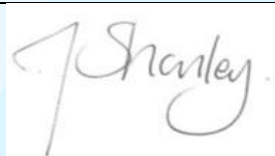


Forest Way School

Scheme of Delegation 2023-24

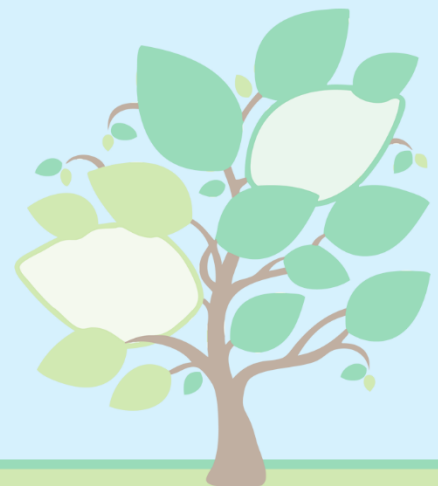
Name: **James Shanley**

Signature: 

Title: **Chair**

Date: **SEPTEMBER 2023**

Next Review Date: **SEPTEMBER 2024**



Statutory

Non-Statutory

Note:

- 1. This Scheme shall be reviewed annually by the Board. Amendments to the Scheme agreed during the year shall be annotated and incorporated into the Scheme by the Clerk to the Board/Company Secretary.*

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Introduction

Under the approved structure (Appendix A), the Trust is a charitable company limited by guarantee. The Trust has entered into a Funding Agreement in respect of the academy with the Education Funding Agency (ESFA).

The Trust is responsible for ensuring that the company fulfils its statutory objectives, general functions and duties and appropriately exercises the legal powers vested in it, under the Charities Act 2011 and other legislation. The Trust is ultimately responsible to:

- The Members of the Trust - for overall performance and conduct. Members may at any time review and/or make amendments to the Governance Structure of the Trust; and
- The DfE in relation to compliance with the Funding Agreements and the requirements of the Academies Financial Handbook.

The Scheme of Delegation ("the Scheme"): Context

The Board of Trustees/Directors' has full authority and responsibility for:

- setting strategic direction and policy governing all aspects of Trust activity. This includes strategic oversight, vision and planning for the Trust, oversight and determination of the organisational structure and of the performance and standards.
- Governance and compliance (including the arrangements for self-evaluation of effectiveness), probity and financial management (including investment, audit and identification and management of risk), contractual relationships, management of estates and infrastructure and human resource management (as employer this includes the terms and conditions of service of all staff and related policy and procedures).

In accordance with Clause 105 of the Articles of Association of the Trust, the Board has delegated the power to carry out many of these responsibilities to the Headteacher and Leadership Team. This document sets out the Scheme of Delegation approved by the Board ("the Scheme").

General Principles of the Scheme

1. All references in this Scheme to "the Board" mean the board of Trustee/Directors.
2. The Board of Trustees/Directors has overall responsibility and ultimate decision making authority for all the operations of the Trust. The Board retains ultimate responsibility for all the powers and responsibilities that it has delegated and receives reports on actions and key powers exercised on its' behalf. The Board may at any time withdraw or vary any delegation and request additional reports/explanation on the exercise of delegated actions and powers.

The Chair of Trustees

4. The Board appoints a Chair and Vice-Chair at the first meeting in each academic year.

Principles of Delegation

7. Those to whom delegations have been granted are ultimately accountable to the Board.
8. Delegation of power(s) to any individual does not obviate the need for consultation with colleagues as appropriate.
9. All delegated functions must be exercised in accordance within the established policies and procedures, budgetary and financial and legal constraints of the Trust.
10. Those to whom delegations have been granted may elect not to exercise their delegation but to refer any matter to the Board if in their judgement, the complexity or risk associated with any matter merits this.
11. Issues regarded as novelty or potentially precedent-setting shall be referred to the Board for consideration and decision. (For example, where an issue may become a 'test case' or, in the view of the Headteacher, is likely to be controversial or contentious. This includes issues that may risk potential damage to reputation/public trust and confidence, key relationships and /or that may have a personal impact on Board Members and/or on senior members of staff).
12. The Scheme covers delegations to the Headteacher, the Leadership Team and other Senior Staff.
13. The Scheme is not intended as an exhaustive list of all aspects of Trust activity but aims to set out the salient powers.
14. All revisions to the Scheme shall be subject to formal report to the Board or are a matter for the Headteacher to determine subject to occasional report to and review of the Scheme by the Board.

