



**Truro and Penwith**  
Academy Trust

# **Scheme of Delegated Authority Policy**

## **Review Summary**

<b>Approved By:</b>	<b>Trust Board</b>
<b>Approval Date:</b>	<b>March 2023</b>
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# Scheme of Delegated Authority

*“Inspiring learning every day”*

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## **1. INTRODUCTION TO TRURO AND PENWITH ACADEMY TRUST**

Truro and Penwith Academy Trust is a partnership of primary and secondary schools in Cornwall with the shared vision to improve the life chances of all children and young people in our schools. Truro and Penwith College was the founding sponsor of the Trust in 2014 and is represented by Members and appoints some Trustees.

The shared ethos for the Trust is to expect excellent leadership of high quality teaching and learning to benefit all children and young people with an emphasis on supporting our staff in their professional growth and development.

## **2. VISION**

Our vision is to improve the life chances for all children and young people in our Schools.

In order to achieve this, we will:

- recognise and encourage local distinctiveness and individuality
- acknowledge the diverse nature of the communities our schools serve with a focus on equality, diversity and inclusion
- inspire our Schools to become beacons of aspiration in the communities they serve
- focus on improving learning and teaching for all – to enable all children and young people to have the best possible learning experience, leading to the highest levels of achievement
- be an employer of choice – valuing the skills, contribution and expertise of all employees and providing professional growth opportunities
- work in partnership with our associates to provide bespoke support and improvement activities of the highest quality in our Schools
- support our Schools to be financially sustainable and to retain reserves

### **3. INTRODUCTION**

This Scheme of Delegated Authority (SoDA) identifies the key responsibilities required in connection with the overall governance and management of the Trust and its schools.

The SoDA sets out the delegation by the Trustees under the Trust's Articles of Association. It is designed to set out clearly the respective roles and responsibilities across all layers of governance. The different layers of governance are explained in more detail in section 5 (Layers of Governance: Roles and Responsibilities) of this SoDA.

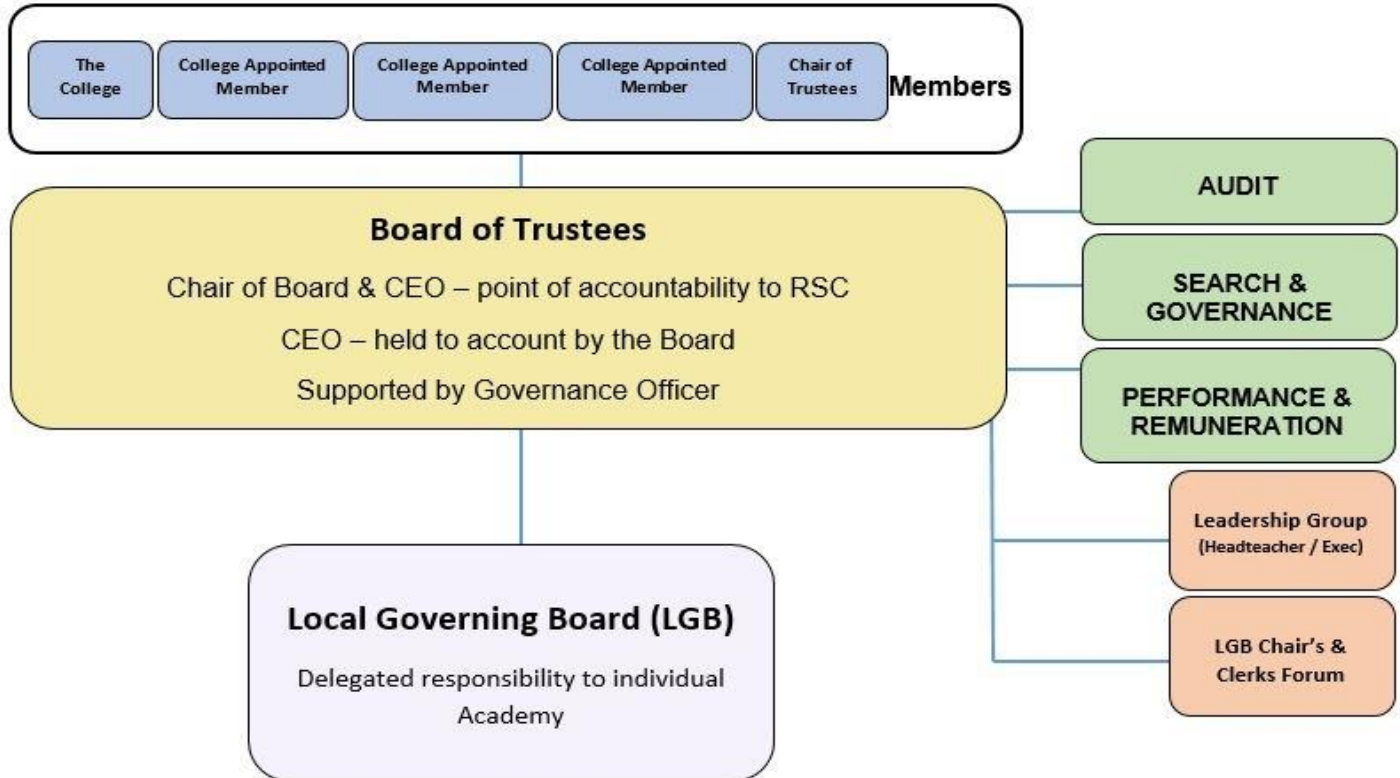
This SoDA should be read in conjunction with the Trust's Financial Procedures Manual (FPM). The FPM is reviewed annually by the Board of Trustees to ensure compliance with the Academy Trust Handbook (ATH).

