



Scheme of Delegation

Approved by Academy Trust Board – December 2021

Review Date – December 2022

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Introduction

The Academy Trust Board is accountable in law for all the major decisions about the academies within the Trust. This does not mean that the Academy Trust Board is required to carry out all of the Trust's governance functions. Decisions can and should be delegated elsewhere. Decisions can be delegated to board's committees, local governing bodies, Chief Executive Officer, Principals and the Chief Operating Officer. It is vital that the decision to delegate a function is made by the Academy Trust Board and is recorded. Without such delegation the individual or committee has no power to act.

This scheme of delegation will:

- reflect the Trust's mission to deliver excellence to improve the life chances and well-being of all our students
- ensure clarity about the decisions the Academy Trust Board retains and the extent of executive powers;
- be clear about who appoints and performance manages the Academies' Chief Executive Officer, Principals, Chief Operating Officer, and other senior executives.
- Identity where the Academy Trust Board retains responsibility for:
 - determining policy
 - management of risk
 - oversight of budgets and financial performance
 - oversight of educational performance

Effective Governance

Members:

New College Durham Academies Trust is governed by non-executive directors constituted under a Memorandum of Association and Articles of Association. The members are responsible for:

- Ensuring the Academy Trust meets its charitable objective
- Agreeing the Articles of Association
- Appointing External Auditors

Composition:

- Sponsor
- Sponsor Members (up to 3)
- Co-sponsor Member
- Chair of Board of Directors

Quorum is any 2 Members (in person or proxy/authorised representative)

Trust members have the following strategic functions:

- Change the Articles of Association (with consent of DfE)
- Change the name of the Company
- Receive annual accounts and report at the Annual General Meeting (the first one to be held within 18 months of incorporation)
- Appoint and remove the external Auditors
- Ensure the success of the Company (the Trust)
- Members “own” the academy company in the absence of shareholders and members give a guarantee to pay £10 on winding up of the Academy company (Guarantor)
- Dissolve the Company (Trust)

Academy Trust Board:

The Directors should focus on three core functions:

- Ensuring clarity of vision, ethos and strategic direction
- Holding Executive Leaders to account for the educational performance of the organisation and its students, and the performance management of staff
- Overseeing and ensuring financial performance

The Directors will apply the highest standards of conduct and ensure robust governance, to ensure effective financial management. The Directors will follow the Governance handbook and will adopt the following features of effective governance to aid compliance with the Academies Financial Handbook.

Constitution of the Trust Board:

- Sponsor Directors – up to 8 as nominated by New College Durham
- Co-Sponsor Director – nominated by Durham County Council
- 2 Parent Directors – Parent Directors shall be elected by the Parent members of the Local Governing Body
- Co-opted Directors – up to 2 at the discretion of/appointed by the Board
- Local Governing Body Chairs unless they are otherwise Directors of the Trust
- Chief Executive Officer

Duties of the Trust Board, as detailed in the Articles of Association (93 – 131):

- 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 any executive officers (including the Principals of the Academies).
- Any bank account shall be operated by the Directors in the name of the company and cheques etc shall be signed by at least two signatories authorised by the Directors.

- The Directors may establish any committee, including Local Governing Bodies for each Academy, and should determine constitution, membership, proceedings and terms of reference. Terms of reference to be reviewed annually.
- Directors may delegate to any Director, committee (including Local Governing Body), CEO, Principal and 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. To report exercise of that power at next Directors meeting.
- To appoint the Chief Executive Officer, Chief Operating Officer and Head of Governance
- To comply with obligations under the Companies Act and Charities Act with regards to preparation and filing of annual report and accounts and annual return.

Committees of the Trust Board:

The Trust will have six committees, which include Local Governing Bodies, and the membership of the committees will be reviewed and agreed by the Directors.

Committee membership and terms of reference:

Corporate Services Committee

Purpose - to assist the strategic planning and decision making of the Trust Board, by enabling more detailed consideration to be given to the best means of fulfilling the Trust Board's responsibility in respect of its corporate service areas such as Human Resources, financial updating, ICT, facilities/estates and contracts management.