Matters Reserved for decision by the Board

15. The Board has reserved decisions on some key issues to itself. These are referred to in the Scheme as "Reserved Matters". The Board shall determine all reserved matters following consideration of reports and/or recommendations from the Headteacher and / or members of (LT).

Establishment of and procedures relating to Committees

16. The Trust has decided that it will not create separate Committees and that all business matters will be dealt with by more frequent meetings of the full Governing Body in an open and transparent manner. The board will meet at least 6 times a year in accordance with the Academies Financial Handbook in order to meet its responsibilities and demonstrate robust governance. At each meeting of the Governing Body a full financial review of the Trusts finances will be undertaken as a matter of course taking into account and fulfilling the

requirement for close scrutiny and oversight of the trust's financial position. A standing item at meeting of the Governing Body will also include a termly report from Trustees/Directors appointed by the board to undertake internal controls checks and consider the programme of work undertaken by the Trust's internal auditors.

17. The Clerk to the Board (or Company Secretary) will:-

- Consult with the Headteacher and Chair on the content of the agenda for meetings.
-
- ensure that the agenda and papers for meetings are sent to members of the Board/Committee a minimum of seven days before the day of the meeting
-
- Ensure that minutes of all meetings are prepared in a timely manner and approved by the Chair prior to circulation to Board members. (Following approval by the Chair, minutes shall be submitted to all Board members and shall also be submitted to the next available meeting of the Board for noting/approval.
- agree, in consultation with the Chair and Headteacher an annual programme of meetings for the Board together with supporting annual business plans

The Scheme of Delegation

The Board of Trustees/Directors

Appointment and Constitution	The Constitution and Membership of the Board of Trustees/Directors shall be determined by the Trustees in accordance with the Trust's articles of association. There shall be a minimum of six members of the Board including the Headteacher.
Quorum	Any three members of the Board shall constitute a quorum.
Frequency of Meetings	<p>The Board of Trustees/Directors shall meet at least six times a year.</p> <p>The Chair of the Board, through the Clerk to the Board/Company Secretary, may call a special meeting of the board at any time, provided the purpose of the meeting is specified in the agenda for the meeting.</p>
Attendance	The Headteacher of the Trust (also a Trustee/Director) shall normally attend meetings of the Board. Other staff may attend at the discretion of the Chair.
<p>Reserved Matters Generally</p> <p>Specific Reserved Matters</p> <p>Strategic oversight, vision and planning</p>	<p>Matters referred to the Board shall take account of the Board Risk Register and shall include any proposal for new initiatives and/or policies and any developments which may impact on the strategic direction of the Trust in terms of finance, policy, service delivery, reputational risk or organisational structure.</p> <p>Any issue regarded as novelty or potentially precedent-setting shall be referred to the Board for consideration and decision. (For example, where an issue may become a 'test case' or, in the view of the Headteacher, is likely to be controversial or contentious. This includes issues that may risk potential damage to reputation/public trust and confidence, key relationships and /or may have a personal impact on Board Members and/or on senior members of staff).</p> <p><u>Approval of:</u></p> <ul style="list-style-type: none"> ● Trust Vision, values and ethos, promotion and protection of this and the integrity and reputation of the organisation; ● the overall strategic direction of the Trust within available resources and review and/or variation of agreed strategy and plans. This includes, on recommendation of the Headteacher: <ul style="list-style-type: none"> - the Strategic Plan for the Trust and any proposed amendments thereto; and - proposals for entering into formal strategic partnerships; ● matters referred to the Board by the Headteacher and on which: <ul style="list-style-type: none"> - the Board has indicated it wishes to be kept informed and/or requires early warning or dialogue; and - the Headteacher requires a steer or input from the Board.

