



OWLS Academy Trust

Scheme of Delegation

Version: 2.0

Date of Last Review	August 2021
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Review History

Date	By	New Version Number	Changes Made	Approved by Trustees
Aug 2021	K McLaren	2.0	Simplification and standardisation of language throughout the document. Creation of accompanying "Guidance on Application of Scheme of Delegation" created as separate document.	



Introduction

The OWLS Academy Trust is the statutory body for all of the schools within the MAT. The Secretary of State for Education has entered into an agreement with the OWLS Academy Trust to run the schools in the Trust and therefore the Academy Trust Board (ATB) is responsible for the standards and operation of all schools in the Trust.

The ATB must determine the membership and proceedings of any committee, with due regard to the requirements of the Articles of Association of the OWLS Academy Trust. Only the ATB can take decision on the delegation of powers, including:

- The establishment of committees;
- The approval of terms of reference;
- The appointment of Trustees and Governors (with the exception of parent or staff Governors);
- The appointment of non-Governors to any Committees;
- The delegation of any powers to a Committee or an individual; or
- Any changes to previous agreements.

The ATB must also review the terms of reference, constitution and membership of any committee or sub-committee annually.

The ATB has established a Local Governing Body (LGB) at each school, with agreed delegation arrangements. The committee structure of each LGB may include the sub-committees detailed within this document. Each LGB must also review the establishment, terms of reference, constitution and membership of their committees and sub-committees annually. The membership of any LGB committee may include associate members, provided that a majority of members of the committee are governors. Each committee must have a chair who is either appointed by the LGB or elected by the committee. Either the ATB or the LGB (with approval of the ATB) may remove the chair of a committee from office at any time.

The delegation arrangements should be kept under constant review: good practice requires that delegation arrangements should be considered at least annually, so the ATB reviews and approves the scheme of delegations at their first meeting in the autumn term every year.

The ATB or LGB may appoint non-Trustees and non-governors to any of the committees providing that:

- On committees of the ATB, Trustees form the majority of voting members of the committee; or
- In the case of LGBs, governors:
 - a) form the majority of the members of the committee;
 - b) are in the majority at any meeting of the committee; and
 - c) take the Chairmanship of the committee.

In addition, the LGB may if it wishes enable any of the non-governors to be *voting* members of the committee.



Retention of Powers

Some key decisions cannot be delegated and must be taken by the ATB. In these cases, the Trustees may still ask a person or a working group to consider issues and make *recommendations* to them, provided the full ATB take the final decision. This is also true for the LGBs, where some key decisions cannot be further delegated and must be taken by the full LGB. Again, the LGB may ask a person or a working group to consider issues and make *recommendations* to them, provided the full LGB take the final decision. The ATB and LGBs

should take care to distinguish between committees which have delegated powers and working groups/parties or informal groups which do not.

The Academy Trust Board:

- Is the employer of all staff and therefore is the final appeal body in matters of pay and staff discipline;
- Is the admissions authority for all schools in the Trust;
- Will agree the final budget for each school.

Duties which **cannot** be delegated to the LGB are:

- The suspension of governors (without informing the ATB);
- Appointing and removing the chair and vice-chair (subject to approval from the ATB);
- The delegation of functions

Decisions relating to staff dismissal and appeals must be delegated to the Staff Discipline Sub-committee of the LGB and the ATB informed.

Outside these restrictions the ATB *may* delegate any of its functions to a Committee or an individual.

Accountability for Decisions

The ATB may delegate authority to two key groups in order to ensure the effective leadership and governance of the Academy Trust. The two key groups are:

- Executives' Advisory Board (EAB) (head teachers, leadership and management within schools, Trustees may attend this group as appropriate - the chair or vice chair of Trust usually attends these meetings. Chairs of LGBs may also attend.)
- Local Governing Bodies.

The relationship between the ATB and the EAB and the LGBs is characterised as a partnership to realise a common vision and a common purpose. In the case of the LGBs the relationship between the two tiers of governance is also based on the principles of:

1. No or as little as possible duplication of governance; and
2. Governance should be as close as possible to the point of impact of decision-making.

The Terms of Reference, the Roles and Functions Matrix and this Scheme of Delegation provides clarity as to who the decision makers are for different levels of decisions. Effectiveness of both management and governance is supported through clarity over who holds the decision-making responsibility and who supports and advises the decision makers.