To respond to minutes and actions arising from the previous meetings.

To make appropriate comments and recommendations on such matters to the Trust Board on a regular basis.

Human Resources - to keep under review the Trust's employment policies and procedures and to evaluate the effect of Trust Board decisions on any aspect of management of the Trust's human resources and to make recommendations to the Trust Board as appropriate.

Duties:

- advise the Trust Board and make recommendations concerning human resources policies and related procedures;
- approve, on behalf of the Trust Board, minor policy amendments or revisions to procedures, where such amendments do not affect the substance of the policy or procedure previously agreed;
- monitor and review staff information including sickness absence and equal opportunities information;
- monitor and review the application of all human resources policies and procedures;

- monitor and review any other matter referred to it by the Trust Board.

Financial updating duties:

To consider and keep under review the Trust's financial position, which will cover issues such as budgeting, management accounts and forecasting and make recommendations to the Trust Board as appropriate. The committee shall advise the Trust Board and make recommendations concerning the Financial Regulations, Financial Procedures and Treasury Management Policy.

ICT and information governance duties:

- To ensure that the development of ICT provision is coordinated across the Trust.
- To provide a strategic lead for the ICT vision and ensure that a high-quality solution is available which works across the Trust.
- The committee shall review and approve, on behalf of the Trust Board, changes to the Trust's information governance policies and procedures including those covering Data Protection, Freedom of Information, Records Management and Information Security.
- To monitor and review the application of the Trust's information governance policies and procedures.
- To advise and make recommendations to the Trust Board on the above as appropriate.

Facilities/Estates duties:

- To monitor and review the management of the academies estates, infrastructure and grounds, including environmental and sustainability issues.
- To monitor and review all aspects of Health & Safety management, including review and approval of policy changes.
- To advise and make recommendations to the Trust Board on the above as appropriate.

Contracts management duties:

- To keep under review the external contracts management.
- Oversee the procurement and tendering process for new contracts and make appropriate recommendations to the Trust Board.
- To advise and make recommendations to the Trust Board on the above as appropriate.

Composition – 3 Directors

Quorum – 2

Meeting frequency – once per term

Audit and Risk Committee

Overview - The Audit and Risk Committee is a Committee of the Board and is authorised to investigate any activity within its terms of reference or specifically delegated to it by the Board. It is authorised to request any information it requires from any employee, external audit, internal audit or other assurance provider.

The Audit and Risk Committee is authorised to obtain any outside legal or independent professional advice it considers necessary, normally in consultation with the Accounting Officer and/or Chair of Governors. However, the Audit and Risk Committee may not incur expenditure in excess of £5,000 in doing so without the prior approval of the Board.

Role - The role of the Audit and Risk Committee is to maintain an oversight of the Academies Trust's (AT's) governance, risk management, internal control and value for money (vfm) framework. It will report its findings annually to the Board and the Accounting Officer as a critical element of the AT's annual reporting requirements.

The Audit and Risk Committee has no executive powers or operational responsibilities/duties.

Duties – the duties of the Audit and Risk Committee are to:

- Advise the Board and Accounting Officer on the adequacy and effectiveness of the AT's governance, risk management, internal control and vfm systems and frameworks. An annual report will be produced by the Audit and Risk Committee in this regard.
- Advise the Board on the appointment, re-appointment, dismissal and remuneration of the external and regularity auditor.
- Advise the Board on the need for and then, where appropriate, the appointment, re-appointment, dismissal and remuneration of an internal auditor or other assurance provider.
- Advise the Board on an appropriate programme of work to be delivered by independent assurance providers [internal audit /external audit/responsible officer/other]. This programme of work should be to be derived from the Audit and Risk Committee's regard of the key risks faced by the AT, the assurance framework in place and its duty to report to the Board as detailed in 3.1.
- Ensure that where a full internal audit service is commissioned the service
 - provider complies with the standards set by the Chartered Institute of Internal Auditors. From 1 April 2013, this will mean an internal audit provider
 - which conforms to the Public Sector Internal Audit Standards.
- Review the external auditor's annual planning document and approve the planned audit approach.
- Receive reports (assignment reports, annual reports, management letters etc) from the external auditor, internal auditor and other bodies, for example the EFA and NAO, and consider any issues raised, the associated management response and action plans. Where deemed appropriate, reports should be referred to the Board or other committee for information or action.
- Regularly monitor outstanding audit recommendations from whatever source and ensure any delays to agreed implementation dates are reasonable.

