

# Clerking in new contexts: MAT local governance tier

Tanglewood Multi Academy Trust Scheme of Delegation: Dec 2018

Approved by: Tanglewood MAT Board

Date: September 2018

Next Review:

This has been provided for the purpose of the NGA e-learning module Clerking in new contexts: MAT local tier and is not intended to be an exemplar of how all MATs should design their schemes of delegation.

## 1. Object of TMAT

The object of TMAT is to advance for the public benefit education in the UK, establishing, maintaining, carrying on, managing and developing schools providing high quality education to students from all backgrounds by offering a broad and balanced curriculum and fostering collaboration across TMAT schools, other schools, educational establishments, the wider community for the benefit of the community and in line with schools' vision and values.

In relation to all TMAT church schools these are to be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship.

## 2. Accountability and delegation of responsibility

The Tanglewood Multi Academy Trust (TMAT) is the legal entity responsible for the governance of all schools within TMAT.

The TMAT board of trustees (TMAT board) is accountable in law for all decisions about its schools.

However, this does not mean that TMAT board makes all the decisions itself. It may choose to delegate to the CEO, TMAT board committees and local academy boards (LAB). The decision to delegate a function will be made by TMAT board and will be recorded. Without such formal delegation, the individual or committee has no power to act.

The chief executive officer (CEO) is accountable to TMAT board for the performance of all schools within TMAT.

## 3. Purpose of this scheme of delegation

The scheme of delegation is the key document defining which functions have been delegated and to whom. It ensures that TMAT members, trustees, TMAT board committees, LABs, executive leaders and principals are clear about who has responsibility for making which decisions in TMAT.

Do not confuse this overarching scheme of delegation covering all decision making in TMAT, with the written scheme of delegation of financial powers referred to in the TMAT Financial handbook. This scheme of delegation explicitly establishes who makes which decisions and ensures this is clear to all those within TMAT, as well as to the governing boards of schools potentially looking to join. It will demonstrate clearly the lines of accountability.

It is intended that this scheme of delegation will:

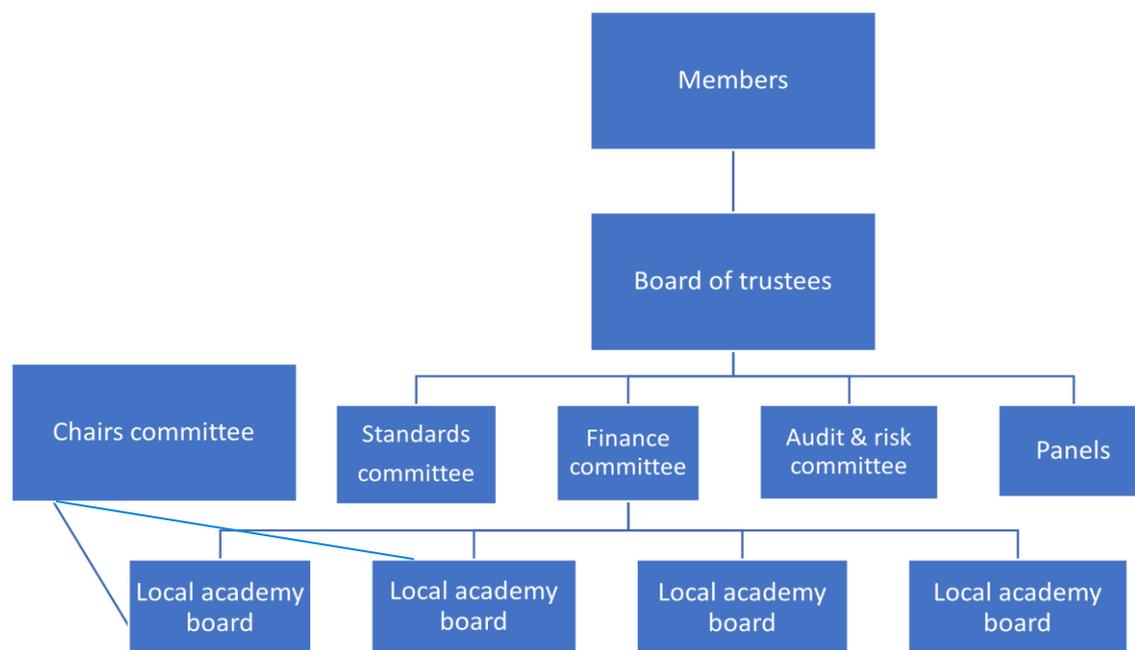
- Ensure that the roles and responsibilities across the MAT are clearly understood
- Promote a culture of transparency and accountability
- Identify the mechanism for the appointment and performance management of all leaders
- Set out mechanisms for policy and practice in each academy
- Set out

