



SCHEME OF DELEGATION

Revision No	Revision Date	Created by	Approved By	Status	Revision date
3	7/7/2020	Stephen Mitchell		For Approval	
2	26/6/20	Stephen Mitchell		For Approval	
1	19 June 2020	Stephen Mitchell		DRAFT	24 June 2020

Introduction

The KMAT Board of Trustees (BoT) are accountable in law for all major decisions about their academies. It is vital that the decision to delegate a function is made by the full Board of Trustees and is recorded. Without such delegation, the individual or committee has no power to act.

This scheme of delegation is the key document defining the lines of responsibility and accountability in our trust. It is a simple yet systematic way of ensuring that the Members, Directors, Executive Leaders, Members of Local Boards, and Head Teachers / Heads of Schools are all clear about their roles and responsibilities. This overarching 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 Financial Handbook. In this document, the phrase Head Teacher is used interchangeably to mean Head of School, where appropriate. This designation is different to the CEO/Accounting Officer.

Some Governing Bodies joining a new trust may assume that they will continue to function as they did when they were a governing body of a maintained school. However, when joining a trust these Local Governing Bodies do not have the same legal status as when run in maintained schools, and are committees constituted by the KMAT Board of Trustees, who have the power to appoint and remove committees at any time.

Each Academy within KMAT has its own Local Governing Body (Local Board). This Local Board is a sub-committee of the full Board of Trustees, and are established under the powers given to Directors in the Articles of Association.

Local Boards in KMAT hold different functions to those of a maintained school's governing body and in some cases responsibilities may be much reduced. A detailed yet clear scheme of delegation prevents confusion arising before any misunderstanding develops.

This scheme of delegation is designed to:

- Promote a culture of honesty and accountability
- Ensure the Executive Leaders are clear about which decisions the KMAT Multi Academy BoT remains in control of
- Identify responsibility for the appointment and performance management of the CEO/Executive and Heads of School/Head Teachers
- Ensure that the role of the Executive Leadership is fully understood throughout the trust
- Identify responsibility for policy and practice in each academy
- Identify responsibility for oversight of educational performance in each academy
- Identify responsibility for oversight of each academy's budget
- Identify responsibility for assessment of risk in each academy

The BoT appoint the Chief Executive Officer (CEO), who also acts as the statutory Accounting Officer, 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 academies within the trust, and for its financial management. This Scheme of Delegation supports the CEO in the delivery of their function.

In turn, the CEO line manages other senior executives and the academies' Head Teachers; setting their targets and performance managing them.

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

As the Head Teacher is being line managed by the CEO or delegated executive leaders, the Local Board carries no operational function of managing the Head Teacher. However, they must be confident that the Trust's performance management 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 to seek input from the Chair of the Local Board when undertaking the Head Teacher's performance management.

Members

The Members are a group of individuals who have ultimate responsibility for the governance arrangements of the Trust, and the 'keepers of the vision'.

They have different responsibilities to Trustees, and their principles responsibilities and authorities are to:

- Appointment, and removal, of Members, as appropriate.
- Ensure at all times that there a minimum of three Members
- Appoint (up to 11) Trustees to the BoT to ensure that the Objects of the Trust are carried out appropriately

The Articles of Association indicate that the Object of the Trust is:

to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing, by establishing, maintaining, carrying on, managing and developing schools offering a broad and balanced curriculum ("the mainstream Academies") or educational institutions which are concerned with providing full-time or part-time education for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless alternative provision is made for them ("the alternative provision Academies") or 16 to 19 Academies offering a curriculum appropriate to the needs of its students ("the 16 to 19 Academies") or schools specially organised to make special educational provision for pupils with Special Educational Needs ("the Special Academies")

The current list of Members is available at www.get-information-about-schools.gov.uk

Board of Trustees (BoT)

The Board of Trustees are the Directors of the legal entity, and have responsibilities as such under the Companies Act, the Charities Act, and other relevant legislation.