- Establish and monitor KPIs with regard to the performance of the external auditor, internal auditor or other assurance provider.
- Review the AT's fraud response plan and ensure that all allegations of fraud or irregularity are managed and investigated appropriately.
- Consider any additional services delivered by the external auditor, internal auditor or other assurance provider and ensure appropriate independence is maintained.
- Ensure appropriate cooperation and coordination of the work of the external auditor and internal auditor.
- Meet with the external auditor and internal auditor or other assurance provider, without management present, at least annually.

The Chair of the Academies Trust Board cannot chair the Audit and Risk Committee.

Composition – 3 Directors

Quorum – 2

Meeting frequency – at least once per term

Quality Assurance, Improvement and Progression Board

The remit of the Quality Assurance, Improvement and Progression Board applies to all academies in NCDAT.

To consider and approve targets for:

- student progress and attainment;
- student attendance.

To receive reports, provide challenge and robust debate on student progression and achievement by all Year Groups;

To monitor, evaluate and approve:

- the development and application of the quality strategy and the policies and procedures for quality assurance;
- self-assessment process and self-assessment report (SEF)
- Improvement Plans;
- the curriculum and timetable provisions, supported by clear underpinning rationale/intent to demonstrate the impact of the provisions

To monitor and evaluate:

- the application of the Equality & Diversity policy and procedures;
- the application of the Safeguarding policies and procedures, including the policy on preventing people being drawn into terrorism (Prevent Duty);
- student exclusion and attendance.

Monitor and review any other matters referred to it by ATB.

Advise and make recommendations to ATB on the above as appropriate.

Composition – a minimum of three Academies Trust Board Directors and up to two co-opted members.

Quorum – 3 members (including 2 Academies Trust Board Directors)

Meetings frequency – Four meetings per year (subject to annual review)

Remuneration Committee

Duties - to advise the Trust board on the remuneration and conditions of service of the CEO, Chief Operating Officer, Principals, and Head of Governance and Company Secretary.

In determining recommendations to the Trust board on the remuneration and conditions of service of designated senior post holders, the committee will consider both national benchmarking information on pay and conditions for institutions of a similar size or style to the Academies and information on similar positions within the region.

Subject to express delegated authority from the Trust board, the committee may determine salary progression for designated senior leaders utilising a salary progression methodology approved by the Trust board, and may authorise the implementation of any such determination. Such action shall be reported to the Trust board at its next meeting.

Composition: a minimum of 3 Directors

Quorum: 2

Meetings frequency: a minimum of once a year.

Local Governing Bodies:

The Academy Trust Board are responsible for the performance of each Academy within the MAT, therefore it is imperative that the membership at local level is robust, informed and strategic. When joining the Trust all existing Governors will be required to complete a Skills Audit. Governance review will be undertaken by the Head of Governance and Trust Secretary.

The Academy Trust Board undertakes a review of the membership and terms of reference for each Local Governing Body annually, along with the appointment of Chair and Vice Chair, with the Chair assuming the position of Academy Director on the Academy Trust Board for the duration of their term of office (unless otherwise Directors of the Trust).

Local Governing Body Governors are appointed for a term of office of 2 years, and are eligible for re-appointment/re-nomination.

Principal and Staff Governors eligibility is subject to ongoing employment.

