

## Our Principles of Governance and Scheme of Delegation

- Good governance at both Brigshaw Learning Partnership and Local Governing Body level is very important in securing our values and aims as a multi-academy trust within a clear and accountable framework.
- The Board of the Brigshaw Learning Partnership is committed to working collaboratively with all Local Governing Bodies, and to ensuring that all decisions affecting individual schools are based on open and transparent consultation with them.
- The Board will fully consult Local Governing Bodies on proposals for their composition, membership, structure and terms of reference, and on developing eligibility criteria to support the recruitment and appointment of governors
- Where schools are performing well, the Board is committed to Local Governing Bodies and school leaders having very high levels of autonomy and delegated responsibility to lead and manage their schools strategically and operationally.
- On the principle of 'tiered autonomy', if a school becomes potentially vulnerable, the Board will provide increased levels of support, challenge or, if necessary, intervention. This may involve reviewing and withdrawing specific delegated authorities, as outlined in the Scheme of Delegation.
- The Scheme of Delegation outlines where accountability and responsibility lie in a multi-academy trust – at both Trust Board and individual Local Governing Bodies and school level The Scheme of Delegation aims to:
  - Promote a culture of honesty and accountability
  - Ensure the executive leadership is clear about which decisions the trust board remain in control of
  - Identify responsibility for the appointment and performance management of the CEO/executive HT and HTs
  - Ensure that the role of the executive leadership is fully understood throughout the MAT
  - Identify responsibility for policy and practice in each school
  - Identify responsibility for oversight of educational performance in each school
  - Identify responsibility for oversight of each school's budget
  - Identify responsibility for assessment of risk in each school

**Approved by BLP Board March 2021**

**Noted by LGBs summer 2021**

**To be published on all school and BLP websites**

**Reviewed annually in September**

## Roles and responsibilities

### The role of the Members

The Members of the Trust are guardians of the governance of the Trust and as such have a different status to Directors. Our original Members were the signatories to the Memorandum of Association and agreed the Trust's first Articles of Association. The Members appoint Directors to ensure that the Trust's charitable objectives are carried out. Accordingly, the Trust Board 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 and approve the appointment of external auditors.

There must be at least three Members, although the DfE prefer at least five, and while Members are permitted to be appointed as Directors, in order to retain a degree of separation of powers between the Members and the Trust board, and in line with DfE expectations, not all Members should be Directors. Members are not permitted to be employees of the academy Trust.

### The role of the Directors

The MAT is a charitable company and so Directors are both charity Trustees (within the terms of section 177(1) of the Charities Act 2011) and company Directors.

The Directors form the Trust board and are responsible for the general control and management of the administration of the Trust, and in accordance with the provisions set out in the Memorandum and Articles of Association and its funding agreement. The Board 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. In addition it must carry out the three core governance functions:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the executive to account for the educational performance of the Trust's schools and their pupils, and the performance management of staff
3. Oversee the financial performance of the Trust and make sure its money is well spent

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

## The role of Trust Board committees

The Directors 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 Trust Board. The membership and responsibilities of board committees are set out in the committee's Terms of Reference. It is usual for the Trust Board to appoint board committee Chairs and committee members according to their skills.

## The role of the Chief Education Officer (CEO) incorporating Accounting Officer

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 Headteachers. As there can be delegation of some governance functions to Local Governing Bodies, this is usually with the LGB Chair alongside.

The CEO is the Accounting Officer so has overall responsibility for the operation of the Trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability; avoiding waste, securing value for money, compliant with the Funding Agreement and the Academies Financial Handbook.

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 trust board for the performance of the executive management team.

## The role of the Local Governing Bodies (LGBs)

LGBs are established as Trust committees and carry out some of the Trust's school level governance functions, although as Directors are not required to sit on academy committees, decision making is limited. The Directors appoint the LGB Chair and Vice Chair and approve Trust Governor appointments, and ensure that two parents and staff governors are elected to the LGB.

Typically, delegated functions may include:

- Building an understanding of how the school is led and managed
- Monitoring whether the school is:
  - Working within agreed policies
  - Is meeting the agreed targets
  - Managing its finances well
- Engaging with stakeholders
- Being a point of consultation and representation
- Reporting to the board
- Approval of policies as per the policy delegation list

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

## The role of the Headteacher/Head of School

The Headteacher/Head of School is responsible for the day to day management of the school and is managed by the Chief Education Officer with the Executive Headteacher (if appointed) but reports to the school LGB on matters which have been delegated to it which may include an element of monitoring and scrutiny of the school's performance.