Finance	<p>Approval of:</p> <ul style="list-style-type: none"> • the financial management and investment policies and decisions of the Trust (and any proposed amendment thereto) including the funding model to be adopted. • actions relating to the effective and appropriate management and use of Trust finances • the annual revenue budget for the Trust including the annual budget as recommended by Chief Financial Officer/Business Manager • the criteria for allocation of the annual Capital Budget • variations to approved budgets and/or actions that may be necessary to ensure that the expenditure of the Trust remains within agreed limits; and • appointment of internal and external auditors
Governance and compliance	<p>Approval of:</p> <ul style="list-style-type: none"> • the governance arrangements of the Trust to ensure the highest standards of governance that command the confidence of staff and stakeholders • the Scheme of Delegation and any amendments thereto • the report and recommendations (if any) of the Chair following the annual Board self - review of effectiveness • procedures for the appointment and/or removal of Trustees, members of the Board • the role of the Chair of the Board and Succession Planning for Board members • Trustee, Board and the NGA Governor Code of Conduct and any actions required in relation to breaches thereof • Staff Code of Conduct and any actions required in relation to breaches thereof • arrangements for training and evaluation of Trustees, Board and Committee members and Trustees/Directors appointment or dismissal of the Headteacher and of the Clerk to the Board • the Governance Handbook and amendments thereto
Organisational structure	<p>Approval of:-</p> <ul style="list-style-type: none"> • on recommendation of the Headteacher, the overall structure and staffing of the Trust and any proposed amendments thereto
Performance, targets and standards including Pupil outcomes	<p>Monitoring and Approval of:-</p> <ul style="list-style-type: none"> • performance targets and key performance indicators (KPI's) for the Trust • the overall performance and standards of the Trust against agreed targets and KPIs and, through the reports and recommendations of the Headteacher, consideration and approval of actions recommended in relation to School Improvement and performance. This includes actions recommended where Academy Improvement Plans and/or improvement actions have not been implemented or have not had the desired impact in terms of improved performance and pupil outcomes • the performance of the Headteacher. This includes holding them to account for the overall performance of the Trust against agreed targets and KPI's, the exercise of their delegated powers and delivery against the targets, plans, and budgets approved by the Board

	<ul style="list-style-type: none"> • constructively challenge the Headteacher as to the effectiveness and impact of the Quality Assurance (QA) process and the related school improvement work • reviewing data analysis, benchmarking data and to the overall performance of Trust in comparison to regional and national standards and to other comparable Trusts
Policy	<p>Approval of:-</p> <ul style="list-style-type: none"> • all policies and substantive amendments thereto developed for the effective management, administration and operation of the Trust. This includes policies for Safeguarding and Child Protection, Trustee and Board of Trustees/Directors Confidentiality, Board of Trustees/Directors, Trustee, Governor and Staff Conflict of Interest and procedures relating thereto and Trustee, Board Member and Governor expenses and remuneration
Pay & Staffing	<p>Approval of:</p> <ul style="list-style-type: none"> • Undertake the annual performance appraisal of and target setting for the Headteacher with the assistance of an External Advisor/School Improvement Partner • To determine and annually review the salary ranges for the Headteacher taking into account the recommendations of the External Advisor/School Improvement Partner • To approve on the recommendation of the Headteacher the annual PRP awards for Teachers <p><i>*Any appeal against a decision to be considered by the Trust Appeal Panel</i></p> <ul style="list-style-type: none"> • To approve on recommendation of the Headteacher the Support Staff Pay Policy • Approval of compromise agreements as recommended by the Headteacher

AUDIT COMMITTEE TERMS OF REFERENCE

1. Responsibilities

- To maintain an oversight of the Academy Trust's (AT's) financial, governance, risk management and internal control systems.
- To report its findings termly and annually to the Trust Board and the Accounting Officer as a critical element of the Trust's annual reporting requirements.
- The Audit Committee has no executive powers or operational responsibilities/duties.

2. Authority

- The Audit Committee is a Committee of the Academy Trust Board and is authorised to investigate any activity within its terms of reference or specifically delegated to it by the Board.
- The Audit Committee is authorised to
 - request any information it requires from any employee, external audit, internal audit or other assurance provider.
 - obtain outside legal or independent professional advice it considers necessary, normally in consultation with the Accounting Officer and/or the Trust Board.

3. Composition

- The membership of the Committee will comprise a minimum of 3 trustees.
- The chair of the board of the academy trust shall not serve as chair of the audit committee
- Until otherwise determined by the board of trustees, a quorum shall consist of 2 members of the committee.
- At least one member of the audit committee should have recent or relevant accountancy, Finance or audit assurance, experience.
- Staff employed by the trust may be invited to attend the audit committee to provide information and participate in discussions but should not be members of the committee.
- Any trustee may attend a meeting of the audit committee, including those who are not members of the audit committee.
- The chief executive officer/accounting officer and chief financial officer should also attend meetings.