Overview

OWLS Governance Structure

Members

Our Members are best viewed as guardians of the constitution, changing the Articles of Association if necessary and ensuring the charitable object is fulfilled. The Members can appoint Trustees and can exercise reserve powers to appoint and remove Trustees, but it is anticipated that this power will rarely be exercised. The Trust will ordinarily have at least five Members, who should where possible, be independent and are selected for their skill sets.

Academy Trust Board (ATB)

The corporate management and trustee responsibility for the actions of the Trust is vested in the Trustees, collectively referred to as the Academy Trust Board (ATB), who are company directors registered with Companies House.

The Trustees are personally responsible for the actions of the Academy Trust and its schools, and are accountable to the Members, the Secretary of State for Education and the wider community, for the quality of the education received by all pupils of the schools and for the expenditure of public monies. The Trustees are required, pursuant to the Funding Agreements, to have systems in place through which they can assure themselves of the quality, safety and good practice of the affairs of the Academy Trust.

The ATB may decide to form committees to carry out certain of its functions.

The Finance and Audit Committee meets 6 times per year to ensure there is regular scrutiny of the Trust's financial position.

Other committees will be formed as needed and may include, but are not limited to:

- Curriculum and Standards Committee
- Health and Safety Committee
- Staff Pay and Performance Committee
- Staff Disciplinary/Dismissal Committee
- Staff Appeals Committee
- Admissions Committee

Executives' Advisory Board (EAB)

The OWLS Executives' Advisory Board (EAB) is the advisory management arm of the Academy Trust, focusing strategically on operations and the educational performance of its schools. The EAB operates in conjunction and collaboration with the CEO who reports directly to the ATB. The EAB work directly with the staff in each school and with the LGBs to ensure that the required outcomes are achieved in accordance with the direction and vision of the ATB. The head teacher of each school, as a member of the EAB, is the conduit between the Trust and the Local Governing Body (LGB). Chairs of LGBs may also attend EAB meetings as required.

EAB colleagues may attend ATB meetings at times to advise the Trustees in order to improve effective governance and partnership at all levels of the organisation.

Local Governing Bodies (LGBs)

The role of a Local Governor within a Multi-Academy Trust is an important one. In developing our governance arrangements, the ATB has sought to ensure that the responsibility to govern is vested in those closest to the impact of decision-making, and that such responsibility matches the capacity of those assuming responsibility. The ATB establishes LGBs for each of the schools, for the most part made up of individuals drawn from the school's community both as elected and appointed members.

The Local Governors, in conjunction with appropriate colleagues from the EAB as advisors, are accountable to the ATB (in turn accountable to the DfE) as well as to the communities they serve.

Each LGB is encouraged to form sub-committees to carry out certain functions. These should include regular sub-committees that meet on a termly basis in respect of:

- Finance and Staffing
- Curriculum and Pupil Data
- Safeguarding / Health and Safety

Other sub-committees will be formed as needed and may include, but are not limited to:

- Staff Pay and Performance
- Staff Disciplinary/Dismissal
- Staff Appeals
- Complaints

Pupil, Parent and Staff Voice

Accessing and responding to pupils’ collective concerns is an important part of the operations and governance of the OWLS schools. All schools have active Pupil Councils with representatives from across the age ranges. Each LGB is expected to give due regard to issues that are raised through the Pupil Council and the management actions taken in response to the issues.

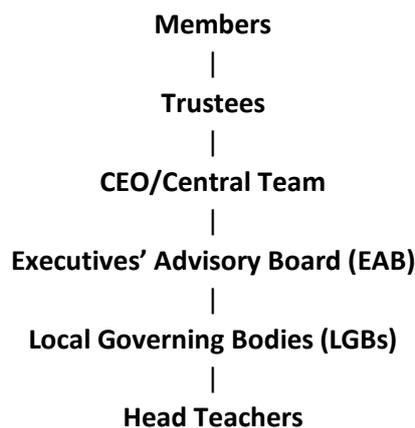
Parental Voice is formally built into the governance structure with the election by parents of parent Governors to each LGB.