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- mechanisms for the creation and monitoring of each academy's budget
- Set out mechanisms for risk management
- Set out mechanisms for the oversight of educational performance in each academy

## TMAT governance structure



## 4. Accountability and delegation to committees and the CEO

TMAT delegates responsibility for delivery of the vision and strategy to the CEO.

TMAT board holds the CEO to account for the performance of TMAT, including the performance of TMAT schools.

The CEO in turn holds other executive leaders and principals to account by line managing them.

The scheme of delegation below also includes delegation to the CEO and school principals as well as to the TMAT board committees although this is not shown on the diagram above.

TMAT board cannot delegate its responsibility or accountability, but delegates some of the detailed scrutiny, oversight and decision-making.

As the CEO is accountable to the board for the performance of TMAT as a whole, the CEO will report to the TMAT board on the performance of TMAT including the performance of TMAT's schools which it will consider together with supplementary monitoring reports from the LABs.

## 5. Performance management

The TMAT board will review the performance of the CEO.

The CEO is responsible for the performance management of the Principals and will seek input from the LAB chair.

## 6. Members and their role

TMAT has 5 members:

The Members of the Trust have a different status to Trustees.

The current TMAT members are the signatories to the memorandum of understanding signed when TMAT was set up. They also agreed TMAT's articles of association, the document that:

- describes the governance structure
- regulates how TMAT will operate
- describe how members are recruited and replaced
- states how many trustees there shall be and of the trustees the members can appoint

The members appoint trustees to ensure that the Trust's charitable object is carried out and are able to remove Trustees if they fail to fulfil this responsibility. 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.

While Members are permitted to be appointed as Trustees, 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 Trustees. Members are not permitted to be employees of the Academy Trust.

Members receive audited accounts and must meet at least once a year.

## 7. Trustees and their Role

There are 8 trustees.

Trustees are appointed for their knowledge skills and experience, ensuring an appropriate balance between church and non-church representation, in the following areas as required by TMAT board:

- school education
- corporate and business strategy and its development
- financial oversight and management
- risk management
- human resources
- resource management
- information technology
- communication, marketing and public relations
- legal and regulatory

The trustees are the charity trustees (within the terms of section 177(1) of the Charities Act 2011) and are responsible for the general control and management of the administration of the trust in accordance with the provisions set out in the memorandum and articles of association.

TMAT board is the accountable body for the performance of all TMAT schools and as such must:

- Ensure clarity of vision, ethos and strategic direction
- Hold the CEO and the executive leadership team to account for the educational performance of the schools and their pupils, and the efficient and effective performance management of staff
- Oversee the financial performance of the TMAT and make sure its money is well spent

The MAT trust board is permitted to exercise all the powers of the academy trust.

The MAT trust board will delegate to the CEO responsibility for the day to day operations of the trust. The trustees can determine whether to delegate any governance functions.

TMAT has the right to review and adapt its governance structure at any time which includes removing delegation.

## 8. Committees and their roles

The Trustees have established three committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the TMAT Board. However these committees are not legally responsible or accountable for statutory functions – the TMAT Board retains overall accountability and responsibility.

The responsibilities of TMAT board committees are set out in their terms of reference.

The responsibilities of LABs are set out in their own terms of reference.

The TMAT board may appoint committee members and committee chairs.

## 9. The role of the Chief Executive Officer (CEO)

The CEO has the delegated responsibility for the operation of the trust including the performance of the trust's schools and ensuring the performance management of the Headteachers (in partnership with the LAB) is carried out.

The CEO is the accounting officer so has overall responsibility for the operation of the academy trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability, avoiding waste and securing value for money.

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.

## 10. Principals and their role

The Principal is responsible for the day to day leadership and management of the Academy and is line managed by the CEO. The Principal will report to the LAB on matters that have been delegated to that committee as set out in the Scheme of Delegation. The Principal is responsible for all aspects of performance, ensuring that his or her academy meets academy development plan targets and contributes to the achievement of Trust priorities, the realisation of its vision and exemplifying its values.