We use the term Trustees to similarly indicate Directors, as Directors are Trustees of the Charity as the MAT falls under the definition of an exempt charity.

The BoT agrees the strategy for the Trusts, and is responsible for the oversight of the Executive Officers and staff in accordance with the Articles of Association, the Memorandum of Association, the Funding Agreements, and the Academies Financial Handbook.

It sets the Scheme of Delegation which lays out which powers and responsibilities are delegated to other groups or individuals, and which powers are reserved for the BoT. The BoT can review the Scheme of Delegation at any time, and has the right to review, add, adapt, or remove delegations in the way it deems appropriate.

It is an expectation of the BoT that any Director cannot similarly serve on the Local Boards of any the Trust's constituent academies, to avoid potential or perceived conflict of interests.

The current KMAT Board of Trustees are listed on the Trust website at www.ksn.org.uk

Trustees act collectively: with the exception of the CEO (as per the delegations in this document and in the powers transferred into the Articles of Association), they do not have individual executive authority. Each Academy is ultimately governed by the Trust.

The powers and responsibilities of Trustees are laid out in the Articles of Association, but broadly are described as:

- To manage the business of the Trust.
- To expend the funds of the Trust in such manner as they shall consider most beneficial for the achievement of the Objects.
- To invest in the name of the Trust such part of the funds as they may see fit.
- To enter into contracts on behalf of the Trust.
- In exercising these powers and functions, the Directors may consider any advice given by the CEO and any other Executive Officer.
- Any bank account shall be operated by the Directors in the name of the company and cheques shall be signed by at least two signatories authorised by the Trustees.
- The Trustees may appoint separate committees for each Academy and should determine constitution, membership, proceedings and Terms of Reference. Terms of Reference are to be reviewed annually.
- Directors may delegate to any Director, committee, the CEO or any other Executive Officer, such of their powers or functions as they consider desirable. Delegation may be subject to conditions and may be revoked or altered. Any exercise of this power is to be reported to the next Trustees' meeting.

- To appoint the CEO and Head Teachers of the Academies. Directors may delegate such powers and functions as required by the CEO and Head Teachers for the internal organisation, management and control of the Academies (including the implementation of all policies approved by the Trustees and for the direction of the teaching and curriculum at the Academies).
- To comply with obligations under the Companies Act and Charities Act with regards to the preparation and filing of the annual report, accounts and confirmation statement/annual return.

Members of the Executive Team are invited to attend BoT meetings at the request of the Trustees.

Sub-committees

The BoT of Trustees has established various sub committees to enable its work, and to facilitate robust support and challenge to the Executive. These committees have their own Terms of Reference, meet regularly and report to the BoT in turn. The terms of reference are available on the Trust website, and attendance details are published in the Annual Accounts.

Committees

The Trust has established the following Committees, which are constituted of Trustees, and others whom the Board of Trustees choose to appoint for relevant experience, expertise or skills.

- Finance and Audit
- HR
- Remuneration (meets annually)
- Quality and Standards

Local Boards

Each Academy Local Board shall have a minimum of 5 members, with a maximum of 9. The Trust follows the DfE guidance in relation to membership of Local Boards and will ensure that there at all times at least 2 parents on each Local Board.

The guidance indicates that:

- The Trust must appoint a majority of Local Members
- There should be a minimum of two parent Local Members;
- The Academy Head Teacher is a member of the Local Board; and
- Academies can choose to have staff as members of the Local Board but the total number of staff members must not exceed one third of the total membership.

Elections run by the Local Board for new Members will be borne in mind by Directors when considering who the Trust appoint to the Local Board, in order to facilitate the first of the above requirements.

Local Boards meet Termly, and will work to an agenda of standardised items provided by the Trust, but are free, under the remit of the Local Board's elected Chair, to add additional items. The Trust does not require separate local sub-committees, and expects the standardised agenda items to be managed through meetings of the full Local Board.