This SoDA will be reviewed on a regular basis by the Board of Trustees. In the event that any material changes are proposed to this SoDA, the Board of Trustees will have regard to any representations of the LGB. However, this SoDA may only be altered or revoked by the Board of Trustees.

This SoDA may be terminated or amended by the Trustees at any time. In considering any material changes to this SoDA, including termination, the Trustees will have regard to any views of the LGB.

## 4. GOVERNANCE OVERVIEW

### Governance Structure Diagram:



## 5. LAYERS OF GOVERNANCE: KEY ROLES AND RESPONSIBILITIES

The Trust is a company limited by guarantee and, in accordance with the Academies Act 2010, is an exempt charity.

The Trust's three core layers of governance are Members, Trustees and Local Governing Boards. We have set out below an overview of the key roles and responsibilities across the different layers of governance.

### **Members**

The Members have ultimate control over the Trust, with the ability to appoint some of the Trustees and the right to amend the Trust's Articles of Association. The Articles of Association describe the legal governance of the Trust. The Articles describe how Members are recruited and replaced and how many of the Trustees can be appointed to the Board of Trustees by the Members. The Members can also remove Trustees. The Board of Trustees submits an annual report to the Members on the performance of the Trust.

### **Trustees**

The Trustees are responsible for the general control of the Trust in accordance with the provisions set out in the Articles of Association and this SoDA. The Board of Trustees is the accountable body for the performance of all schools within the Trust and, as such, must:

- Ensure clarity of vision, ethos and strategic direction;
- Hold the CEO to account for the educational performance of the schools and their pupils, and the performance management of staff; and
- Oversee the financial performance of the Trust and make sure its money is well spent.

As mentioned above, the Trust is a company limited by guarantee and an exempt charity. Therefore, Trustees must comply with company, education and charity law requirements. This results in the terms 'Trustees' and 'Directors' being used interchangeably. The use of the term 'Trustee' also distinguishes these individuals from those who are executive officers with the job title of 'Director'.

The Board of Trustees is permitted to exercise all the powers of the Trust. The Board of Trustees delegates, to the CEO, responsibility for the day-to-day operations of the Trust.

The Trustees (with the consent of the Members where changes to the Board of Trustees are at issue) have the right to review and adapt the Trust's governance structure at any time, which includes revoking delegation.

The Board of Trustees meets on a half-termly (or more frequently if necessary) basis. The Board of Trustees has two committees: Audit and Risk and Performance and Remuneration, to undertake core functions. These committees are made up of Trustees with the relevant skills.

