



# HMFA MAT Scheme of Delegation

01/04/23 – 31/03/24

<b>Date Approved by The Board of Trustees</b>	<b>28/03/23</b>
<b>Effective period</b>	<b>01/04/23 – 31/03/24</b>
<b>Reviewer</b>	<b>C Watkins</b>
<b>Date of Review</b>	<b>March 23</b>
<b>Next Review Due</b>	<b>March 24</b>

# HMFA SCHEME OF DELEGATION

## Introduction

- a. This scheme of delegation has been developed to clarify the responsibilities and powers of the different levels of governance and leadership across the HMFA Trust in respect of key aspects of the management of the Trust and its Academies, and to ensure compliance with legal requirements.
- b. It sits alongside the HMFA Financial Regulations Manual and Policy which covers all financial delegation and the suite of policies through which the HMFA operates.
- c. Delegations cannot be exercised other than by the designated committee or individual unless otherwise directed or agreed by the Board.
- d. The Chair, or in the absence of the Chair, Vice-Chair has power to carry out functions of the Board or Local Advisory Body in extreme circumstances where a delay in exercising a function is likely to be seriously detrimental to the interests of the Trust, a pupil at the Academies or their parents, or a person who works at the Academies. However, this power does not include matters relating to the alteration and closure of one of the Academies, a change of Academy category, approval of budget, discipline policies and admissions.
- e. In the absence or incapacity of the Headteacher, the delegations to the Headteacher stand delegated to the Heads of School or nominated senior person unless otherwise directed or agreed by the Board of Trustees.
- f. Instead of exercising their delegated powers a post holder or a committee may refer the matter to the appropriate committee or Advisory Body.
- g. For the avoidance of doubt, the Board may, at its discretion, exercise any of the powers delegated by this scheme to a committee or post holder.

## Governance Framework

HMFA is a legal entity accountable for all the Academies within the MAT (Multi Academy Trust). There is one set of Articles which govern all the Academies in that Trust. HMFA has a Master Funding Agreement with the Secretary of State and each Academy also has a Supplemental Funding Agreement.

The HMFA is a charitable company and is responsible for the strategic direction of the Academies and has 2 layers of governance: The Members of the Trust and the Board of Trustees.

- **Members**

- a. The Members are akin to shareholders and have ultimate control over the direction of the HMFA. They ensure the charitable company achieves its objectives, receive a copy of the financial accounts and annual report, and appoint some of the Trustees.

- **Trustees**

- a. The Trustees, appointed by the Members, have delegated responsibility for the 3 core strategic functions (strategic direction, holding the Headteachers to account for educational performance and overseeing the financial performance of the Academies).
- b. A Trustee is in effect an Academy Adviser, a Company Trustee and a Charity Trustee and they must also ensure compliance with Charity and Company Law and the Academy Trust's Funding Agreement.
- c. The Board of Trustees can delegate to any Committee, Adviser, Headteacher or any other holder of an executive office, any of its powers or functions, subject to any prescribed restrictions imposed by them and management of conflicts of interest.

The Board can establish any committee; and the constitution, membership and proceedings of any committee is decided by the Trustees. The establishment, terms of reference, constitution and membership of any committee must be reviewed annually.

- **Chief Executive Officer**

- a. 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 policy.
- b. The CEO is also the Accounting Officer and so is not only responsible for the performance of the Trust as a whole, but has 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 Academies Financial Handbook.
- c. The CEO will be responsible for the leadership and management of the Senior Leadership Team and the Headteachers/Heads of School and will report to the Trust Board and its committees.

- **Local Advisory Bodies**

- a. Local Advisory Bodies are committees of the Trust's Board. Their members are not Trustees of the Academy Trust - unless they are also members of the Board of Trustees.
- b. It is important to remember, however, that even where responsibility is delegated to a local level, it is the HMFA Academy Trust as the legal entity (not the Local Advisory Body) that is ultimately accountable, for example in terms of finance and performance, and as the employer of staff.
- c. In drawing up this Scheme of Delegation, the Board wishes to explicitly focus on maintaining the individual character of the Academies with strong and effective Local Advisory Bodies working closely to support their Headteachers to manage the Academies.
- d. To achieve this, it also recognised that there is a need for an effective Board of Trustees with strong committees to:
  - Provide support on strategy, business planning and direction

- Support financial planning
- Enable resources to be used more effectively
- Seek efficiencies e.g. procurement
- Provide “umbrella” services more efficiently
- Ensure compliance with legal and statutory obligations