Staff Voice is similarly built into the governance structure with the election to each LGB of staff governors (3 elected staff governors, usually including at least one teacher and at least one non-teaching staff member) by employees of the school. (Note: in addition, the Head Teacher is automatically a staff governor)

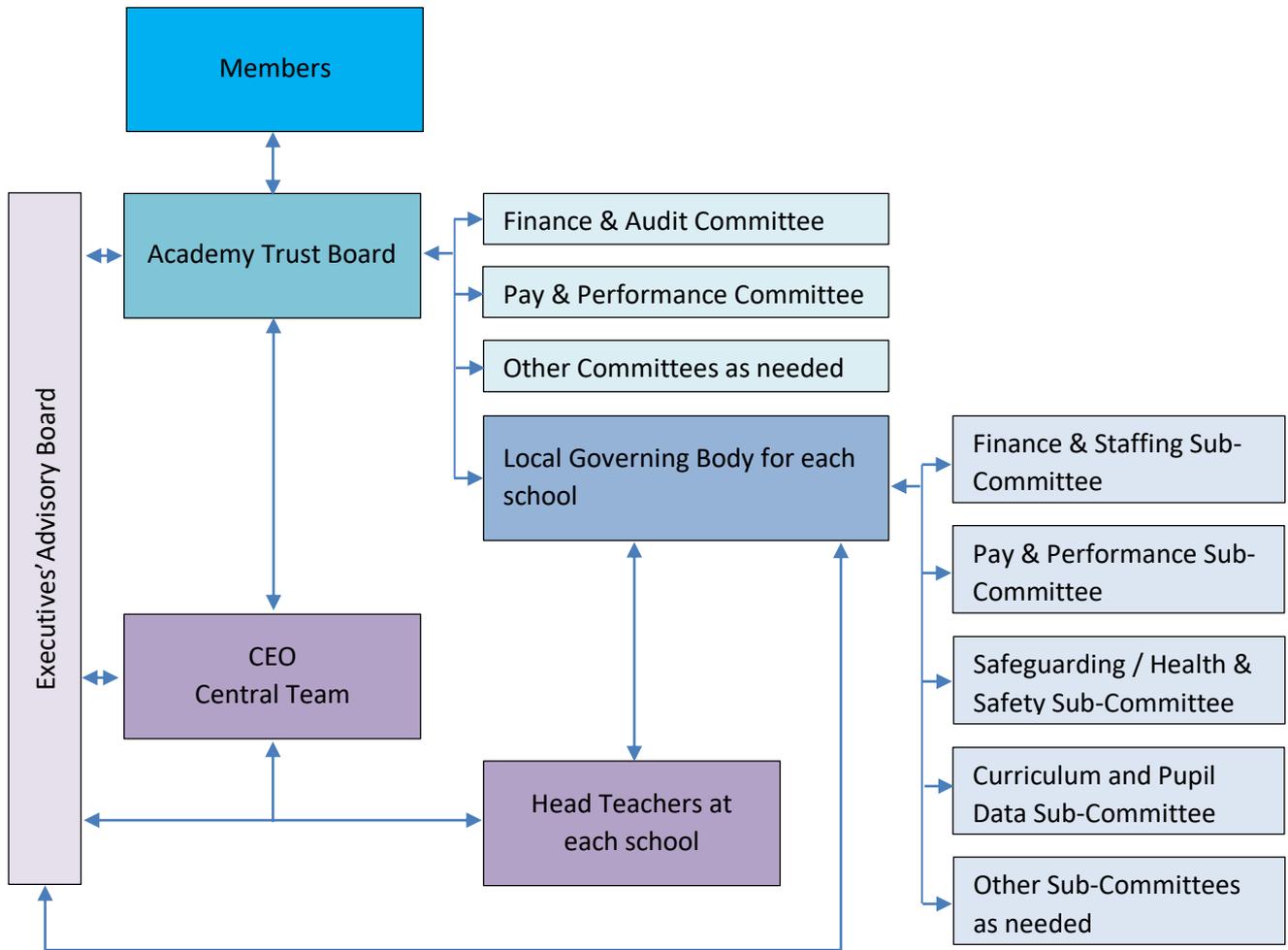
As a Trust we will consider what further mechanisms for pupil, parent and staff representation at other governance levels may be appropriate.

Lines of Accountability

The governance structure and lines of accountability for the OWLS Academy Trust are based on the Articles of Association and Terms of Reference:



Organisation Chart



The names of all Members, Trustees and local Governors, together with details of any committees / sub-committees on which they serve are set out on the Trust website (Members and Trustees) and each school's website (Governors).

Scheme of Delegations

The ATB has overall legal responsibility for the operation of the MAT and the schools within it, but delegates authority to key groups to ensure and achieve effective leadership and governance of the Trust. This Scheme of Delegation therefore provides for certain functions to be carried out by one or more of the following:

- Members
- The ATB – this includes any committees (of Trustees) that may be formed from time to time.
- Chief Executive Officer (CEO) and Central Team (HR, DPO, CFO, business managers)
- Executives’ Advisory Board (EAB) - (Head teachers, Trustees and Chairs of LGB may attend)
- Local Governing Board (LGB) – this includes any sub-committees that may be formed from time to time
- Head teacher of each school

While the Scheme is designed to be comprehensive it will not cover every task, it is an evolving document that is updated as changes occur to advisory and decision-making responsibilities. Any significant changes are referred to the ATB for agreement. The EAB will review the scheme of delegation annually and present it to the ATB for agreement.