## **Conflicts of Interest**

A conflict of interest is any situation in which a Trustee's or a LGB Governor's personal interests (or those of a person or body connected to them), influence or appear to influence or affect that individual's decision-making.

The Trust has adopted, and expects Trustees and LGB governors to adhere to the Code of Conduct.

Trustees and all local Governors have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Trust and the school and shall be open about decisions and be prepared to justify those decisions.

### **The Trust's Committees:**

There are two Committees appointed by the Trust, as follows:

#### **Audit and Risk Committee**

With responsibility in summary:

- provide independent oversight of and advice to the Trust Board on the adequacy and effectiveness of the organisation's financial control and reporting systems;
- recommend to the Members the appointment of suitable External Auditors and to advise the Board on both financial and non-financial internal scrutiny arrangements, taking a risk-based approach to commissioning topics of each internal audit report;
- regularly review the risk register for the Trust;
- ensure that adequate levels of external and internal audit are maintained and act as a point of escalation for any concerns identified during audit visits;
- to take such decisions as are devolved to it by the Board - except where the Board has formally delegated decision-making authority to the Committee, its role is advisory.

The Committee meets three times a year on a cycle consistent with the financial activities and requirements of the Trust.

#### **Performance and Remuneration Committee**

With responsibility in summary:

- To oversee the performance appraisal and salary review of the Trust's Chief Executive, Senior Leaders, and Headteachers
- To consider the annual pay progression increases and other terms and conditions of the Headteachers taking account of recommendations from the Local Governing Board as well as affordability, budgetary implications and the framework of pay and conditions for other Trust employees
- To consider and determine the annual pay and other terms and conditions of the Chief Executive and Senior Leaders in the Trust, taking account of affordability, budgetary implications and the framework of pay and conditions for other Trust employees

The Committee meets annually or more frequently if required.

## **CEO**

The CEO is the Accounting Officer with overall responsibility for the operation of the Trust's finances and must ensure that the organisation is run with effectiveness and stability, avoiding waste and securing value for money.

The CEO has responsibility for the operation of the Trust, including the performance of the Trust's schools and is responsible for all staff across the Trust. The CEO works with a senior leadership team.

## **Headteachers**

Headteachers are responsible for the day-to-day leadership and management of their schools. All Headteachers will report to both the Chair of their LGB and the CEO.

The Headteachers will work with the CEO and Director of Education to establish standards, sharing school development and improvement plans.

## **Local Governing Boards**

The Local Governing Boards (LGBs) are Committees of the Board of Trustees and have delegated decision-making powers in accordance with this SoDA. The LGBs shall each hold at least three meetings in every school year and shall ensure all documents are available to be scrutinised centrally.



## 6. COMPOSITION OF THE LGB

The total number of governors on the LGB cannot be less than 8 and no more than 16 (or no more than 20 where the LGB has responsibility for more than one school.) The number of employees of the School on the LGB, including the Headteacher, cannot exceed one third of the total number of Governors on the LGB.

Where there are employees of the Trust seeking appointment on the LGB, declaration and consideration of the appropriateness of individual circumstances and potential conflicts of interest will need to take place. These instances need to be discussed with the Head of Corporate Governance.

The LGB should seek to ensure that the Governors serving on the LGB between them have an appropriate range of skills and experience and that due attention is given to succession planning.

LOCAL GOVERNING BODY			
Type of Governor	Number	Term of Office	How they are appointed
Headteacher	1	Whilst in post	The Headteacher shall be treated for all purposes as being an ex officio Governor of the LGB.
Parent governors	2 Per LGB Or 3 if more than 2 schools covered by LGB	Up to 4 years	Parent governors shall be elected by the parents of registered pupils of the school. He or she must be a parent of, or have parental responsibility for, a pupil at the school at the time when he or she is elected.
Staff governors	max 2 for each school	Up to 4 years	Staff governors shall be elected by the staff of the school.
Co-opted governors	max. 9	4 years	Co-opted governors are selected by the LGB
Trust governors	max. 2	4 years	Trust Governors may be appointed by the Board of Trustees in certain circumstances – these positions are not filled unless required.