## Framework

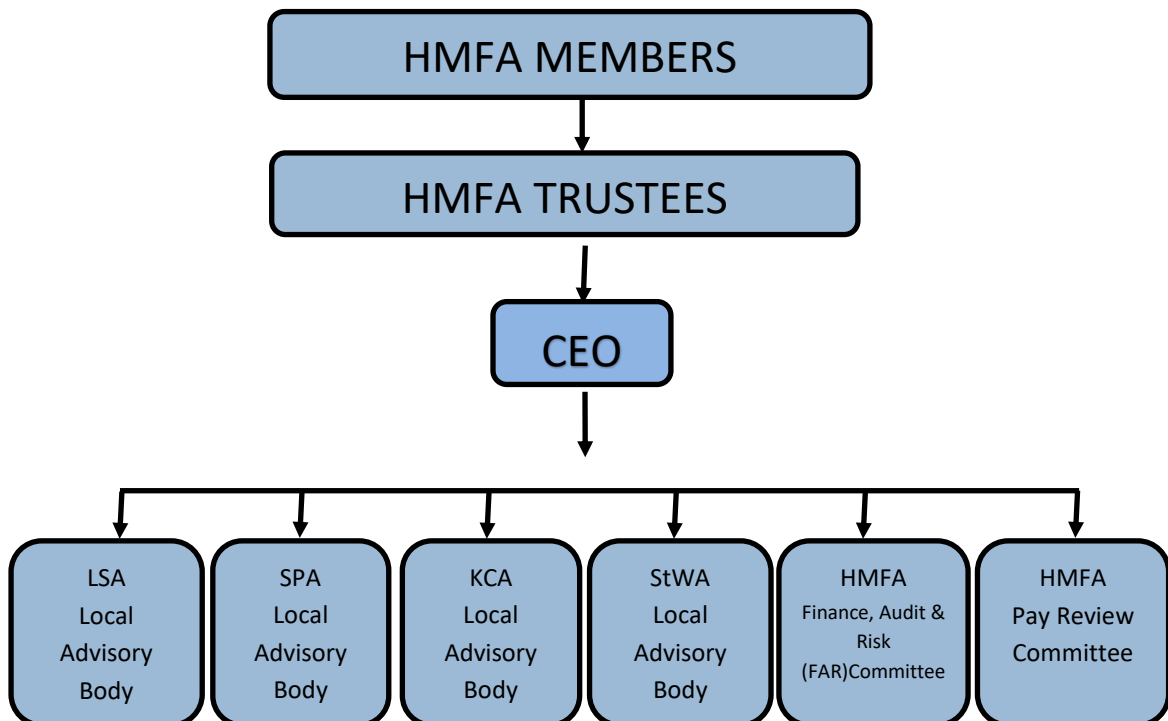
This framework enables all parties to fulfil their roles and responsibilities, and provides clarity on individual and collective responsibilities, and delegated responsibilities, as outlined below.

The Local Advisory Body will advise with an emphasis on:

- outward vision rather than internal preoccupation
- encouragement of equality and diversity
- strategic leadership over administrative detail
- decision making that is collective rather than individual
- the future, as opposed to the past or present
- pro-activity rather than reactivity.

## Structure

The diagram below sets out the core structure for the Board and its Committees.



Additionally, it has been agreed that the following panels will be formed as and when required, on a skills/knowledge basis. All Board panels will be made up of Trustees and all LAB panels will be

made up of Advisers. This will facilitate separation of members in hearing appeals from those who originally determined a matter.

<b>LGB Panels</b>	<b>Board Panels</b>	<b>Remit</b>
Complaints		Consideration of complaints made under the MAT formal complaints procedure
	Discipline and Grievance	To carry out investigations into staff matters
Pupil Discipline and Exclusions		To carry out investigations into pupil matters and determine on discipline and exclusions
Admissions appeal		To hear appeals against decisions made by the Head on admissions in relation to the admissions policy.
	Headteacher appraisal	Appraise and seek to continuously improve the performance of the Headteachers.
Teaching & Support staff	Heads and Deputy appointments	Oversee recruitment having first sought authority to recruit from the MAT Board, and recommending appointments to the MAT Board.

The MAT Board, Chair and Company Secretary will convene an appeals panel to consider all appeals regarding decisions of the LAB Panels and any Board decisions as and when required.