Where responsibilities are delegated below ATB level, then the ATB continues to hold a monitoring role and may from time to time request assurances from the relevant body/person that the duty is being undertaken effectively. Similarly, LGBs may request assurances from the Head Teacher. Such assurances will normally be provided through the regular CEO reports to Trustees and Head Teachers’ reports to their LGB.

Where a cell is shaded in grey then the function cannot legally be delegated to this level, but they may be asked to contribute in an advisory capacity including making recommendations to the responsible person/board.

	Members	ATB (incl. committees)	CEO / Central Team	EAB	LGB (incl. sub- committees)	Head Teacher
Governance						
Appointing / removing Members	✓					
Appointing/removing Trustees (including Lead Trustees for SEND and Safeguarding)	✓	✓				
Appointing/removing Governors (including Lead Governors for SEND and Safeguarding)					✓	

	Members	ATB (incl. committees)	CEO / Central Team	EAB	LGB (incl. sub- committees)	Head Teacher
Ensure suitable range of skill sets (including finance) across membership, undertaking skills audit at appropriate intervals		✓			✓	
Appointing / removing Chair / Vice Chair of Trustees	✓	✓				
Appointing / removing Chair / Vice Chair of Governors		Final Approval	Advisory		✓	Advisory
Establishing and appointing ATB committees		✓				
Establishing and appointing LGB sub-committees					✓	
Agree and review Articles of Association	✓	Advisory	Advisory	Advisory		
Establish and review governance structure across the Trust		✓	Advisory	Advisory		
Agree and review terms of reference for ATB, LGB and all committees / sub-committees		✓	Advisory	Advisory	Advisory	
Appointing / removing Governance professional (formerly clerk) for ATB		✓	Advisory			
Appointing / removing clerk to LGB					✓	
Vision, Ethos and Strategy (including Compliance)						
Setting Trust vision, strategy, culture and values		✓	Advisory	Advisory		
Setting school vision, strategy, culture and values which contribute to those of the Trust			Advisory		✓	Advisory
Setting school improvement plan in line with Trust priorities			Approve		✓	✓
Ensuring parental engagement takes place					✓	✓
Ensuring compliance with equalities legislation		✓	✓		✓	✓
Setting governance policies (data protection, information sharing, Freedom of Information, Code of Conduct, Complaints, Whistle-blowing)		✓	Advisory	Advisory		
Setting safeguarding policies (safeguarding and child protection, Prevent, Looked after children, Safer recruitment) and practices, with regard to statutory guidance		✓	Advisory	Advisory		
Appointing designated safeguarding lead (DSL)					✓	
Delivering support for looked after children						✓
Carrying out DBS (Disclosure and Barring Service) checks			✓			✓

	Members	ATB (incl. committees)	CEO / Central Team	EAB	LGB (incl. sub- committees)	Head Teacher
Setting admissions policies		✓	Advisory	Advisory	Advisory	Advisory
Attending Trust inspections			✓		✓	✓
Educational Performance						
Setting Trust approach to curriculum and assessment, with regard to statutory requirements			✓			
Setting and delivering school curriculum and assessment in line with Trust approach					✓	Advisory
Delivering Early Years Foundation Stage (EYFS) in line with statutory requirements						✓
Developing curriculum policies as required by schools (Religious education, Sex and relationship education, Collective worship)		✓	Advisory	Advisory		
Production and analysis of educational data			✓			✓
Delivering careers guidance, with regard to statutory requirements		Currently not applicable				
Ensuring compliance with SEND Code of Practice						✓
Setting behaviour and welfare policies (behaviour, exclusions)		✓	Advisory	Advisory		
Setting approach to directing pupils offsite, exclusions			Advisory		✓	Advisory
Keeping admission and attendance registers						✓
Staffing (including Performance Management)						
Setting HR policies (Appraisal, Pay, Disciplinary, Grievance, Capability, Safer Recruitment)		✓	Advisory	Advisory		
Agree Trust staffing structure		✓	Advisory	Advisory		
Agree school staffing structure			Advisory		✓	Advisory
Setting approach to staff appointment and dismissal, with regard to statutory requirements		✓	Advisory	Advisory		
Appointing senior executive leader as accounting officer		✓				
Appointing CFO and other senior central staff		✓	Advisory			
Appointing other central staff			✓	Advisory		