The BoT reserves the right to remove any Local Members, as appropriate, by majority decision at a BoT meeting.

Chief Executive Officer

The BoT delegates responsibility to the CEO for the effective operation of the day to day elements and performance of the Trust, including the educational and operational performance. The CEO therefore line manages the Head Teachers, and the executive leadership structure is established on this base.

The CEO fulfils the statutory position of Accounting Officer.

The CEO leads the executive team of the academy trust. The CEO will delegate executive management functions to the executive management team and is accountable to the BoT for the performance of the executive management team.

Governance Levels of Authority

Delegated Duty	Delegated Authority	Comment
Review and amend Articles of Association	Members	On recommendation

Curriculum and other Levels of Authority

Delegated Duty	Delegated Authority	Comment
Establish Curriculum Intent statements for each school	CEO	In development with the Head Teacher and Local Board
Exam Boards followed	Executive Team	Consistency across Trust required to allow for synergies of Trust working
Content of curriculum	Head Teachers	
Admissions	<p>Academy Local Board for annual review of policy and administration of admissions.</p> <p>BoT for any changes to an Academy admissions policy.</p>	<p>All KMAT Academies, will participate where possible in the Local Authorities admission procedures for primary academies and for 11–16 in secondary academies.</p> <p>For post16 students, an Academy may determine arrangements, taking into account Local Authority admission policies.</p> <p>Any proposals to change admissions arrangements agreed on conversion must be submitted to the KMAT BoT for approval and then must be submitted to the Local Authority for consultation.</p>
Health and Safety Policy	BoT	.
Implementation of H&S Policy	Head Teacher / Head of School	The operational compliance of this function is delegated on a day to day basis to the Head Teachers of the academies. Overall compliance with this requirement is monitored by the Finance and Audit Committee on behalf of the BoT

Delegated Duty	Delegated Authority	Comment
Safeguarding policy	CEO	<p>It is the responsibility of the Trust to ensure that policies on the safer recruitment of staff, on dealing with allegations against staff, supporting pupils with medical conditions and a staff code of conduct for working with children are in place, that these policies are communicated to all employees and that appropriate systems and procedures are in place to secure effective implementation of these policies.</p> <p>In the event of safeguarding or child protection concerns relating to the conduct of any employee, the CEO is empowered to take immediate action. All action taken under this power is subject to review by the next meeting of the BoT.</p>
Safeguarding implementation	Head Teacher	<p>All Academies must ensure that their safeguarding and child protection policies comply with the relevant Local Children's Safeguarding Board requirements and review these policies on at least an annual basis or when relevant statutory guidance is updated.</p>
Permanent Exclusions	Head Teacher	<p>All Academies will follow DfE guidance for permanent exclusions and independent permanent exclusion appeals, as per exclusion policy</p>

Revenue Budget Setting

Budget setting is based upon a zero based budgeting principle, co-ordinated and owned by the CFOO. The BoT will review and approve a 3 year budget by 30 June every year.

Delegated Duty	Delegated Authority	Comment
Budget development	Head Teacher	Supported by the CFOO. Consultation expected with Local Boards for feedback
Academy budget approval	BoT	Per CEO recommendation.
Consolidated budget approval	BoT	Consolidated budget and per school budget to be presented to BoT before end of June annually

Financial Levels of Authority

Delegated Duty	Value	Delegated Authority	Comment
Capital works	Up to £1,000	Budget Holder	Selection from preferred supplier list unless agreed otherwise with CFOO.
	£1,001 to £5,000	As above plus Head Teacher	Minimum of three quotes.
	£5,001 to £10,000	As above plus CFOO	Minimum of three quotes.
	£10,001 to £20,000	As above plus CEO	Minimum of three quotes.
	£20,001 and over		Formal tendering process, including advertising in OJEU (if over the OJEU threshold), in addition to BoT
Income Generation	Up to £10,000	Headteacher	
	£10,001 to £25,000	As above plus CFOO	
	Over £25,000	As above plus CEO	
Insurance/ Risk Pooling arrangements	All	CFOO	KMAT will ensure that all Academies receive value for money for their insurance.
Investments	All	BoT	KMAT invests any surplus monies in accordance with the treasury management and reserves policies approved annually by the BoT.
Private Finance Initiative (PFI)		BoT	Any changes or new PFI contracts require approval by the BoT. Where capital projects are approved within PFI buildings, Trust procurement requirements must be followed.