## Scheme of Delegation for Schools not classified as vulnerable

Decision/Responsibility									
Governance	Members	Board	F&R	A&R	C&S	Pay	CEO/ AO	LGB	HT
Articles of Association: agree/amend	✓								
Change company name or wind up company	✓								
Members: Appoint/Remove	✓								
Directors: Appoint/Remove	✓								
CEO/Accounting Officer: Appoint/Remove		✓							
Appoint trust sub-committee members		✓							
LGB committee Chairs and VC: appoint and remove		✓							
Clerk to board: appoint and remove		✓							
Clerk to LGB committee/council: appoint and remove		✓							
Appoint Trust appointed LGB Governors		✓							
Maintain the trust as a going concern		✓							
Role descriptions for Members	✓								
Role descriptions for Directors/Chair/ specific roles/committees/Trust LGB Governors: agree		✓							
Policy delegation list: approval		✓							
Determine Trust Mission Statement, values		✓							
Governance Structure: approve		✓							
Terms of Reference for board committees and Scheme of Delegation: agree annually		✓							

MAT Skills audit: complete and recruit to fill gaps		✓							
Annual self-review of Trust Board and committees		✓							
Annual governance statement/self-review of LGBs: complete annually								✓	
Succession: plan		✓							
Annual schedule of business for Trust board: agree		✓							
Annual schedule of business for trust committees: agree		✓							
Annual schedule of work for LGB							✓		

Reporting	Mem bers	Board	F&R	A&R	C&S	Pay	CEO/ AO	LGB	HT
Publication on Trust and schools' websites of all required details on governance arrangements:							✓		✓
A&R Annual report on risk management; value for money and audit: Report addressed to CEO and Directors and submitted to Members for publication		✓		✓R					
Annual governance statement, report and accounts including signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit to Members		✓		✓R			✓R		

Strategy	Mem bers	Board	F&R	A&R	C&S	Pay	CEO/ AO	L G B	H T
Determine Policies for board approval as per the policy delegation list.		✓							
Determine admission arrangements/PAN		✓							
Central spend / top slice: agree		✓	✓R						
Management of risk: establish register, review		✓		✓					
Ensuring the Trust's curriculum is balanced					✓				
Engagement with stakeholders		✓					✓	✓	✓
Trust's vision and strategy; agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		✓							
Schools vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine							✓		
Chief Education Officer and Chief Accounting Officer: appoint and dismiss		✓							
Headteacher : appoint and dismiss		✓					✓	✓	
approve a balanced trust budget and any significant changes to it		✓	✓R						
Budget plan to support delivery of school key priorities: agree		✓						✓	
Trust's staffing structure/MSR: agree		✓							
School staffing structure: agree							✓	✓	
Annual review of investments				✓					

	Mem bers	Board	F&R	A&R	C&S	Pay	CEO	L G B	H T
Internal auditing and reporting arrangements(e.g. safeguarding, H&S, employment): agree				✓					
Internal auditors annual report: approve				✓					
Reporting arrangements for progress on key priorities: agree		✓							
Performance management of the Chief Education Officer: undertake		✓							
Performance management of Headteachers : undertake							✓		
Performance Management of other leadership staff									✓
Decision on who conducts performance management of all other staff in school									✓
Ensure effective processes in place for the quality assurance of teaching and learning and inclusion					✓				
Recommend pupil attainment targets to board					✓				
Appoint Chief Financial Officer		✓							
Appoint/remove/retender External auditors and their remuneration	✓			✓ R					
Trust's Scheme of Financial Delegation: establish and review		✓	✓ R						
Financial Procedures Manual			✓ R	✓					
Approve external auditor's plan each year				✓					
External auditors' report: receive and respond to findings		✓		✓ R					
CEO pay award: agree						✓			
Headteacher; Exec HT and Head of School pay award: agree						✓	✓ R		
Teaching staff: agree pay award						✓	✓ R		✓ R



Staff appraisal procedure and pay progression bands: Approval		✓							
Approve uplift to the pay frameworks						✓			
Pay appeals									
Benchmarking and Trust wide value for money: ensure robustness				✓					
Severance payments		✓							
Develop Trust wide procurement strategies and efficiency savings programme			✓				✓ R		
Disaster Response and Recovery Plan		✓		✓ R					

Scheme of Financial Delegation				
Ordering goods and services (raising requisitions)	<p><b>Primary</b>            Up to £2,000 – Authorised by Headteacher, school discretion for quotes            £2,001 to £10,000 – Authorised by Headteacher, three written quotes            £10,001 to £25,000 Authorised by Headteacher, Chief Education Officer (CEO), three written quotes            £25,000 to £50,000 Authorised by Headteacher, CEO, Finance and Resources Committee, three written quotes            Over £50,000 Authorised by Headteacher, CEO, Finance and Resources Committee, formal tendering process *</p> <p><b>Secondary</b>            Up to £2,000 – Authorised by Headteacher, school discretion for quotes            £2,001 to £20,000 – Authorised by Headteacher, three written quotes            £20,001 to £50,000 Authorised by Headteacher, Chief Education Officer (CEO), three written quotes            Over £50,000 Authorised by Headteacher, CEO, Finance and Resources Committee, formal tendering process*</p> <p><b>MAT</b>            Up to £2,000 – Authorised by Finance Director            £2,001 to £50,000 – Authorised by Finance Director and CEO, three written quotes            Over £50,000 Authorised by Finance Director, CEO, Finance and Resources Committee, formal tendering process            Finance and Resources Committee informed of all Trust-wide service level agreements and contracts*</p>			
	<b>BLP Directors</b>	<b>Chief education officer and Director of Finance</b>	<b>Local Governing Board</b>	<b>Headteacher</b>
Operating Leases		<ul style="list-style-type: none"> <li>Approval of all operating leases</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring Role</li> </ul>	<ul style="list-style-type: none"> <li>Arrangement and procurement of operating leases using the criteria above</li> </ul>

