school staff								✓	
Appeals against flexible working for school staff						✓			
Consider and decide requests for flexible working for Deputy CEO/Head Teacher/HoS and central Trust staff						✓			
Appeals against flexible working for Head Teachers/,HoS and Trust staff				✓					
Consider and decide requests for flexible working for CEO				✓					
Appeals against flexible working for Deputy CEO/ CEO		✓							
Consider conflicts, Code of Conduct declarations/disclosures						✓			
Authorising of settlement agreements – up to £20,000						✓			
Authorising of settlement agreements – between £20,001 - £50,000		✓							
Authorising of settlement agreements – Over £50,000	-	-	-	-	-	-	-	-	-

ESFA consulted

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
<b>Budgets</b>									
Ensure that sound and appropriate financial governance are in place		✓	A						
Determination of level of central charges to individual academies		✓	A						
Review financial management arrangements and delegation of powers annually or more frequently if circumstances change significantly		✓	A						
Prepare budgets and monitor spending/income						✓			✓
Monitor budgets		✓	A			✓			
Contribute to the financial priorities								✓	
Scrutinise 3-year budgets			✓						
Approve 3-year budgets		✓							
Determine use of surpluses		✓	A						
Determine and review the Reserves Policy		✓	A						
Ensure that funds are spent in accordance with legislation (regularity) and principles of parliamentary control (propriety)		✓	✓			✓		✓	✓
Ensure high standards of probity in the management of public funds in particular securing value for money around expenditure		✓	✓			✓		✓	✓
Monitoring and ensuring effective use of specific targeted resources e.g. Sports Premium and Pupil Premium					✓				
Determine how CEO's financial powers will be exercised where the substantive post holder is absent		✓	A						
Approve Service Level Agreements						✓			A
Ensure appropriate procedures in place for safeguarding of funds		✓	A			✓		✓	A
Responsibility to ensure that adequate financial risk management strategies are in place		✓	A						A
Ensure that financial risk management strategies are adhered to		✓	A			✓		✓	✓
Receive monitoring reports on budgets		✓	✓			✓		✓	
Receive regular reports on school budget					✓				

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
<b>Reporting</b>									
Ensure the delivery of annual accounts			A						✓
Approval of Annual Financial Statements		✓							
Benchmarking against similar schools and Trust wide value for money – report to Trustees									✓
Receive annual benchmarking and value for money report		✓	✓						
<b>Internal control</b>									
Support the Academy Trust on the procure relating to appointment, reappointment, dismissal and remuneration of the internal auditor									✓
Appoint the internal auditor			✓						
Establish relevant performance measures and indicators, and to monitor the effectiveness of the internal auditor			✓						
Consider internal assurance reports and, when appropriate, advise the Trustees of material controls issues			✓						✓
Monitor the implementation of agreed recommendations relating to Internal Assurance reports			✓						
Advise the Academy Trust on the appointment, reappointment, dismissal and remuneration of the external auditor			✓			✓			✓
Appoint the external auditor	✓								
Establish relevant performance measures and indicators, and to monitor the effectiveness of the external auditor			✓						
Review the annual financial statements in the presence of the external auditor, including the auditor's formal opinion, the governance statement, including consideration of the internal control systems effectiveness, risk management statements and any relevant issue raised in the external audit management letter.				✓					
Recommend the annual financial statements to the Academy Trust for approval.			✓						
Review the Academy Trust's anti-fraud arrangements.			✓						
Ensure that all allegations of fraud and irregularity are properly followed up and control weaknesses addressed			✓						

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS/HT	TBM/CFO
Ensure that risk management arrangements are in place		✓	A						✓
Responsibility to develop risk management strategies			✓						✓
Produce risk management plan for the Trust									✓
Consider risk management plans from Trust			✓						
Produce risk management plan for schools								✓	✓
Consider risk management plans from schools					✓				
Review Trust's Risk Management Policy and procedures and to regularly review the risk management plan			✓						
<b>FSME TBM/CFO</b>									
Ensure implementation of Risk Management plan and monitor			✓						
Duty to ensure that appropriate risk management systems are in place for external and residential visits								✓	
Business Continuity Plan – oversee census data/returns								✓	✓
Monitor business continuity plan			✓						✓
Ensure appropriate framework for risk management plans across trust		✓	A						
Keep under review school risk management plans					✓			✓	✓
Keep under review trust business risk management plans		✓	✓						✓
Ensure school website is compliant and fit for purpose					✓			✓	
Ensure Trust website is compliant and fit for purpose		✓							✓

	Members	Trustees	Finance, Estates, Audit & Personnel	Standards & Wellbeing	LGB	CEO	Deputy CEO	HoS	TBM/CFO
Prepare reports in relation to buildings and facilities									✓
Exercise responsibilities for maintenance of the buildings and facilities, having due regard to the safety of the users and the legal responsibilities of the Trustees as owners of such buildings and facilities									✓
Receive and consider estate management strategy / plans			✓						
Determine level of capital investment in buildings and facilities		✓	A						
Disposal or acquisition of land and property		✓	A						
Insuring the land and buildings used by the academies									✓
To undertake inspection of academy premises and monitor action plans in line with Trust policies			✓						✓
Secure such professional advice as necessary to ensure effective management of estates to ensure suitability and sufficiency of accommodation in line with procurement procedures									✓
Contribute to the estate management strategy which will identify the suitability of building and facilities in light of long-term curriculum needs and the need for, and availability of, capital investment		✓			✓			✓	✓
Determine priorities in relation to capital projects/expenditure		✓	A	A		✓		A	✓
Consider applications for hire of premises in accordance with procedures and agree, reporting back to estates committee								✓	✓