## Delegation of Governance Function

### Powers to be exercised by the Members only:

- a. Responsible for having oversight of the governance arrangements of the MAT.
- b. Appointment of Members and Trustees
- c. Changes to the Articles of Association.
- d. Decide on a change of Academy category.
- e. Amendments to the Funding Agreement.
- f. Appoint and remove the Trust auditors
- g. Receive a copy of the audited annual accounts.
- h. Dissolve the Trust

### Powers to be exercised only by the HMFA Trustees are:

#### **Strategy**

- a. Agree a long term strategy, vision and mission for the Trust, and communicate this to stakeholders.
- b. Establish and monitor a strategic risk register and disaster recovery plan.
- c. Review and approve the Trust's Estates Vision and Estates Strategic Plans

- d. Develop a marketing and communications plan to promote the Academies as the destination of choice for local parents, and to increase income.

## **Governance**

- a. Establish and maintain a register of business interests for the Board
- b. Confirm the appointment of contractors.
- c. To review annually and consider the establishment, terms of reference and membership of committees and effectiveness.
- d. Appoint and remove company secretary, clerk, accounting officer, principal finance officer, independent peer reviewer (responsible officer).
- e. Approve the co-option, appointment and removal of persons and Chairs to the Local Advisory Bodies.
- f. Elect (or remove) the Chair and Vice-Chair of the Board annually.
- g. Approve the Scheme of Delegation of powers and responsibilities annually.
- h. Decide any changes in the times of Academy sessions and dates of terms and holidays.

## **Finance**

- a. Approve the annual budget, allocating finance to individual Academies, using the funding formula allocations as a guide, but being sensitive to individual Academy circumstances.
- b. Approve the annual report, returns and accounts.
- c. Ensure all insurances are in place.
- d. Informing the appropriate government agency if it suspects any irregularity affecting resources, and approvals of any write-offs and other requirements of the ESFA/DFE.

## **People and Leadership**

- a. Approve the Terms and Conditions of Employment.
- b. Confirm appointments of a Head Teacher or Deputy Head Teacher.
- c. To appoint two or three Trustees to take responsibility for carrying out all aspects of the Head Teacher's appraisal.
- d. Review effectiveness of management structure.
- e. Workforce remodelling - seeking and ensuring cross-academy collaborations for efficiency and effectiveness.
- f. Establish and implement a performance review process for the Board and Chair.
- g. Encourage LABs to conduct self-assessment and performance review.

## **Standards**

- a. Ensure that the achievement of standards delegated to LAB's is planned, resourced, tracked and continuously improved.

## **Human Resources**

- a. Medium term manpower and succession planning to enable the outcomes set by the Board to be met.
- b. To establish disciplinary rules and procedures and staff grievance procedures and to take appropriate steps to make them known to members of staff.
- c. To dismiss an employee.
- d. To decide whether any payment should be made in respect of the dismissal, or to secure the resignation of a member of staff (includes early retirement and redundancies) and the amount of any such payment.
- e. To decide whether to grant early retirement to teachers.
- f. To set the pay of all members of staff, including that of the Head Teachers in line with legal requirements.

**Estates Management, Building Maintenance and Health and Safety**

- a. Monitor the contracts for building maintenance and estates management for all Academies.
- b. To agree a health and safety policy, monitor risk assessments and set up arrangements to manage health and safety.
- c. Ensure all statutory inspections and health and safety procedures and policies are implemented.
- d. Maintain oversight of the Trust's Estate Strategic plans, and ensure they are reviewed annually in the Spring term. Trustees ensure that estate management decisions reflect the overall vision, priorities, and financial sustainability.

**To develop, monitor and review the following:**

- a. Develop and monitor a collective learning and improvement plan across the MAT, inputting to the establishment and implementation of the MAT Business Plan.
- b. Monitor at MAT level pupil progress and attainment and the quality of learning.
- c. Advise the Local Advisory Bodies on the Academy's curriculum statutory obligations.
- d. Assess the effectiveness of the LAB's teaching performance appraisal systems.
- e. Consider any areas that would benefit from a MAT wide approach, including sharing of teaching and learning resources and approaches, and learning from practice.
- f. Report progress and performance towards MAT strategic aims to be outstanding in OFSTED benchmarks at least annually.

