

# Effective MAT governance

## Unit 3: Governance accountabilities and structures

### Multiple accountabilities

Like all school organisations, MATs are subject to multiple accountabilities:



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### Compliance with Legal requirements

MATs must also comply with a wide range of legal requirements and should agree the MAT's policy framework for ensuring compliance (and a schedule for evaluation and review of compliance and policy effectiveness). It is the CEO's role to report on compliance as required by the board, including assurance e.g. through external audits, stakeholder surveys, trustees' own visits etc. The CEO should also ensure there is comprehensive risk management in place.

### Compliance in MATs

#### Trusts must comply with their governing documents

Their funding agreement, which is the legal contract between the MAT and the secretary of state through the DfE and its executive agency the ESFA. The MAT will have a master funding agreement and supplementary agreements for each academy within the trust.

- The Academies Financial Handbook - their funding agreement requires compliance.
- Their articles of association, which set out the charitable objects of the trust along with the governance arrangements

Compliance will be evidenced by:

- Financial effectiveness and sustainability
- Pupil outcomes
- Schedule of delegation

#### Trusts must comply with their own policies and procedures

- The DfE's list of required policies identities policies and documents that academies must have
- The MAT's own policies, procedures and management practices

Compliance will be evidenced by:

- Trust wide policies
- External audits
- CEO reporting
- Trustee/committee monitoring

#### Trusts must comply with the law

- Charity law
- Company law
- Equalities legislation
- Employment law
- Health and safety legislation
- GDPR

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Education law Compliance will be evidenced by:

- Reporting to Companies House
- Staff recruitment, retention and morale
- Estates and premises suitability and condition
- Risk management

### Trusts must comply with sector specific guidance

- Safeguarding guidance including DBS requirements
- Admissions code of practice
- Exclusions guidance
- Special educational needs code of practice

Compliance will be evidenced by:

- Trust wide policies
- External audits
- CEO reporting
- Trustee/committee monitoring
  
- **The company secretary or governance manager** will advise on the status and meaning of the governing documents and will make the required returns to Companies House
- **The Accounting Officer** (usually the CEO) will ensure that the MAT complies with financial policies and, will work closely with the Chief Financial Officer, reporting both to the Finance Committee and the trust board
- **Trustees** must be aware of the AFH's requirements in relations to nancial practices; trustees and / or academy committee members may choose to conduct focused visits to see how systems work in practice
- **The CEO** will assure the trust board that where required, systems are in place to ensure compliance across the trust most especially with key areas such as safeguarding usually through termly reporting to the trust board

### Essential resources:

[Academy trust governance guide](#)

[Academy Trust Handbook](#)

[Keeping Children Safe in Education \(statutory guidance\)](#)

[Send Code of Practice](#) (statutory code)

[School Admissions Code](#) (statutory guidance)

[School Exclusion](#) (statutory guidance)

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### Who does what

#### Guiding principles:

Members, trustees, academy committee members and senior executive leaders should have clearly defined roles and responsibilities which constitute the checks and balances of good governance.

There is an expectation that there will be some form of local governance but not all schools will need their own academy committees, e.g. small village schools, schools very close together, schools in areas where it is hard to recruit local committee members – but in these cases the stakeholder voice must be assured through different routes such as parent councils.

The scheme of delegation should make clear who carries out which governance functions so that there is no duplication of reporting and effort

#### In practice:

1

Every board needs to determine which decisions and other governance functions (such as scrutiny, monitoring, oversight) it will make, and which will be delegated to the CEO and / or board or academy committees

2

The more schools and/or pupils in the MAT, the more that will have to be delegated because, put crudely, more schools result in more school activity to monitor

3

The scheme of delegation is the document which describes what is delegated to whom

4

The scheme of delegation is agreed by the trust board and has the same status as committee terms of reference i.e. it has to be approved by the board and can be changed at any time

5

Because a scheme of delegation can be changed at any time by the board, it allows a MAT to regularly review and revise which governance decisions and functions are carried out by whom which means that it can respond to changes in context (e.g. if it takes on new schools or if a school is judged to be inadequate)

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Academy committees are well placed, as the eyes and ears of the community, to focus on key issues such as culture and ethos and progress being made against targets, albeit a culture and ethos set by the trust and targets set by the CEO.

7

It must be remembered that monitoring and reporting are legitimate governance functions - but do not constitute holding to account; in MATs the CEO holds the headteachers to account through line management

8

For these reasons the academy committee are committees of the board and therefore must have direct lines of communication to the trust board so that they can express any concerns and exercise influence

### Useful resources:

**Role Descriptions** NGA has refreshed its role description and person specification for trustees.

**Scheme of delegation development** has published working models, to help trustees in both a single academy trusts and MAT to decide the best governance structure for their school/s to be effective. The models also suggest what to delegate and to whom, with a number of given scenarios.

**Publication Requirements** The information that academies, including 16 to 19 colleges and any educational institution that has academy arrangements, should publish on their websites.