Duties:

- To act at all times within the guidelines set down by the Trust Board and in particular the Local Governing Body governance practices as set out in these terms of reference.
- To act at all times within the Vision, Ethos and Strategic direction set down by the Trust Board.
- To support and challenge the Principal and school leaders to maintain and improve the quality of education including academic standards and performance.
- To monitor student behaviour, punctuality and attendance and review any decision to exclude students from attendance, in accordance with the Exclusion of Students Policy.
- To receive Corporate Services management summary information, including KPI's relating to Budgets, Human Resources, Estates, Data, ICT and to consider the effect on the successful academic performance of the Academy.
- To receive the Academy's risk register and review progress in reducing risks bringing any issues and the Academy's highest risks to the attention of the Audit and Risk Committee and the Trust Board.
- To approve and review all academic policy into practice and monitor the impact providing constructive feedback to the Trust Board where a policy may not be effective in the local context by suggesting alternative approaches.
- To ensure that the views expressed by key stakeholders are monitored and responded to at the Local Governing Body.
- To support effective communications between the Academy and its stakeholders by establishing the following advisory groups:
 - a student council;
 - a parents' forum;
 - a local business and community liaison panel (to include local elected members where appropriate); and
 - a staff forum.

The composition and functions to be discharged by these advisory groups will be agreed by the Chief Executive Officer and Chairs of the Local Governing Bodies. Advisory groups are not sub-committees of the LGB and do not need to include LGB Members. Other groups may be established as deemed necessary.

- Within the parameters agreed by the Trust Board and set out in these terms of reference, to establish any sub-committees which will further the mission and purpose of the Academy.
- To deal with any other matters referred to the Local Governing Body by the Trust Board.

Quorum – any 4 Governors or 1/3 membership if greater.

The Local Governing Body meet twice each term.

Composition of the Local Governing Body(s):

- Chair nominated by the Academies Trust
- Principal
- Up to 6 Governors nominated by the Sponsor
- 1 Governor nominated by the Co-Sponsor
- 2 Staff Governors one elected by the teaching staff, one by non-academic
- 2 Parent Governors elected by parents of students enrolled at the Academy

There is discretion to co-opt the Chair of Parents' Forum.

Levels of Delegation:

Appointments

All appointment panels must contain at least one member who has undertaken Safer Recruitment Training	
All applications will be processed through the HR function of the Trust.	
All appointments in-line with NCDAT recruitment policies.	
Includes appointment of internal applicants.	
Appointment and Starting Salary	Appointed by
CEO	Academy Trust Board (a quorum of)
COO	Academy Trust Board (a quorum of)
Principal/Head of Governance and Trust Secretary	Academy Trust Board (a quorum of)
Deputy Principal	CEO, Principal, plus a representative from LGB
Assistant Principal	CEO and Principal plus a representative from LGB
Head of Subject	Principal
TLR Posts and all other teaching posts	Principal or may be delegated to other members of the SLT
All Support Staff posts (other than SLT posts)	Principal or may be delegated to other members of the SLT / Corporate Directors
Corporate Appointments (Corporate Directors)	CEO and COO
NCDAT Appointments – others	CEO, COO or may be delegated to Corporate Directors

Authority to take action in line with agreed HR policies and procedures

Case involving	Suspension	Investigation/Case Manager	Decision Maker	Appeal
CEO	Chair of Trust Board	Director / Independent	Chair of Trust Board	3 Directors
Principal or COO	CEO	CEO/ Independent/ Director	Chair of Trust Board	3 Directors
Deputy Principal, Assistant Principal	Principal/CEO	Principal / Deputy	CEO	3 Directors
All teaching staff	Principal/CEO	Member of SLT as delegated	Principal	CEO*
All support staff	Principal/CEO	Member of SLT as delegated	Principal	CEO*
Corporate Staff	COO/CEO	Senior Manager	COO	CEO*

* apart from appeal against dismissal which would be heard by 3 directors from the ATB.