**Develop, monitor, and review the following HMA Policies**

- a. Financial related policies and procedures
- b. MAT Scheme of Delegation
- c. HR/Personnel related policies and procedures.
- d. Code of Conduct for Trustees and Advisers
- e. Special Educational Needs
- f. Admissions Arrangements
- g. Health & Safety and Employer Risk Assessments
- h. Allegations Policy
- i. Attendance Policy
- j. Looked After and Previously Looked After Child
- k. HMFA SEND Policy

### **Powers Delegated to the CEO/Accounting Officer**

- a. Ensure that governance arrangements are published on the HMFA websites.
- b. Ensure engagement with stakeholders.
- c. Determine the HMFA vision, strategy and key priorities, to include HMFA Estates.
- d. Lead on the Estates annual strategic review and assess the estate's performance.
- e. Develop a school staffing structure.
- f. Develop a budget plan to support the delivery of the MAT key priorities.
- g. Undertake the performance management of the MAT Headteachers and the SLT members.
- h. Ensure robustness of benchmarking and Trust wide value for money.

### **Powers delegated to the Local Advisory Bodies**

The Trustees delegate the running of the Academy to the Local Advisory Bodies to take responsibility for supporting the Academy and its Senior Leadership Team in improving the:

- a. Achievement of Pupils.
- b. Quality of Teaching.
- c. Behaviour and Safety of Pupils.
- d. Leadership and Management.

And specifically:

- e. Setting the aims and objectives of the Academy.
- f. Determination of the educational vision of the Academy in consultation with the Trustees, including, but without limitation, determination of the Academy's development plan.
- g. Develop and implement an Academy improvement plan, and any OFSTED improvement plan.
- h. Ensure high quality teaching, learning and assessment takes place and is continuously improved.
- i. To ensure that Academy teachers receive a regular appraisal of their performance.
- j. Contribute to the research and preparation of the Academy's annual Self Evaluation including the analysis of performance data.
- k. Maintenance of the Academy estate in accordance with the guidelines and contracts established by the Board.
- l. Determination and implementation of the admissions policy and arrangements for the Academy in accordance with admissions law and DfE codes of practice.
- m. Review and challenge (as necessary), the short/medium term Asset Management Plan and provide a report to SLT for consideration ahead of the Board's annual estates strategy review. (Autumn Term)



### **Powers delegated to the Head Teachers /Executive Headteachers**

- a. Implementing the agreed policies and procedures laid down by the Local Advisory Body to include the implementation of all statutory regulations.
- b. Advising the Local Advisory Body on strategic direction, forward planning and quality assurance.
- c. To ensure that a broad and balanced curriculum is implemented in the Academy.
- d. The leadership and management of the Academy.
- e. To deploy, manage and lead all teaching and non-teaching staff of the Academy and allocate particular duties to them.
- f. To evaluate the standards of teaching and learning in the Academy and ensure that proper standards of professional performance are established and maintained.
- g. The admission of pupils.
- h. To ensure that appropriate targets are set for all pupils so as to maintain high standards of attainment and achievement.
- i. The maintenance of good order and discipline by the pupils.
- j. Ensure the Register of pupils' admissions and attendance are kept continuously up to date
- k. Day to day management of the local Academy and day to day charge of who can enter the Academy premises.
- l. To advise on staff requirements and review the establishment annually and recommend changes to the Board of Trustees.
- m. Staff Appointments within the approved establishment staffing structure and budget.
- n. Ensure financial and other policies and practices are implemented.
- o. To comply with Advisory Body directions and policies on health and safety.
- p. All such additional functions as may be assigned under the job description or contract of employment.

### **Establish, monitor and review the following policies: -**

- a. Freedom of Information –publication Scheme
- b. Data Protection
- c. Complaints procedure statement
- d. Academy Behaviour
- e. Sex Education
- f. Accessibility Plan
- g. Written policy on behaviour principles
- h. Equality information and objectives (public sector equality duty) statement for publication
- i. Academy information published on a website
- j. Child protection policy and procedures
- k. Early Years Foundation Stage (EYFS).

### **Role of the Chair of the Board of Trustees**

The Chair of the Board of Trustees is responsible for chairing all Board meetings. For these meetings they will:

- a. Agree the agenda with the Heads and the Company Secretary before the meeting.
- b. Ensure that Trustees receive notice of the meeting at least two weeks in advance of the meeting.
- c. Ensure that the meeting starts on time and that it does not exceed 2 hours
- d. Ensure that the meeting is conducted in a business like, professional manner and within a good humoured and convivial atmosphere.
- e. Ensure during the meeting that all Trustees are given an opportunity to express their views.
- f. Try to obtain a unanimous decision when appropriate.
- g. When views differ within the Board, ensure that a majority decision is taken by a show of hands (only resorting to a secret ballot when specifically requested).
- h. Ensure with the Clerk that the draft minutes are produced within 1 week of the meeting and distributed to all within two weeks, and that the key points for dissemination to LAB's and other committees are identified at the meeting and communicated quickly to them.