4. Reporting

- The Audit Committee will:
 - report back to the Trust Board regularly every term.
 - provide an annual Internal Scrutiny report provided by the internal auditor in areas reviewed by internal audit covering key findings, recommendations and conclusions

5. Terms of Reference

The Audit Committee will:

- Meet at least three times a year
- To review report following Internal Audit Checks.
- oversee the trust's risk register and, on the advice of the Headteacher/Accounting Officer and Chief Finance Officer conduct a regular review of risks
- take delegated responsibility on behalf of the board of trustees for examining and reviewing all systems and methods of control both financial and otherwise including risk analysis and risk

management; and for ensuring the Trust is complying with the overall requirements for internal scrutiny, as specified in the Academies Financial Handbook.

- agree an annual programme of internal scrutiny with the trust's internal auditors for checking financial systems, controls, transactions and risks.
- ensure that the programme of internal scrutiny delivers objective and independent assurance.
- provide assurance to the Trust Board that risks are being adequately identified and managed
- advise the Trustees on the adequacy and effectiveness of the Academy Trust's systems of internal control and governance processes, securing economy, efficiency and effectiveness (value for money)
- consider the appropriateness of executive action following internal audit/internal scrutiny reviews and to advise senior management on any additional or alternative steps to be taken
- advise the Trust Board on the appointment, reappointment, dismissal and remuneration of auditors (both external auditors and internal audit)
- monitor the effectiveness of auditors
- review the findings of the external auditors and agree any action plan arising from it
- ensure there is co-ordination between internal audit and external audit and any other review bodies that are relevant
- ensure that additional services undertaken by the auditors is compatible with the audit independence and objectivity
- consider the reports of the auditors/scrutineers and, when appropriate, advise the Trust Board of material control issues.
- encourage a culture within the trust whereby each individual feels that he or she has a part to play in guarding the probity of the Trust, and is able to take any concerns or worries to an appropriate member of the management team or in exceptional circumstances directly to the Board of Trustees
- provide minutes of all Audit Committee meetings for review at board meetings

Conduct of Trustee/Directors:

As trustees, we will focus on our strategic functions:

1. ensuring there is clarity of vision, ethos and strategic direction
2. holding executive leaders to account for the educational performance of the organisation and its pupils and the performance management of staff
3. overseeing the financial performance of the organisation and making sure its money is well spent
4. ensuring the voices of stakeholders are heard

As individuals on the board we agree to:

Fulfil our role & responsibilities

1. We accept that our role is strategic and so will focus on our core functions rather than involve ourselves in day to day management.
2. We will develop, share and live the ethos and values of our school/s.
3. We agree to adhere to school/trust policies and procedures as set out by the relevant governing documents and law.
4. We will work collectively for the benefit of the school/s.
5. We will be candid but constructive and respectful when holding senior leaders to account.
6. We will consider how our decisions may affect the school/s and local community.
7. We will stand by the decisions that we make as a collective.
8. Where decisions and actions conflict with the Seven Principles of Public Life or may place pupils at risk, we will speak up and bring this to the attention of the relevant authorities.
9. We will only speak or act on behalf of the board if we have the authority to do so.
10. We will fulfil our responsibilities as a good employer, acting fairly and without prejudice.
11. When making or responding to complaints we will follow the established procedures.
12. We will strive to uphold the school's / trust's reputation in our private communications (including on social media).

Demonstrate our commitment to the role

1. We will involve ourselves actively in the work of the board, and accept our fair share of responsibilities, serving on committees or working groups where required.
2. We will make every effort to attend all meetings and where we cannot attend explain in advance why we are unable to.
3. We will arrive at meetings prepared, having read all papers in advance, ready to make a positive contribution and observe protocol.
4. We will get to know the school/s well and respond to opportunities to involve ourselves in school activities.
5. We will visit the school/s and when doing so will make arrangements with relevant staff in advance and observe school and board protocol.

6. When visiting the school in a personal capacity (i.e. as a parent or carer), we will continue to honour the commitments made in this code.
7. We will participate in induction training and take responsibility for developing our individual and collective skills and knowledge on an ongoing basis.