<b>Virements</b>	<ul style="list-style-type: none"> <li>Budget virements of over £50,000 at Trust-wide or school level</li> </ul>	<ul style="list-style-type: none"> <li>£10,000 - £50,000 (primary)</li> <li>£20,000 - £50,000 (secondary)</li> <li>Up to £50,000 (MAT)</li> <li>Advise board on virements approved</li> </ul>	<ul style="list-style-type: none"> <li>Budget virements of up to £10,000 (primary); up to £20,000 (secondary)</li> </ul>
<b>Procurement</b>	For contracts above UK Procurement Thresholds, follow the BLP Procurement and Tendering Policy		
	<b>Approval from ESFA required</b>		
	<ul style="list-style-type: none"> <li>Novel, contentious and/or repercussive transactions</li> <li>Severance payments over £50K</li> <li>Taking up a finance lease</li> <li>acquiring a freehold of land or buildings</li> <li>disposing of a freehold of land or buildings</li> <li>disposing of heritage assets</li> <li>granting a leasehold</li> <li>Borrowing funds</li> <li>Compensation payments over £50K</li> <li>Ex gratia transactions <b>must</b> always be referred to ESFA for prior approval. HM Treasury approval may also be needed</li> <li>writing-off debts and losses above delegated limits (AFH)</li> <li>entering into guarantees, letters of comfort or indemnities above delegated limits</li> </ul>		

### **Scheme of Delegation for Vulnerable Schools**

The Brigshaw Learning Partnership Scheme of Delegation is based on its schools being 'good' or 'outstanding' (for example as judged by Ofsted) and therefore having high levels of autonomy.

Schools can become vulnerable relatively quickly. This puts them at risk of finding it more challenging to ensure pupils and students make expected progress and achieve good outcomes. This could happen for a range of reasons, including:

- a significant event with ongoing consequences – for example a fire, a major incident, a bereavement
- staff absence or significant staffing changes
- a particularly challenging cohort or group of pupils
- challenges in the wider community
- lower pupil numbers or other pressures leading to budget difficulties
- inconsistent or inadequate quality of teaching
- inadequate leadership at whole school or area level (eg curriculum, key stage, pastoral group)
- lack of rigorous oversight at governing body level

Sometimes a school's vulnerability is short-term and its causes can be addressed 'internally' with limited advice or support from within the BLP. In other cases, the issues may be more complex and require a more sustained response.

In the case of an Ofsted Section 5 Inspection which judges the school to require improvement or inadequate, the Board will take appropriate steps to ensure the school's action plan is robust and appropriately targeted, resourced and led. These steps may include a range of the intervention strategies identified below.

#### **Support, Challenge and Intervention**

The Brigshaw Learning Partnership Board has a moral responsibility and legal duty to ensure that schools in the Trust are challenged, as well as supported, in their work.

As part of the ongoing 'support and challenge' relationship between the Chief Education Officer and Headteachers, and between The BLP Board, its committees and Local Governing Bodies, the Board will be well-informed about school performance and any measures being taken to address shared concerns.

Where the Board, on the recommendation of The Chief Education Officer, believes that a school is at risk, it may implement a range of interventions, placing the school in a formal 'intensive support' status, on a whole-school or targeted basis.

### **Intensive support: intervention**

The CEO, in consultation with the Board, and where appropriate with the Headteacher and Local Governing Body, may implement one or more of the steps outlined here:

- authorise a formal school review, led by the CEO, focusing on identifying the nature and extent of the issues facing the school, and identifying appropriate steps to address them
- appoint a member (or members) of BLP staff, or an external consultant, to work in the school, with an agreed range of responsibilities, either alongside existing staff, or where necessary, taking on some or all of their responsibilities for a given period of time
- introduce a regular programme of monitoring visits to gauge progress and impact against agreed priorities
- arrange for appropriate and targeted training and professional development for relevant staff
- where relevant, place the operational financial management of the school with the BLP shared services team
- where relevant, amend LGB powers as per the Scheme of Delegation for vulnerable schools
- initiate appropriate disciplinary or capability procedures against a member of staff
- co-opt appointments to the local governing body
- suspend or dissolve a local governing body and appoint an interim executive board (IEB)

The aim of an intensive support programme is to return the school to the levels of autonomy outlined in The Scheme of Delegation as swiftly as possible. Progress against any targets and/or the agreed action plan will be reported by the CEO to The BLP Board at each meeting.