A Chair of the LGB will be elected by a majority vote of the LGB governors – all appointments are to be notified to the Trust Governance Lead – the Board of Trustees reserves the right to remove or appoint a Chair if the need arises. Employees of the School are not eligible to be elected as Chair.

Where there are employees of the Trust seeking election as Chair or Vice Chair, declaration and consideration of the appropriateness of individual circumstances and potential conflicts of interest will need to take place. These instances need to be discussed with the Head of Corporate Governance.

Trustees shall be entitled to attend meetings of the LGB provided that they have first informed the Chair of the LGB of their intention to attend. Any Trustee attending a meeting of the LGB shall be entitled to speak but shall not be entitled to vote.

Subject to remaining eligible to be a particular type of governor on the LGB, any person may be re-appointed or re-elected to the LGB for a subsequent term of office. Appointments will be subject to the skills and experience requirements of

the LGB.

Training, support and guidance will be provided to enable Governors to develop the necessary skills and knowledge to fulfil their duties as a member of the LGB. Governors will be expected to attend training events and to avail themselves of relevant development opportunities. The Trustees reserve the right to declare certain essential training mandatory for all Governors.

## **7. LOCAL GOVERNOR REMOVALS AND DISQUALIFICATIONS**

A Governor shall no longer serve on the LGB if he or she:

- resigns by giving notice in writing to the Chair of the LGB
- is removed by the Board of Trustees in writing. A copy of the notice is then forwarded to the Chair of the LGB
- is disqualified from being a charity trustee pursuant to the Charities Acts 2011 and 2016
- is subject to disqualification in accordance with the Articles of Association.

If at any time, whether before or after appointment, the Trustees reasonably believe that a Governor is unsuitable to hold such an appointment, the Trustees may direct that such Governor shall resign (or be prevented from taking office). The Trustees shall only use this power in exceptional circumstances.

## **8. PROCEEDINGS OF THE LGB**

### **Terms of reference for LGBs**

The LGB shall appropriately amend and adopt the Trust LGB Terms of Reference – this document outlines the quorum, structure of the LGB including any committees, meeting regularity and voting.

### **Appointment and removal of Chair and Vice Chair**

The appointment of the Chair and Vice Chair of the LGB shall be determined annually by the LGB Governors and the appointment shall be notified to the Trust Governance Lead. A person employed by the Trust (whether or not at the school) shall not be eligible to be appointed as Chair or Vice Chair.

The Chair and/or Vice Chair may at any time resign his/her office by giving notice in writing to the LGB which will inform the Trust Governance Lead. The Chair or Vice Chair shall cease to hold office if:

- he/she ceases to serve on the LGB;
- he/she is employed by the Trust whether or not at the school;

- he/she is removed from office in accordance with this SoDA.