All the Principals share responsibility for the performance of pupils and staff across the Trust.

## 11. The role of the Chairs Forum group

The HAC group reports to the Trust board and comprises the chairs (or in a chair's absence) vice chairs of each LAB. The purpose of this group is to

- ensure a clear pathway of information to and from the CEO and MAT board members.
- develop and consolidate the collaborative ethos, co-ordinate training and share good practice at a senior level that is already established
- make suggestions as to the next areas of collaboration and development.

## 12. The role of the local academy board (LAB)

LABs will approve the appointment of their chairs, ensure that parents are elected to each LAB and will determine their structure, organisation and meeting arrangements. Responsibilities will include:

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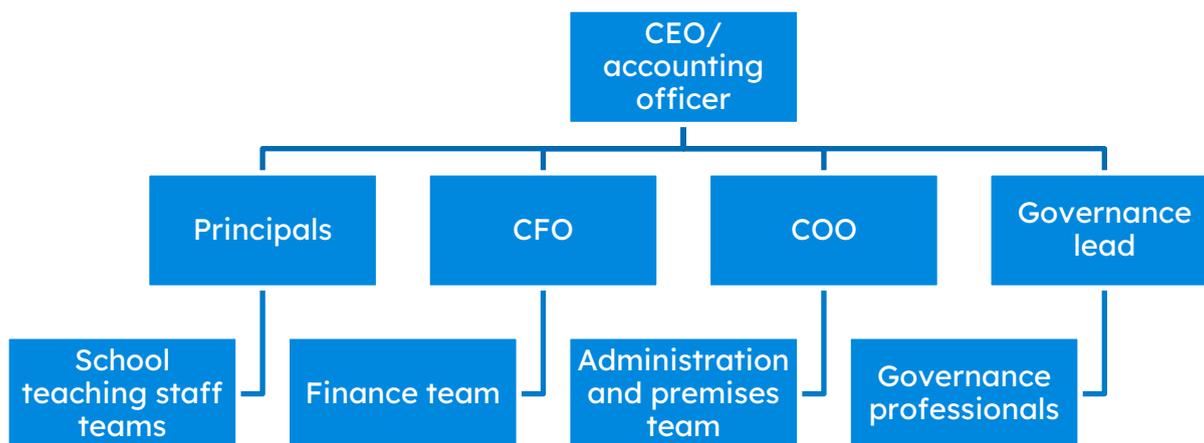
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- Building an understanding of how the school is led and managed
- Monitoring whether the school is:
  - Working within agreed policies
  - Is meeting agreed targets
  - Using its finances and resources well
  - Engaging with stakeholders
  - Reporting to the Board

## 13. Removal of delegation

Delegation can be removed if Trustees determine that the LAB is unable to meet key performance indicators.

## Staffing structure



### Note

Sometimes members of each of the teams will be engaged as non-permanent members of staff on fixed term contracts.

Sometimes team members will be engaged via external service agencies. So, for example governance professionals who work with the MAT board and/or with the LABs may be via a third-party clerking service provider but line management will still be as shown in the diagram.

## Key to Scheme of Delegation Charts

### Key

Level 1: Members

Level 2: TMAT Board of Trustees

Level 3: Chief executive officer (CEO)

Level 4: Local academy board (LAB)

Level 5: Principal

Blue box Function **cannot** be legally carried out at this level.

✓ Action to be undertaken at this level

**A&S** Provide advice and support to those accountable for decision making

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Area	Decision	Delegation				
		Members	Trust Board	CEO	LAB	Principal
Governance framework						
People	Members: Appoint/Remove	✓				
	Trustees: Appoint/Remove	✓				
	Role descriptions for members	✓				
	Role descriptions for Trustees/Chair/ specific roles/committee members: agree		✓			
	Parent Trustee/committee member: elected		✓			
	Committee chairs: appoint and remove		✓			
	LAB chairs: appoint and remove		✓	A&S	A&S	
	Clerk to board: appoint and remove		✓			
	Appointment of the Responsible Officer Role and if necessary the Audit Cttee		✓			
	Clerk to LAB: appoint and remove				✓	
Systems and structures	Articles of Association: agree and review	✓	A&S	A&S		
	Governance structure (committees) for the Trust: establish and review annually		✓			
	Terms of reference for Trust committees (including audit if required, and scheme for school committees): agree		✓			