	Members	ATB (incl. committees)	CEO / Central Team	EAB	LGB (incl. sub-committees)	Head Teacher
Appointing head teachers and deputy head teachers		✓	Advisory		Advisory	
Appointing school staff (below deputy head teacher)			Advisory		Informed	✓
Setting approach to appraisal/performance management		✓	Advisory	Advisory		
Setting pay policy, including levels of executive pay		✓	Advisory	Advisory		
Undertake appraisal/performance management of CEO		✓				
Undertake appraisal/performance management of head teachers / central team other than CEO			✓		✓	
Undertake appraisal/performance management of school staff						✓
Agree CEO pay progression		✓				
Agree head teacher pay progression			Advisory		✓	
Agree teacher pay progression					✓	Advisory
Financial Performance						
Developing finance policies (Charging and remission, Procurement)		✓	Advisory	Advisory		
Setting delegated authority limits for financial transactions		✓	Advisory	Advisory		
Establishing controls framework including internal audit		✓	Advisory	Advisory		
Agree central spend/top slice arrangements		✓	Advisory	Advisory		
Budget approval		✓	Advisory	Advisory	✓	Advisory
Delivering monthly management accounts and forecasts			✓			✓
Scrutinise management accounts and forecasts / financial performance across the Trust		✓				
Scrutinise management accounts and forecasts at school level					✓	
Managing expenditure and cash position			✓			✓
Managing assets			✓			✓
Monitoring pupil premium spend			✓			✓
Monitoring spend of other grants (e.g. PE and sport premium, Year 7 literacy and numeracy catch-up, etc.)			✓			✓
Appointing external auditor	✓		Advisory			

	Members	ATB (incl. committees)	CEO / Central Team	EAB	LGB (incl. sub- committees)	Head Teacher
Delivering annual report and accounts, with regard to accounts consolidation exercises required by DfE		✓	Advisory			
Receiving annual report and accounts	✓					
Managing conflicts of interest and related party transactions			✓			✓
Ensuring compliance with ESFA requirements			✓			✓
Receive and respond to audit reports (internal/external)		✓	Advisory		✓	Advisory
Risk Management (including Health & Safety)						
Ensuring adequate insurance cover is in place			✓			
Establish and maintain risk register			✓			✓
Review and monitor risk register		✓	Advisory		✓	Advisory
Setting health and safety policies		✓	Advisory	Advisory	✓ (local detail)	Advisory
Other						
Lettings policy and procedures		✓				
Website compliance			✓			
Trust policy framework		✓				

Extensive detail setting out the duties and responsibilities at each level, together with terms of reference for all levels of governance can be found in the Guidance on the Application of the OWLS Scheme of Delegation document.

Intervention

The ATB remains ultimately responsible for the Academy Trust and the conduct of the schools. The operation of the various elements of governance outlined in this Charter/structure are crucial to the success of the group. However, there will be circumstances (more the exception than the norm) where the ATB might need to intervene and, for example, withdraw delegated authority a particular element of governance. The Trust will advise on staffing and governance appointments making recommendations as required, all appointments at senior level are subject to Trust approval.

In such circumstances, the ATB, along with the EAB (in an advisory capacity) would work closely with any schools concerned and those involved in their governance who would be expected to promptly implement any advice or recommendations made by the ATB and the EAB.

The ATB reserves the right to review or remove any power or responsibility which it has delegated, in particular, in circumstances where serious concerns in the running of a school (or schools) are identified, including where:

- There are concerns about financial matters; (deficit budget)
- Insufficient progress is being made against educational targets (including where intervention by the Secretary of State is being considered or carried out); (graded less than good at Ofsted or Trust level)
- There has been a breakdown in the way the school is managed or governed; or the safety of pupils or staff is threatened, including a breakdown of discipline.



Acronyms and Definitions

ATB	Academy Trust Board
ATH	Academy Trust Handbook
CEO	Chief Education Officer
CFO	Chief Financial Officer
DBS	Disclosure and Barring Service
DfE	Department for Education
Director	A Member of the Academy Trust Board (also known as a Trustee)
DPO	Data Protection Officer
DSL	Designated Senior Lead (for safeguarding)
EAB	Executives' Advisory Board
ESFA	Education and Skills Funding Agency
KPI	Key Performance Indicator
LGB	Local Governing Body
Trustee	A Member of the Academy Trust Board (also known as a Director)