Build and maintain relationships

1. We will develop effective working relationships with school leaders, staff, parents and other relevant stakeholders from our local community/ communities.
2. We will express views openly, courteously and respectfully in all our communications with board members and staff both inside and outside of meetings.
3. We will support the chair in their role of leading the board and ensuring appropriate conduct.

Respect confidentiality

1. We will observe complete confidentiality both inside and outside of school when matters are deemed confidential or where they concern individual staff, pupils or families.
2. We will not reveal the details of any governing board vote.
3. We will ensure all confidential papers are held and disposed of appropriately.
4. We will maintain confidentiality even after we leave office.

Declare conflicts of interest and be transparent

1. We will declare any business, personal or other interest that we have in connection with the board's business and these will be recorded in the Register of Business Interests.
2. We will also declare any conflict of loyalty at the start of any meeting should the need arise.
3. If a conflicted matter arises in a meeting, we will offer to leave the meeting for the duration of the discussion and any subsequent vote.
4. We accept that the Register of Business Interests will be published on the school/trust's website.
5. We will act in the best interests of the school/trust as a whole and not as a representative of any group.
6. We accept that in the interests of open governance, our full names, date of appointment, terms of office, roles on the governing board, attendance records, relevant business and pecuniary interests, category of governor and the body responsible for appointing us will be published on the school's website.
7. We accept that information relating to board members will be collected and recorded on the DfE's national database of governors (Get information about schools), some of which will be publicly available.

We understand that potential or perceived breaches of this code will be taken seriously and that a breach could lead to formal sanctions.

Trustee/Director Panels

The Board has agreed that, subject to prior training, Trustee/Director Panels be established where required as follows. However due to the limited number of available Trustees, it may be necessary on occasions and to avoid any conflicts of interest to consider the use of an appropriately qualified member of another Trust board.

Pay Appeals Panel

Purpose	The purpose of the Panel is to consider and determine any appeal arising from decisions of the Board of Trustees/Directors Pay Committee in relation to the annual PRP awards of Headteachers.
Constitution and Membership	The Panel shall comprise a minimum of three Trustee/Directors of the Academy Trust
Quorum	A minimum of three members shall constitute a quorum.
Frequency of Meetings	The Panel shall meet as and when required.
Attendance	Any member of the Senior Leadership Team appropriate to the nature of the business to be transacted. A Human Resources adviser (agreed by the Headteacher). The appellant and a named representative or supporter subject to a minimum seven days notice of the name and position of that person (including their relationship to the appellant) being provided to the Clerk.
Authority and Delegated Function	The Panel is authorised to consider and determine all appeals arising from decisions of the Board of Trustees/Directors in relation to the annual PRP awards of Headteachers. The decision of the Panel shall be final.

Staff Disciplinary

To consider and determine all staff disciplinary matters – detailed terms of reference to be agreed.

Staff Disciplinary Appeals

To consider and determine all appeals arising from staff disciplinary matters – detailed terms of reference to be agreed.

Exclusions

To consider and determine all appeals arising from pupil exclusions.