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	annually					
	Terms of reference for LAB/local committees: agree and review annually		✓		✓	
	Skills audit: complete and recruit to fill gaps		✓	A&S	✓	A&S
	Annual self-review of Trust Board and committee performance: complete annually		✓			

Area	Decision	Delegation				
		Members	Trust Board	CEO	LAB	Principal
Systems and structures	Annual self-review of LAB performance: complete annually				✓	
	Chair's performance: carry out 360 review periodically		✓		✓	
	Trustee / committee member contribution: review annually	✓				
	Succession: plan	✓	✓	A&S	✓	A&S
	Annual schedule of business for Trust Board: agree		✓			
	Annual schedule of business for LAB: agree		A&S	A&S	✓	A&S
Reporting						
	Trust governance details on Trust and schools' websites: ensure		✓	A&S		
	Academy or School governance details on academy website: ensure			A&S	✓	✓

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Reporting	Register of all interests, business, pecuniary, loyalty for members/Trustees/committee members: establish and publish		✓	A&S		
	Annual report on performance of the Trust: submit to members and publish		✓	A&S		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓	A&S		
	Annual report work of LAB: submit to Trust and publish				✓	A&S
Being Strategic						
	Determine Trust wide policies which reflect the Trust's ethos and values (facilitating discussions with unions where appropriate) including: admissions; charging and remissions;		✓	A&S		

Area	Decision	Delegation				
		Members	Trust Board	CEO	LAB	Principal
Strategic direction	complaints; expenses; health and safety, premises management; data protection and FOI; staffing policies including capability, discipline, conduct and grievance: approve					
	Determine school level policies which reflect the Trust's ethos and values			A&S	✓	A&S
	Central spend / top slice: agree		✓	A&S		

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	Management of risk: establish register, review and		✓	A&S	✓	A&S
	Engagement with stakeholders	✓	✓	✓	✓	✓
	Trust's vision and strategy, agreeing key priorities and performance indicators (KPIs) against which progress towards achieving the vision can be measured:		✓	A&S		
	Schools' vision and strategy, agreeing key priorities and performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		A&S	A&S	A&S	✓
	Chief executive officer: Appoint and dismiss		✓			
	Principal : Appoint and dismiss		✓	✓	A&S	
	Budget plan to support delivery of Trust key priorities: agree		✓	A&S		
	Budget plan to support delivery of school key priorities: agree		✓	A&S	A&S	A&S
	Trust's staffing structure: agree		✓	A&S		
	School staffing structure: agree			A&S	✓	A&S
Holding to						

Area	Decision	Delegation				
		Members	Trust Board	CEO	LAB	Principal

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<b>Holding to account</b>	Auditing and reporting arrangements for matters of compliance (eg safeguarding, H&S, employment): agree		✓	A&S	A&S	A&S
	Reporting arrangements for progress on key priorities: agree		✓	A&S	A&S	A&S
	Performance management of the Chief Executive Officer:undertake		✓			
	Performance management of Principal : undertake			✓	A&S	
	Trustee monitoring: agree arrangements	✓	A&S	A&S		
	LAB member monitoring: agree arrangements		A&S	A&S	✓	A&S
	Monitoring budget plans		✓	✓		✓
<b>Ensuring financial probity</b>						
<b>Ensuring financial probity</b>	Principal Financial Officer for delivery of Trusts detailedaccounting processes: appoint		✓	A&S		
	Trust's scheme of financial delegation: establish and review		✓	A&S		
	School's scheme of financial delegation: establish and review		✓	A&S		
	External auditors' report: receive and respond		✓	A&S	A&S	A&S
	CEO pay award: agree		✓			

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	Principal pay award: agree		✓	A&S	A&S	
	Staff appraisal procedure and pay progression: monitor and agree		✓	A&S	✓	A&S

Area	Decision	Delegation				
		Members	Trust Board	CEO	LAB	Principal
	Benchmarking and Trust wide value for money: ensurerobustness		✓	A&S		
	Benchmarking and academy value for money: ensurerobustness				✓	A&S
	Develop Trust wide procurement strategies and efficiencysavings programme		✓	✓		