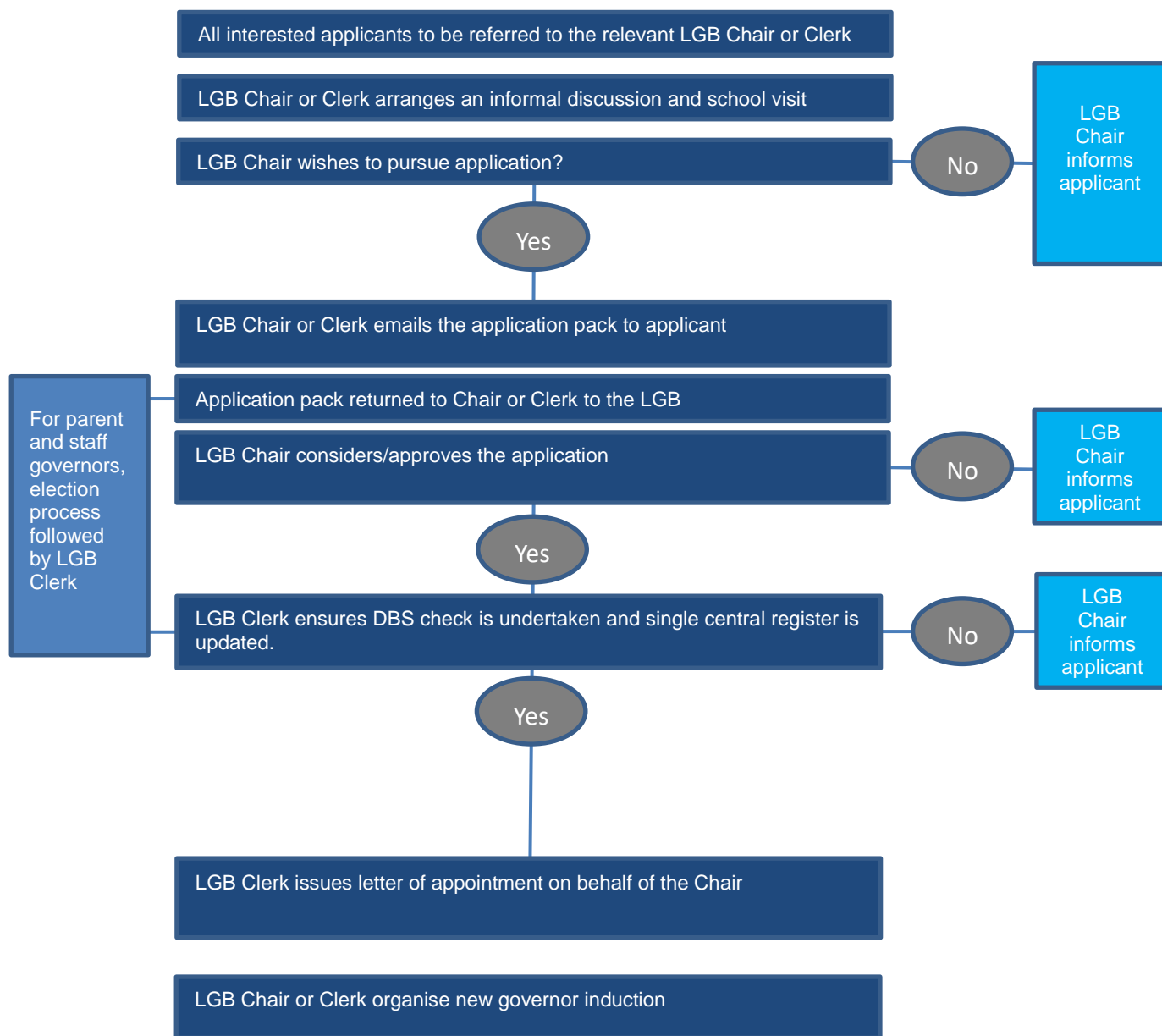
## **Policies**

The LGB must note and comply with all policies that the Board of Trustees approve.

The LGB must ensure school specific policies are in place and that such policies do not contradict or conflict with the policies approved by the Trust Board.

The LGB will review its school based policies and practices on a regular basis and where necessary will publish up to date policies on the school website.

## 9. LGB GOVERNOR APPOINTMENT PROCESS



All new appointments to be notified to the Trust using the [governance@tpacademytrust.org](mailto:governance@tpacademytrust.org) email address and updated on school website and get information about schools (GIAS).

## **10. INTERVENTION TRIGGERS**

The Trust is ultimately responsible for all aspects of the provision of education in accordance with its legal obligations. The Trust delegates many areas of decision making to individual schools but reserves the right to change the level of authority delegated in order to fulfil its legal obligations.

The Board of Trustees may alter or revoke the authority delegated to the LGB until such time as the Board of Trustees is satisfied that the event that has occurred has been rectified or ceases to cause concern. When making such decisions, the Board of Trustees shall have regard to any representations made by the LGB.

The Trustees have the right (but shall not be required) to direct that all members of the LGB resign their posts and at such time this SoDA shall cease to have effect until such time as the Trustees are satisfied that the event that occurred to trigger the right to exercise these powers has been rectified or ceases to cause concern.

In this instance, the Trustees may appoint an interim board (IB) for a limited period of time. During this time, the TPAT SoDA will be suspended in order to allow the IB to rapidly and robustly secure the governance within the school and ensure good progress is being made towards the school's identified priorities.

If the LGB has a deficit budget or thinks it will have a deficit budget the Trustees will require the LGB to notify the Trustees immediately together with reasons for the deficit and a 3 year action plan for recovery.

