



# Scheme of Delegation and Reserved Authority

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MINSTER TRUST FOR EDUCATION

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## Minster Trust for Education : Scheme of Delegation and Reserved Authority

### Introduction

The Minster Trust for Education Trust Board (Trustees) are accountable in law for all major decisions relating to MITRE schools. This scheme of delegation is the key document defining the lines of responsibility and accountability in our trust, ensuring that the Members, Trustees, Executive Leaders, Governors and Head Teachers are all clear about their roles and responsibilities.

This 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 Academies Handbook.

Some governing bodies joining a new trust assume that they will continue to function as they did when they were a 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 MITRE Board of Trustees, and the Board has the power to appoint and remove committees at any time.

Local Governing Body functions are likely to be different to those of a maintained school's governing body. A detailed yet clear scheme of delegation will prevent confusion arising before any misunderstanding develops.

This scheme of delegation will:

- Promote a culture of honesty and accountability;
- Ensure that Executive Leaders, Governors and Head Teachers are clear about which decisions remain with the MITRE Board of Trustees;
- Identify specific elements of decision-making that are delegated by the Board of Trustees.

The MITRE Board of Trustees appoint the Chief Executive Officer (CEO), to whom it delegates responsibility for delivery of its vision and strategy, and will hold the CEO to account for the conduct and performance of the Trust, including the performance of the schools within the trust, and for its financial management. In turn, the CEO line manages other senior MITRE staff and the schools' Head Teachers; setting their targets and performance managing them.

The Board of Trustees delegates some of its school-level monitoring and scrutinising functions to Local Governing Bodies, and uses these committees to promote stakeholder engagement and as a point of consultation and representation. Trustees do not normally sit on school LGBs, and so lines of communication to the Board of Trustees must be clearly established.

As the Head Teacher is being line managed by the CEO or delegated executive leaders, the LGB no longer carries out the governance function of holding the Head Teacher to account. However, they must be confident that the Trust's appraisal systems are working well, and if not, how they can make the Trust aware of their concerns.

To support this aim it is usual for the CEO/Executive Leader to seek input from the Chair of the LGB when undertaking the Head Teacher's Appraisal Review.

A diagram of the governance structures in place within the Trust is provided at the end of this document.

### The Role of Members

The Members of MITRE are guardians of the governance of the trust and as such 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 MITRE Board of Trustees.



The Members appoint Trustees to ensure that the trust's charitable object is carried out and so must be able to remove Trustees if they fail to fulfil this responsibility. Accordingly, the MITRE Board of Trustees 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. Minster Trust for Education has five Members, 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 Board of Trustees, and in line with DfE expectations, not all Members should be Trustees. Members are not permitted to be MAT employees. Currently, only the Chair of the MITRE Board of Trustees is a Member.

### The Role of the Board of Trustees

The Minster Trust for Education is a charitable company and so Trustees are both Charity Directors (Trustees) (within the terms of section 177(1) of the Charities Act 2011) and Company Directors (Trustees). Because Directors (Trustees) are bound by both charity and company law, the terms 'Trustees' and 'Directors' are often used interchangeably. From this point on in this document Directors will be referred to only as Trustees.

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 Articles of Association and its Funding Agreement, it is legally responsible and accountable for all statutory functions, for the performance of all schools within the Trust, and must approve a written scheme of delegation of financial powers that maintains robust internal control arrangements.

The Trust Board must carry out the three core governance functions as defined in the Academies Handbook:

1. Strategic leadership of the academy trust: the board defines the trust vision for high quality and inclusive education in line with its charitable objects. It establishes and fosters the trust's culture and sets and champions the trust strategy including determining what, if any, governance functions are delegated to the local tier
2. Accountability and assurance: the board has robust effective oversight of the operations and performance of the academy trust, including the provision of education, pupil welfare, overseeing and ensuring appropriate use of funding and effective financial performance and keeping their estate safe and well-maintained
3. Engagement: the board has strategic oversight of relationships with stakeholders. The board involves parents, schools and communities so that decision-making is supported by meaningful engagement

The Board of Trustees has the right to review and adapt its governance structure at any time, which includes removing delegation.

### The Role of Board Committees

The Trustees may establish committees to carry out some of its governance functions which may include making decisions, although any decisions made will be deemed decisions of the Board of Trustees. Subject to the Articles of Association the Trustees:

- may establish committees to be known as Local Governing Bodies (LGB) for each school; and
- may establish any other committee

The constitution of each committee is outlined in Terms of Reference for that Committee.