Delegated Duty	Value	Delegated Authority	Notes
Ordering goods and services (approving requisitions)	Up to £1,000	Budget Holder	Selection from preferred supplier list unless agreed otherwise with CFOO.
	£1,001 to £5,000	As above plus Head Teacher	Minimum of three quotes.
	£5,001 to £10,000	As above plus CFOO	Minimum of three quotes.
	£10,001 to £20,000	As above plus CEO	Minimum of three quotes.
	£20,001 and over	As above plus BoT	Formal tendering process, including advertising in OJEU (if over the OJEU threshold), in addition to BoT
Operating leases or contracts between 1-5 years, and Service Level Agreements	Any	All contracts and leases must be approved in line with the above and signed centrally by the CEO or CFOO.	<p>KMAT does not require ESFA approval for operating leases except for some transactions relating to land and buildings.</p> <p>Any lease arrangement must maintain the principles of value for money, regularity and propriety whether or not ESFA's prior approval is required.</p> <p>Where possible, approved Frameworks should be used unless independent procurement provides a better solution</p>

Delegated Duty	Value	Delegated Authority	Notes
Finance leases	Any	All finance leases must be referred to the CFOO as ESFA approval is required.	<p>ESFA prior approval must be sought for the following leasing transactions:</p> <ul style="list-style-type: none"> ▪ taking up a finance lease on any class of asset for any duration from another party (borrowing). ▪ taking up a leasehold or tenancy agreement on land and buildings for another party for a term of seven or more years. ▪ granting a leasehold interest, including a tenancy agreement, of any duration, on land and buildings to another party.
Signatories for cheques, BACS payment authorisations and other bank transfers	Any Single Payment	<p>Two signatories from:</p> <ul style="list-style-type: none"> ▪ CEO ▪ CFOO ▪ Head Teacher ▪ Deputy Heads <p>Over £10,000</p> <p>Two signatures required of which one must be the CFOO</p> <p>Over £100,000</p> <p>Two signatures required of which one must be the CEO</p>	“

Delegated Duty	Value	Delegated Authority	Notes
Any Bulk/Group Payment	Any	Two signatories from: <ul style="list-style-type: none"> ▪ CEO ▪ CFOO ▪ Chair ▪ Trustee Over £200,000 One of the signatures must be the CEO	
Purchase or sale of any freehold property	Any	ESFA approval required	All discussions with ESFA will be carried out by the CFOO / CEO. Please notify the CFOO in the first instance.
Disposal of other assets	Up to £5,000	Head Teacher and Business Manager	
	£5,000 to £50,000	As above plus CFOO	
	Over £50,000	BoT	

Delegated Duty	Value	Delegated Authority	Notes
Write off of bad debts	Up to £10,000	CFOO	In some circumstances, ESFA approval may be required.
	Over £10,000	BoT	In some circumstances, ESFA approval may be required
Granting or take- up of any leasehold or tenancy agreement exceeding three years	Any	ESFA approval required	All discussions held with ESFA will be carried out by the CFOO/CEO. Please notify the CFOO in the first instance.
Raising invoices to collect income	Up to £5000	Finance Officer within Academy	
	£5,001 to £10,000	As above plus Head Teacher	
	£10,001 to £25,000	As above plus CFOO	
	Over £25,000	As above plus CEO	