## **11. DELEGATED POWERS**

At all times, the Trustees and the LGB shall ensure that the school is conducted in accordance with the Articles of Association, the terms of any trust governing the use of the land which is used for the purposes of the school, the funding agreement entered into with the Secretary of State and the school, the Academy Trust Handbook and this SoDA.

The responsibility for the satisfaction and observance of all regulatory and legal matters shall be for the Trustees but the LGB shall do all such things as the Trustees may specify as being necessary to ensure that the Trust is meeting its legal obligations.

No monies received by the Trust (whether or not authority to expend has been delegated to the LGB) shall be paid into any bank account other than the bank account authorised by the Trustees.

## **12. NOTICES**

Any notice to be given to or by any person under this SoDA shall be in writing or given using electronic communications to an address provided by that person. Communications to the Board of Trustees may be sent to:

Board of Trustees  
 c/o Head of Corporate Governance  
 Truro and Penwith Academy Trust  
 Academy House,  
 Truro Business Park, Threemilestone  
 Truro, TR4 9LD

Or to: [governance@tpacademytrust.org](mailto:governance@tpacademytrust.org)

**APPENDIX 1**

**Levels of Delegated Responsibility**

LGB's should bear in mind that even where decisions are delegated, the LGB together with the Trust as a whole remains responsible for decisions made pursuant to such delegated authority.

X = Responsible

M = Monitoring role

	<b>Function and Tasks</b>	<b>Board of Trustees</b>	<b>CEO Accounting Officer</b>	<b>LGB</b>	<b>Headteacher</b>
<b>Central Services</b>					
1.	To determine the scope of mandatory core services to be delivered by the Trust on behalf of its schools	X			
2.	To identify and discuss with the trust central team those additional services to be procured on behalf of individual schools			M	X
3.	To ensure centrally procured services provide value for money	X	M		
4.	Ensure delivery of core services to schools		X		
5.	To develop and annually review a Trust development plan	M	X		
<b>Education</b>					
6.	Develop and implement the school development plan (SDP) in line with the Trust vision			M	X
7.	Overall responsibility for standards of teaching		X	M	
8.	Responsibility for ensuring provision of religious education in line with relevant legal requirements			M	X
9.	Establish a charging and remissions policy for activities at an individual School			X	
10.	Responsibility for pupil outcomes across the Trust	M	X		
11.	Responsibility for pupil outcomes in individual schools			M	X
12.	Exclusions – form panels when appropriate to hear exclusions in line with the DfE statutory exclusions guidance – following Trust guidance			X	
<b>Health and Safety</b>					

13.	Approve a health and safety policy	X		M	
14.	Provision of regular health and safety audits		X	M	



<b>School Organisation</b>					
15.	Approve the times of school sessions and the dates of school terms and holidays	X			
16.	Ensure that the school meets for the minimum legal period (39 weeks) in a school year and from September 2023 the minimum number of hours a week (32.5 hrs)			M	X
<b>Information for Parents</b>					
17.	Prepare and publish the school prospectus			M	X
18.	Ensure the provision of free school meals to those pupils meeting the criteria			M	X
19.	Ensure website information is compliant with DfE / ESFA expectations			M	X
<b>LGB Procedures</b>					
20.	Draw up governing documents and any amendments thereafter		X		
21.	Hold a full LGB meeting at least three times a year			X	
22.	Appoint the chair and vice chair of the LGB and inform the Trust Governance Lead			X	
23.	Approve a Trustees / LGB Governor Code of Conduct and Expenses Policy	X			
24.	Appoint governors of the LGB in accordance with SoDA and communicate with the Trust Governance Lead where removal is needed.			X	
25.	Maintain a live Register of LGB Governor business and pecuniary interests and ensure is published on school website			X	
<b>Safeguarding and GDPR</b>					
26.	Approve a Trust wide safeguarding policy	X			
27.	Ensure safeguarding policy is implemented		X	M	
28.	Report to the Board on serious safeguarding issues		X		
29.	Oversee security of Trust IT systems and security and privacy of data within current regulations (ie GDPR)	M	X		
30.	Inform CEO within 24 hours of any serious safeguarding issue				X
31.	Inform DPO immediately of any data breach and/or subject access request				X
32.	Ensure security of school IT systems, security and privacy of data in line with current regulations			M	X