The membership and proceedings of any committee shall be determined by the Trustees.



The establishment, terms of reference, constitution and membership of any committee of the Board of Trustees shall be reviewed at least every twelve months.

The membership of any committee for the Trustees may include persons who are not Trustees, provided that (with the exception of LGBs) a majority of members of any such committee shall be Trustees.

Except in the case of an LGB, no vote on any matter shall be taken at a meeting of a committee of the Trustees unless the majority of members of the committee present are Trustees. The Trustees shall ensure that any LGB shall include at least two Parent Local Governors.

It is usual for the LGB to appoint LGB chairs and LGB members according to their skills.

### The Role of the Chief Executive Officer (CEO)

The CEO has the delegated responsibility for the operation of the Trust including the performance of the Trust's schools and so the CEO performance manages the Head Teachers of MITRE schools.

As there is the delegation of some governance functions to LGBs, it is usual for the CEO to seek input from the Chair of the LGB when undertaking the Head Teacher's Appraisal review.

The CEO is the accounting officer so has overall responsibility for the operation of MITRE'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 management team of the academy trust. The CEO will delegate executive management functions to the executive management team and is accountable to the MITRE Board of Trustees for the appraisal of the executive management team.

### The Role of Local Governing Bodies (LGB)

As outlined above, the Trustees establish LGBs to carry out some of its school-level governance functions, with decision making more limited in comparison with the governing bodies of maintained schools due to reserved board responsibilities as defined in the decision making grid of this scheme of delegation.

Each Local Governing Body will appoint the Chair and ensure that two parents are elected to the LGB.

Members of the LGB shall be known as governors.

The Trustees have the right to appoint such persons to the LGB as they shall determine from time to time. Subject to this, each LGB has an agreed constitution of governors.

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

Further information on the role of governors can be found in the MITRE document entitled Terms of Reference for Local Governing Bodies.

### The Role of the Head Teacher

The Head Teacher is responsible for the strategic direction, quality of education and day to day management of the school. The Head Teacher is line managed by the Chief Executive Officer but reports to the LGB on matters which have been delegated to it



## Scheme of delegation decision making matrix

Section	Decision	Members	Trust Board	Trust committee	CEO	LGB	HT
Governance	Approve articles of association	ü	P				
	Appoint or remove directors (Trustees)	ü					
	Approve Trust Board terms of reference		ü				
	Approve scheme of delegation		ü				
	Approve new schools joining MITRE		ü		P		
	Establish MAT committees and their terms of reference		ü				
	Approve LGB terms of reference		ü			P	
	Planning and organisation of Trust Board meetings		ü		P		
	Approve LGB meeting schedule and structure		ü			P	
	Appoint Chairs and Vice Chairs – Full Trust Board and committees		ü				
	Appoint MAT committee members		ü				
	Appoint Local Governors (in accordance with terms of reference)		ü			P	
	Appoint Chairs and Vice Chairs - LGB					ü	
	Removal / suspension of Local Governor (in exceptional circumstances)		ü				
	Appoint accounting officer		ü				
	Approve Trustee / Local Governor code of conduct		ü				
	Provide induction programme for Trustees and Local Governors					ü	
	Complete annual skills audit of Trustees			ü			
	Complete annual skills audit of Local Governors and governance self-assessment						ü
	Approve governor expenses policy			ü			
Strategic leadership	Approve Trust vision, values and ethos		ü				
	Approve individual school vision, values and ethos in alignment with Trust					ü	
	Approve MAT strategic plans – Trust development, Growth, Individual School Support		ü		P		
	Approve school performance reviews			S&E (ü)			
	Annual whole school self-evaluation			S&E (R)	R	R	ü
	Approve individual school improvement plans			S&E (R)	ü	*	P
	Implementation of school improvement plan				*	*	ü