HR Levels of Authority

Delegated Duty	Position	Recruitment Panel	Comments
<p>All appointment panels must contain at least one member of the panel who has undertaken Safer Recruitment Training. Please see the Trust's Safer Recruitment policy for further details.</p>			
Appointments	CEO, CFOO	BoT	Min 3 Directors
	Executive Team, Head Teachers	BoT	To include the CEO
	Central Team	CEO (or nominated representatives)	Minimum of 3
	Academy SLT	Head Teacher, Deputy Head, CEO, Local Board	Minimum of 3
	Academy Staff	Head Teacher, SLT	May include representatives from Local Board

Delegated Duty	Position	Delegated Authority	Appeal
Disciplinary cases, grievances and dismissals	CEO	2 Directors	2 other Directors including Chair or Vice Chair
	Executive Team	CEO	2 Directors
	Head Teacher / Head of School	CEO	2 Directors
	Deputy Head Teacher / SLT	Head Teacher	CEO and Executive Team
	All other Academy Posts	Head Teacher	CEO and Executive Team
	All Central Posts	CEO	2 Directors

Delegated Duty	Delegated Authority	Comment
Settlement Agreement, up to and including £10,000	CEO	HR Manager to complete business case documentation. CEO to sign
Settlement Agreement, up to and including £50,000	BoT	Approval needed from ESFA above this level
Delegated Duty	Position	Delegated Authority
Acting Up Payments, / Additional Payments and other temporary payments	CEO	Chair of BoT
	Head Teacher / Executive Team	CEO
	All other Academy staff	Head Teacher, after agreeing terms with CFOO
	All other Central staff	CEO
	Additional payments for external work	CEO

Delegated Duty	Position	Delegated Authority
Performance Management	CEO	3 Directors, including Chair of BoT
	Executive Team	CEO
	Head Teachers	CEO, with input from Local Board Chair
	Deputy Head Teacher	Head Teacher
	All other posts	Line Manager
Staffing Restructure	All	CEO
Creation of new permanent posts	All	CEO, on recommendation from Head Teacher / CFOO
Creation of new temporary posts of up to 1 year	All	CEO, on recommendation from Head Teacher / CFOO
Change of contracts, e.g. increase / decrease in hours, regrading, secondments, re-designation	All	CEO, on recommendation from Head Teacher / CFOO

Function	Delegated Authority	Comments
Revisions to Pay Policy and other related policies	BoT	following recommendation from Remuneration Committee.

Function	Delegated Authority	Comments
Decision to make redundancies, remove roles, which are restricted to specific posts/grades, subject to max 5 posts	CEO	
Decision to make Redundancies, as part of a wider restructure likely to impact on several posts and grades	BoT	on recommendation from CEO.
Authorisation of redundancy/early retirement payments	CEO	following recommendation from HR, CFOO and Head Teachers, where appropriate.
Determination of CEO's pay range	BoT	on recommendation from Remuneration Committee.
Determination of pay range for an individual with a salary in excess of £80,000	BoT	on recommendation from Remuneration Committee.
Determination of pay range for an individual with a salary less than £80,000	CEO	on the recommendation of HR, and Head Teachers
Determination of pay progression of the CEO	BoT	
Determination of pay progression of Executive Team Members, Head Teachers within their pay grade	BoT	On recommendation of CEO
Determination of pay progression of Deputy Head Teachers within their pay grade	CEO	On recommendation of Head Teacher

Function	Delegated Authority	Comments
Determination of pay progression of teaching posts below Deputy Head Teacher within their pay grade (including Threshold)	Head Teacher	
Administration of employment contracts, pay and conditions of services (with the exception of previous delegated authorities)	CFOO	with reference to the CEO, or Head Teacher, as appropriate)

NB – Any other delegated authority not described above must be referred to the BoT for a decision.

The term ‘Head Teacher’ in the HR Levels of Authority section includes Acting or Associate Head Teacher posts.