<b>Policies</b>					
33.	Approve, annually (or when necessary) those policies required for the Trust and mandatory for all Schools	X			
34.	Implement policies approved by the Board of Trustees and monitor effectiveness			M	X
35.	Ensure Trust website is up to date with all required and approved policies	M	X		
36.	Ensure School website is up to date with all required and approved policies			M	X
<b>Staffing</b>					
37.	Headteacher appointments and participation in selection panel	X			
38.	Participation in headteacher appointment selection panel			X	
39.	Agree a pay policy	X			
40.	School senior leadership (deputy) appointments - participation in selection panel			X	
41.	Approval of disciplinary/capability policy and procedures	X			
42.	Taking informal or formal action under the relevant employment procedure				X
43.	Involvement in panels taking formal employment action and issuing warnings			X	X
44.	Dismissal of Headteacher		X		
45.	Suspending a Headteacher and ending period of suspension		X		
46.	Reviewing Headteachers performance appraisal/professional growth and salary review within agreed budget and ISR Group for school	X			
47.	Involvement in Headteachers performance appraisal/professional growth			X	
48.	Performance management pay decisions for School staff (excluding Headteacher) within agreed budget and at agreed pay level for job			M	X
49.	Approve the appointment of school teachers and non-teaching staff within agreed budget and in conjunction with central advice on finance and HR			M	X
50.	Dismissal of other staff (excluding Headteacher)				X
51.	Suspending of other staff (excluding Headteacher) and ending period of suspension				X
52.	Working alongside management accountants to determine a staffing establishment within budgetary constraints			M	X
<b>Admissions</b>					
53.	Approve the admissions arrangements	X			
54.	Propose changes to admission arrangements with regards to oversubscribed criteria			X	
55.	Admissions: application decisions			M	X
56.	Appeal against LA directions to admit pupil(s)			X	

**Finance – please read all of the following in conjunction with the Trust Financial Procedures Manual**

**Premises and Insurance**

57.	To review adequate insurance cover	X			
58.	Approve and review the trust asset management plan and capital procurement process	X			
59.	Maintaining an inventory of moveable items of equipment and checking inventory annually for fixed assets with a purchase value in excess of £1,000				X
60.	Maintaining a record of all property borrowed by staff				X
61.	Authorising the disposal of surplus assets with an original purchase value in excess of £10,000	X			
62.	Authorising the disposal of surplus assets with an original purchase value less than £10,000 in conjunction with CFO			X	

**Finance: planning and risk management**

63.	Approve plans for the use of surplus funds (GAG and other unrestricted), including reserves policy	X			
64.	Approve strategic plan, financial procedures manual and risk register	X			
65.	Review school contingency and business continuity plans	X			
66.	Overall responsibility for security of assets, information and records in compliance with ATH and FPM		X		
67.	Ensure Financial Procedures Manual is up to date and staff are trained appropriately	X			
68.	Adhere to Trust Financial Procedures Manual			M	X
69.	Agree school contingency and business continuity plan and school risk register			X	
70.	Overall responsibility for security of school assets, information and records				X

**Finance: Budgetary Control**

71.	Approve Trust budget and monitor monthly management accounts	X			
72.	Approve financial decision levels and limits in Financial Procedures Manual	X			
73.	Recommend approval of school budget to Trust Board				X
74.	Review monthly management accounts to identify issues				X
75.	Ensure compliance with the Financial Procedures Manual			M	X

**Payroll**

76.	Authorise appointment, changes to contract and pay of Headteachers	X			
77.	Ensure internal controls operate in accordance with Financial Procedures Manual		X		

**Finance: purchases, payments and creditors**

78.	Authorise award of tenders/contracts in accordance with thresholds set within the Financial Procedures Manual	X			
79.	Authorise orders in accordance with Financial Procedures Manual				X
80.	Retention of quotes obtained for goods, works and services in accordance with Financial Procedures Manual				X

**Finance: accounts and audit**

81.	Approve annual report and financial statements	X			
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