Section	Decision	Members	Trust Board	Trust committee	CEO	LGB	HT
Education	Approve school performance targets			S&E	P	*	*
	Approve Trust quality assurance framework		ü		P		
	Maintain up-to-date Safeguarding training for all staff					*	ü
	Ensure an effective curriculum is delivered to all pupils					ü	P
	Implement an effective pupil behaviour policy					ü	ü
	Approve and monitor safeguarding and child protection compliance				ü		
	Approve any formal partnership agreements or arrangements				ü		
	Approve and deploy external advisor to school				ü		
HR	Approve professional code of conduct for employees		ü		P		
	Maintain a compliant single central record (whole trust)		*		ü		
	Maintain a compliant single central record (individual school)					*	ü
	Approve employee terms and conditions changes		ü				
	Undertake job evaluations for new roles (support staff)				ü		*
	Approve teachers' annual pay award		ü				
	Approve support staff annual pay award		ü				
	Approve CEO performance review and pay		ü				
	Approve Head Teacher performance review				ü	*	
	Approve Trust Senior Leaders performance review				ü		
	Approve Heads and Trust Senior Leaders pay award				Pay		
	Trust-level and Head Teacher pay appeals		ü (panel)				
	Approve teacher's pay awards			ü Pay		P	P
	Hear any teacher's pay appeals					ü	
	Approve CEO appointment		ü				
	Approve MAT staff appointments				ü		
	Approve MAT staff structure and complement		ü		P		
	Approve new school staff structure (no change to staff complement or re-grades of posts)					ü	P
Approve new school staff structure (change to staff complement or re-grades of posts)					ü	*	



Section	Decision	Members	Trust Board	Trust committee	CEO	LGB	HT
	Appointment of Head Teacher		ü		P	*	
	Approve school senior leadership appointments					ü	P
	Appointment of teaching and support staff					*	ü
	Implementation of probationary period procedure – Head Teachers				ü		
	Implementation of probationary period - teachers						ü
	Approval of any compromise or severance agreement (with ESFA approval)		ü				
	Agree suspension, return thereafter or dismissal of CEO		ü				
	Agree suspension and return thereafter of Head Teacher		*		ü		
	Agree suspension and return thereafter of teaching and support staff (schools)				*	ü	P
	Agree dismissal of a member of MITRE staff		ü		P	*	*
	Agree suspension and return thereafter of MITRE staff (central team)		*		ü		
	Approve any staff redundancies		ü		P		
Policies and procedures	Approve MAT policy matrix		ü				
	Approve annual MITRE calendar and term dates		ü		P		
	Approve school INSET days					ü	P
	Approve Trust-wide policies (as detailed in the policy matrix)		ü	ü	P		
	Approve school level policies (as detailed in the policy matrix)					ü	P
	Approve change of school age range		ü		P	*	*
	Approve change in school PAN		ü		P	*	*
	Approve extension of school provision		ü		P	*	*
	Agree fixed term exclusion						ü
	Approve permanent exclusion					ü	P
	Hear an appeal against an exclusion					ü	
	Attendance at complaints hearing (school)					ü	
	Attendance at complaints hearing (Trust)		ü				
	Approval of individual school admissions arrangements			S&E		*	P
	Management and ranking of first admission applications					ü	*
	Management of in-year applications						ü



Section	Decision	Members	Trust Board	Trust committee	CEO	LGB	HT
	Attendance at admissions appeals						ü
	Approval/maintenance/compliance of school prospectus and website					*	ü
Finance	Agree appointment of MAT auditors	ü		R&A (P)			
	Approve MAT budget		ü	F&B (P)	*		
	Approve annual school budgets		ü	F&B (P)	*	*	*
	Approve MAT management accounts			F&B			
	Approve MAT annual accounts	R	ü	F&B (P)			
	Approve Trustees' report	R	ü		*		
	Approve expenditure up to £24,999						ü
	Approve expenditure between £25,000 and £59,999				ü		
	Approve expenditure above £60,000		ü				
	Approve contracts up to value of £9,999						ü
	Approve contracts from £10,000 up to £24,999					ü	
	Approve contracts from £25,000 up to the "Find a tender" limit				ü		
	Approve contracts above the "Find a tender" limit			F&B			
Approve Trust bankers		ü					
Risk	Maintenance of up-to-date risk register		ü		ü		
	Approve and monitor mitigation for principle risks			R&A			
	Approve programme of internal audit activity			R&A			
	Agree business continuity plan			R&A			
	Consider audit reports and responses			R&A			
	Appoint legal advisors for the Trust		ü		P		
Assets	Approve capital projects from SCA funds			F&B (ü)	P		*
	Approve capital budget plan			F&B (ü)	P		
	Approve developed capital expenditure						ü
	Approve annual costed plan of works and maintenance					ü	
	Maintain risk assessments for Health and safety compliance					*	ü
	Ensure all statutory health and safety tests are compliant and up-to-date					*	ü





Section	Decision	Members	Trust Board	Trust committee	CEO	LGB	HT
	Maintain fabric of building and equipment to ensure a safe environment					*	ü
	Retain up-to-date evidence of all health and safety compliance checks						ü
	Receive and test annual health and safety audits		*		ü		

Key

ü - Responsibility

P - Proposal

\* - Advice and consultation

R - Receive