Restructuring and Redundancy

	Authorisation	Implementation	Appeal
Restructuring processes which involve potential compulsory redundancies	ATB	CEO/COO/Principal	In line with HR policy. Appeal against dismissal heard by 3 members of ATB.
Restructuring process which involve expansion of the staffing costs beyond the projected budget	ATB	CEO/COO/Principal	In line with HR policy. Appeal against dismissal heard by 3 members of ATB.
Other restructuring processes	CEO/COO/Principal	CEO/COO/Principal	In line with HR policy. Appeal against dismissal heard by 3 members of ATB.
Settlement Agreement for CEO, COO, Head of Governance and Trust Secretary or Principals	Chair of ATB (in consultation with Accounting Officer, COO and Director of HR)	Chair of ATB (with Director of HR)	None

Other settlement agreements	CEO (in consultation with COO and Director of HR – Annual Report to be made to ATB)	CEO	None
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Delegation of Performance Related Pay Decisions

Staff	Recommendation	Decision Maker	Appeal
CEO	Independent Advisor	Remuneration Committee	3 Directors
Principals and COO	CEO	Remuneration Committee	3 Directors
School Improvement Directors	Independent Advisor	CEO	3 Directors
Main Pay Scale Teachers	Reviewer	Principal	CEO
Progression to Upper Pay Range	Reviewer	Principal	CEO
Movement through Upper Pay Range	Reviewer	Principal	CEO
Leadership staff	Reviewer	Principal	CEO
Corporate Staff	Reviewer	COO	CEO

Other pay decisions

Decision	Decision Maker	Appeal
Pay and grading structure for all staff within the Trust	ATB	None
Annual cost of living rises on pay scales and allowances	ATB	None
Support staff regrading applications following job evaluation	Director of HR	CEO/COO
Authorisation of variable additional payments including additional hours, overtime, KIT days, etc, in line with the NCDAT Pay Policy	SLT Line Manager or Corporate Director	None

Flexible working decisions and changes in working hours/days	Principal for staff in each Academy COO for Corporate Staff	CEO
Flexible and phased retirement	Principal and COO for staff in each Academy COO for Corporate Staff	CEO

Performance Management

Staff	Reviewer	Appeal
CEO	Chair of Trust Board with External Advisor	ATB
Principal(s) and COO	CEO	ATB
Deputy Principal, Assistant Principal	Principal	CEO
All other teaching post	Principal or delegated	CEO / Principal*
All other support staff	Principal or delegated	CEO / Principal*
NCDAT staff	CEO / COO or delegated	ATB / CEO* / COO*

* If they are not the reviewer.

Governance – People

Task	Decision Maker
Members – Appoint and remove	Members
Directors – Appoint and remove	Members* / Academy Trust Board
Chair and Vice Chair of Academy Trust Board – Appoint and remove	Academy Trust Board (DfE approval)
Parent Directors – Appoint and remove	Academy Trust Board
Chair of Academy Trust Board Committees – Appoint and remove	Academy Trust Board
Statutory Link Directors roles (e.g. Safeguarding, CIAG, etc.) – Appoint and remove	Academy Trust Board
Clerk to Academy Trust Board and Committees	Academy Trust Board

*Members can appoint/remove Directors if the Academy Trust Board is not meeting the object of the Company. Otherwise, the Academy Trust Board are responsible for appointments.

Governance – Systems and Structure

Task	Decision Maker
Articles of Association – Review and Approve	Members
Scheme of Delegation – Review and Approve	Academy Trust Board
Governance Structure for the Academy Trust – Establish and Review Annually	Academy Trust Board
Academy Trust Board and Committees Terms of Reference – Establish and Review Annually	Academy Trust Board
Annual Schedule of Governance Business – To approve	Academy Trust Board
Self-review of Academy Trust Board and Committees	Academy Trust Board in consultation with Committee Chairs
Approve Directors and Governor’s Expense Policy	COO

Governance – Reporting

Task	Decision Maker
Publish Governance Arrangements of Trust and Academies Websites	Head of Governance and Trust Secretary
Annual Report on the Performance of the Trust (submit to Members)	Academy Trust Board
Annual Self-Review / Triannual External Review of Academy Trust Board effectiveness	Members – ATB to submit
Annual Report including Signed Statement on Regularity, Propriety and Compliance, Incorporating Governance Statement, Value for Money Statement	Academy Trust Board for approval and Members to receive– Submit to Companies House
ESFA Required Reports and Returns	COO
Annual Report on Performance of Academy Trust Board Committees	Academy Trust Board