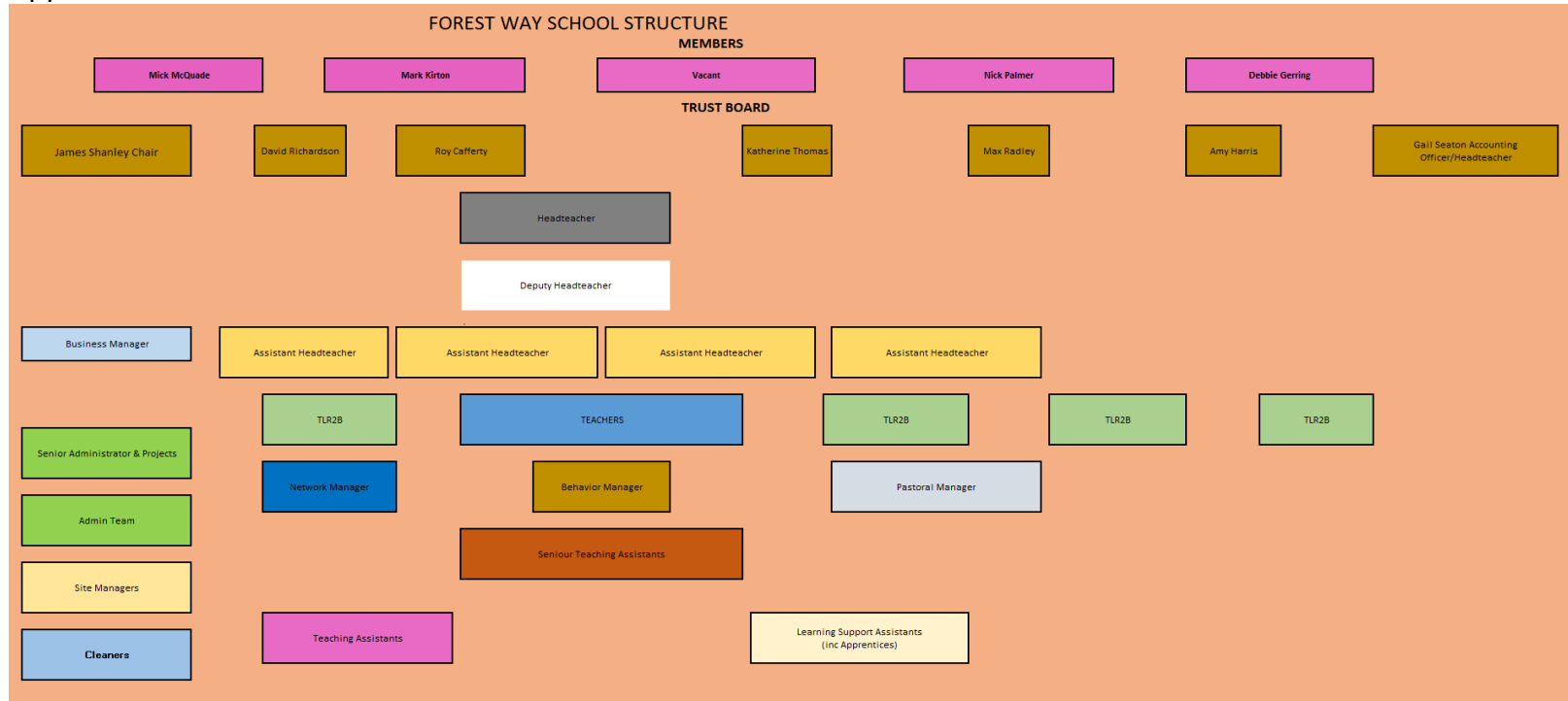
Admissions

To consider and determine all appeals arising from refusal by schools of pupil admissions.

Complaints

To consider and determine all Stage 4 Complaints (under the agreed Complaints Procedure).

Appendix A



FOREST WAY SCHOOL
Schedule of Limits and Restrictions

Petty Cash	Single transaction limit £150 Open facilities at bank £1000 per week	Max Float at any one time £1000		
Procurement, Quotation and Tendering	Above £1000 and up to £10000 two oral quotations and approval of Headteacher Procurement in excess of £10000 requires Governing Body approval prior to acquisition or Purchase order being raised	Above £10000 and up to £20000 two written quotations and approval of Governing Body	Above £20000 and up to £100000 three written quotations and approval of Governing Body	Above £100000 up to EU (OJEU) Tendering Thresholds subject to formal tendering process*
Main School Drawing Account	Cheques up to £10000 require 2 signatures one of which must be Headteacher	Cheques in excess of £10000 require 3 signatures		
Lloyds Bank Charge Cards	Single transaction limit £1500	Overall Credit Limit per card £2500 (Max risk exposure £7500)	All Credit Card statements to be signed off by Headteacher Headteachers Credit Card signed by Chair	
Insurance Limits		Safe insurance limit £6000		
Write Off	Governing Body up to £250	In excess of £250 EFA (Secretary of State) required		

Private School Fund/Pupil Enterprise Fund	All cheques require two signatories	Cheques in excess of £10000 require 3 signatures		
Service Level Agreements/ Contracts	Above £10000 two oral quotations and approval of Headteacher. Procurement in excess of £15000 requires Governing Body approval prior to agreement being signed			
Virements	All overspends/underspends identified and reported monthly in headteachers report for onward reporting to full Governing Body meetings. Note: The Trust does not vire funds.			

*Note: Where possible Procurement Frameworks will be used. The school reserves the right to procure services from the original construction company in order to avoid invalidating any rights pertaining to latent defects