Strategic

Task	Decision Maker
Management of Risk, Establish Register, Review and Monitor	Audit and Risk Committee
Ensure Engagement with Stakeholders	Academy Trust Board, CEO and COO
Determine Academy Trust's vision, strategy and key priorities	Academy Trust Board, CEO and COO
Determine the individual academies improvement plans	CEO / Principals / (consultation with QAIPB)
Approve new Academies joining the Academy Trust, Academy Re-organisation and Academy Re-brokering	Members, Academy Trust Board, CEO and COO (with approval from the Sponsors)
Academy times, terms and holidays	CEO (consultation with Principals)

Financial

Task	Decision Maker
External Auditors – appointment	Members
Internal Auditors – appointment	Academy Trust Board
External Auditors Report – receive and respond	Academy Trust Board
Trust and Academy Financial Regulations / Procedures	Academy Trust Board
Trust Procurement Policy	Academy Trust Board
Trust and individual Academy 1-year budget and medium-term financial plan	Academy Trust Board
Trust consolidated budget updates and financial statements	Academy Trust Board
Trust Academies Accounts Return	COO
Academy in year budget updates	Academy Trust Board
Benchmarking and Trust Wide Value for Money – ensure robustness	COO (Corporate Services Committee consultation)

Contracts

Task	Decision Maker
Expenditure or award of contracts up to Academy Limit	Principal and COO
Expenditure of contracts from Academy limit to OJEU limit	Academy Trust Board
Expenditure over OJEU limit	Academy Trust Board

Holding to Account

Task	Decision Maker
Ensuring compliance for all significant areas (e.g. safeguarding, H&S, Employment)	Academy Trust Board, CEO
Arranging Auditing/Assurance for compliance	Academy Trust Board, CEO
Academy Trust Performance Targets	QAIPB
Individual Academy 2-year (rolling) Improvement Plans Targets	CEO (in consultation with QAIPB)
Individual Academy Trust Self-Assessment Report (SEF)	CEO (in consultation with QAIPB)
Curriculum and Timetable Provisions	CEO (in consultation with QAIPB)

Key Policies

Task	Decision maker
Trust Specific Policies including but not exclusive: <ul style="list-style-type: none"> • Curriculum Policy • Teaching and Learning Policy • Religious Education Policy • Child welfare and Safeguarding Policy • Attendance Policy • Pupil Behaviour Policy • Academy Trips Policy • Pupil Premium Strategy 	Academy Trust Board

Trust wide policies including but not exclusive: <ul style="list-style-type: none"> • Admissions Policy • Complaints Policy • Exclusion Policy • Health and Safety Policy • Capital Strategy Policy 	Academy Trust Board
Procedures from policies approved by Academy Trust Board	CEO (with consultation with Principals)
Pay and Remuneration Policy	Academy Trust Board (consultation HR Director and Corporate Services Committee)
Job Role Salary and Grading Policy	Academy Trust Board (consultation HR Director and Corporate Services Committee)
HR Policies including but not exclusive: <ul style="list-style-type: none"> • Pay Policy • Performance Management and Appraisal Review Policy • Disciplinary Policy • Grievance Policy • Capability Policy • Whistleblowing Policy • Restructuring and Redundancy Policy • Sickness absence and Attendance Management Policy • Other HR Policies 	Academy Trust Board (consultation HR Director and Corporate Services Committee)

Admissions/Exclusions

Task	Decision Maker
Allocation of places against Admissions Policy	Principal
Admissions Appeals	Academy Trust Board
Fixed Term Exclusions	Principal
Permanent Exclusions	Principal – subject to consideration by LGB sub-committee
Appeals against Permanent Exclusion	Independent Review Panel as appointed by Academy Trust Board

Appendix A:

