

## Contents

Introduction	2
Structure	3
Trustee Board	3
Standards Committee	4
Finance & Audit Committee	5
Local Governing Body	7
New School Committee	9
Financial Delegation	10
Personnel Delegation	11
Appendices	12
RAG rating of schools	12
Chairs meeting	12
Multi-school LGBs	13
Role description	14
Safeguarding: nominated Trustee and LGB member role	14

## Introduction

The Scheme of Delegation includes the structure for governance of The Diamond Learning Partnership Trust (the Academy Trust), the terms of reference of the committees within that structure and the delegation of financial and HR authority agreed by the Trustees of the Trust

The Trustees are appointed by the Members of the Trust in accordance with the Articles of Association or may be co-opted by the Trustees in accordance with the Articles of Association. The Trust is a Charitable Company, and the Trustees are also Directors of the company. The Articles of Association permit the appointment of 12 Trustees by Members

The Articles of Association describe the powers of the Trustees. The Trustees have decided to delegate their powers as described in this document.

## Trustee Board

### Structure

The governance structure of the Trust comprises the Board of Trustees and several committees of the Board. These are:

- Standards committee
- Finance & Audit committee
- Local Governing Bodies
- New School committee<sup>1</sup>

*The Board will normally establish a Local Governing Body for each academy school but in some circumstances one LGB will be responsible for two or more schools*

The Board may also establish ad hoc committees in accordance with the Articles of Association. Trustee Board.

Responsibility for the operation of the Trust is delegated to the CEO subject to the exceptions and limits in this document. The CEO will update the Board with regards to the HR Department.

The following items are not delegated to the CEO or any of the committees and decisions related to them must be taken in properly convened and recorded meetings of the Trustees. The Trustees may appoint a Trustee or a working group of two or more Trustees with specific terms of reference to prepare a proposal for consideration by the Trustees

- Appointment of the Chief Executive Officer
- Appointment of Headteachers
- Appointment of Internal Auditors
- Appointment of members, Chair and Clerk of Local Governing Bodies
- Approval of the Scheme of Delegation
- Approval of the Business Plan
- Approval of the budgets for regulated and non-regulated funds
- Approval for schools to join or leave The Diamond Learning Partnership Trust
- Approval of a recovery plan for an academy school and the appointment of an Executive Headteacher
- Approval of recommendation to Members at AGM on appointment of external Auditors
- Approval of policies not delegated to the CEO
- Pay policy
- Pay policy for CEO
- Admissions policy
- Special Educational Needs and Disability policy
- Safeguarding policy
- Children with medical needs

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<sup>1</sup> New in this context means creation of a school rather than an established school joining the Trust

## Standards Committee

### **Purpose:**

- To hold to account the CEO and LGB of each academy school to ensure that all children are making rapid progress towards achieving the full extent of their potential and that this is supported by a broad and balanced curriculum and appropriate policies.
- To promote academy schools within the hub working collaboratively

### **Membership:**

The Trustees will decide the membership of the committee on an annual basis. There will be a minimum of 4 members. Only Trustees may be members of this committee. Employees of the Trust may not be members of this committee. . A resolution approving the membership of the committee or committees will be recorded in the minutes of the Trustees meeting.

The CEO will attend the meetings. The CEO may nominate additional attendees.

The Chair of the committee will be appointed by the Trustees.

### **Clerk:**

The Trustees will appoint a Clerk to the committee.

### **Quorum:**

The quorum is 3 members of the committee

### **Meetings:**

Meetings will be held at least once each term. One week's notice of the agenda must be given by the Clerk of the committee when convening a meeting. The Clerk will be responsible for calling the meetings and producing minutes.

### **Delegated responsibilities:**

- To monitor the standards, achievements, and progress of all children in each school and by relevant groups including any for which hypothecated funding is given.
- To monitor the standards of attendance, behaviour and safety of all children and the effectiveness of teaching, leadership, and management in each school.
- To monitor targets for each academy school and the effectiveness of plans to achieve those targets.
- To consider Ofsted and other reports that relate to the schools.
- To monitor the curriculum offered by academy schools
- To monitor the quality and development of teaching and learning including the process and impact of performance management in each school and the training of students
- To review in the first term of each school year the performance of the committee in delivering these responsibilities.
- To require action by the CEO or LGB of a school wherever deficiencies are identified.
- To report to the Board at the meeting following each meeting of the committee.

## Finance and Audit Committee

### **Purpose**

- To hold to account the CEO and each academy school to ensure that the financial resources of the Trust are deployed in accordance with the ESFA Academy Trust Handbook and in the most effective manner so that the purpose of the Standards committee can be achieved, and that all information submitted to the DfE and EFSA that affects funding is accurate and complies with funding criteria.

### **Membership:**

The Trustees will decide the membership of the committee on an annual basis. There will be a minimum of 4 members. Only Trustees may be members of this committee. Employees of the Trust may not be members of this committee. A resolution approving the membership of the committee will be recorded in the minutes of the Trustees meeting.

The Chair of the committee will be appointed by the Trustees.

The CEO and Head of Finance will attend the meetings. The CEO may nominate additional attendees.

### **Clerk:**

The Trustees will appoint a Clerk to the committee.

### **Quorum:**

The quorum is 3 members of the committee.

### **Meetings:**

Meetings will be held at least once each term. One week's notice of the agenda must be given by the Clerk of the committee when convening a meeting. The Clerk will be responsible for calling the meetings and producing minutes.

### **Delegated responsibilities:**

#### **External Audit**

To review external audit reports, and action plans arising from them

To assess the effectiveness of the external auditor and to report to the board on the adequacy of the internal control framework.

To recommend to the Board a proposal for external audit arrangements for approval by the Members at the AGM, considering expertise, remuneration and value for money of the proposal.

#### **Internal Audit**

To consider the internal scrutiny activity and agree a programme of work that reflects the risks to the Trust.

To review internal audit reports, and action plans arising from them

To assess the effectiveness of the internal audit arrangements.

To recommend to the Board a proposal for internal audit arrangements for the following year for approval

To ensure the Financial Procedures manual is consistent with the Scheme of Delegation and reflects any amendments arising from audit actions

**Finance**

To review the annual report and accounts and report to the Board.

To monitor the management accounts and propose remedial action if necessary.

To review with the LGB the financial management of every school. The frequency of the reviews will reflect the financial risk RAG rating of the school.

To ensure that all money is spent in accordance the relevant regulations

To approve the form and content of monthly management accounts to be provided to the Trustees that as a minimum satisfy the requirements of the ESFA

To review policies for financial management including those for purchasing, service agreements charges, remissions, and expenses

To review reports on financial benchmarking and advise the Board accordingly

To ensure the Trust has submitted to the ESFA, an “Academies Budget Forecast Return” (BFR) each July in accordance with deadlines published annually.

To ensure the Trust complete the “School Resource Management Self-Assessment “Checklist “SRMSAT” and submit their completed checklist to ESFA by the specified annual deadline

**Risk**

To review the risks to internal financial control and to agree a programme of work that will address these risks, inform the statement of internal control and so far as is possible, provide assurance to the external auditors

**Estates**

To review internal and external reports on the land and buildings leased to or otherwise used by the Trust including considerations of safety, compliance and condition.

To agree and monitor programmes of work arising from the reports.

**General**

To require action by the CEO or LGB of a school wherever deficiencies are identified.

## Local Governing Body

### **Purpose**

- To ensure that all children at the academy school are receiving a high-quality education and are making rapid progress towards achieving the full extent of their potential and that the resources available to the academy school are appropriate and deployed effectively.
- Each school normally has an LGB but one LGB may be responsible for two or more schools (please refer to the Appendices).

### **Membership:**

The Trustees will appoint all members of the Local Governing Body. The membership will be between seven and nine members including the Headteacher, two Parent members, and two Staff members and Community members.

The Staff and Parent members will be selected by elections within the staff and parent bodies of the school.

If the Local Governing Body is responsible for two or more schools, then as far as possible one Parent member and one Staff member will be appointed from each school, and the total number of members permitted will be increased to eleven.

### **Parent Members:**

To be eligible as a Parent member the applicant must have a child at the school at the time of appointment. The member can continue until the end of their term once the child has left the school.

The appointment of a Parent member will be terminated if the qualifying child is removed from the school

### **Staff Members:**

To be eligible as Staff member the applicant must be employed to work at the school for at least 50% of the normal working week. The member will no longer be part of the LGB if employment ceases.

### **Community Members:**

It is preferable that Community members are drawn from the wider community. Employees of the Trust and Parents who have a child in the school may not be Community members

Each member is appointed for four years from date of appointment and must at all times adhere to the Code of Conduct for LGB members. The appointment of a member will become effective only after the completion of DBS checks.

The Chair of the LGB will be appointed by the Trustees, normally on the recommendation of the LGB. The attendees will appoint a chair for that meeting if the Chair is unable to attend.

### **Clerk:**

The Trustees will appoint a Clerk to the LGB.

### **Quorum:**

The quorum is the Headteacher and 3 other members of the LGB.

**Meetings:**

- Meetings will normally be held once each term. One meeting per year can be held face-to-face. One week's notice of the agenda must be given by the Clerk of the committee when convening a meeting.
- The Clerk will be responsible for calling the meetings and producing minutes.
- An LGB may choose to meet more frequently or may be required by the Board to meet more frequently if the school requires rapid improvement.

**Delegated responsibilities:**

- To monitor the standards, achievements, and progress of all the children in the academy school and by relevant groups including any for which hypothecated funding is given, the standards of attendance, behaviour and safety of all children and the effectiveness of teaching, leadership and management in the academy school and any additional areas that may be considered by Ofsted during an inspection
- To review the safeguarding of children and staff
- To nominate a Safeguarding member of the LGB
- To consider Ofsted and other reports on the school
- To monitor the targets proposed by the Headteacher, the plan to achieve those targets and the achievement and impact of the agreed plan
- To monitor the relationship between the school and the community including parents and propose any action necessary
- To consider the whether the resources of money, staff and buildings available to the academy school are appropriate and are deployed effectively
- To ensure that the school website contains all information required by law, DfE or TDLPT and is up to date
- To require action by the Headteacher wherever deficiencies are identified
- To report to the Trustees as required



## New School Committee

### **Purpose**

- To supervise and oversee the establishment and operation of each new<sup>2</sup> School until such time as it is established in permanent premises and is operating in such a way that the governance requirements can be fully satisfied by an LGB operating in accordance with the standard Terms of Reference for such a committee.

### **Membership**

The membership will comprise the CEO, three non-executive Trustees, and the Executive Headteacher responsible for the school. Only members that are also Trustees will be entitled to vote on any issue.

The Headteacher, once appointed, will be required to attend meetings. Other members of staff may be invited to attend from time to time

The Trustees will appoint one of the Trustee members of the committee as Chair.

### **Clerk:**

The Trustees will appoint a Clerk to the committee

### **Quorum:**

The quorum is three members of the committee

### **Meetings**

- Meetings will be held at least once each term. One week's notice of the agenda must be given by the Clerk of the committee when convening a meeting. The Clerk will be responsible for calling the meetings and producing minutes. The minutes must include a record of all decisions taken under delegated authority.

### **Delegated authority and responsibilities.**

- All those responsibilities delegated to a Local Governing Body in these Terms of Reference
- To prepare a plan for the establishment of the substantive LGB, to make recommendations of prospective members of the LGB, and to transfer responsibilities to the LGB at appropriate times
- To recommend the cessation of the activities of the committee from time to time
- To consider and procure such external advice as is necessary
- To approve and authorise on behalf of the Board such proposals, plans, programmes, budgets, expenditure, submissions, appointments, and other matters as are necessary to expedite the opening and successful establishment of the Free School and to report on all approvals and authorisations to the next Board meeting provided always that the financial implication of such approval and authorisation do not exceed the financial authority delegated to the CEO acting alone.
- To report to the Trustees as required

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<sup>2</sup> New in this context means creation of a school rather than an established school joining the Trust.

## Financial Delegation

The CEO can reduce the amounts delegated at any time but must issue a notice to the person or people affected, to the Head of Finance and to the Finance and Audit committee at their next meeting and must issue a further notice to the recipients of the first notice when any reduction is further varied.

The financial limits given below apply to any individual transaction and the aggregate of any series of related transactions. The splitting of a large transaction into smaller transactions to enable authorisation at a lower level is not permitted.

Current and capital expenditure and virements above £50000 must be authorised by either the Board of Trustees or the Finance & Audit committee. Any expenditure authorised by the Finance & Audit committee must be reported to the next meeting of the Board of Trustees.

Contracts, expenditure and virements not covered by the delegations below must be authorised by the CEO subject to a maximum limit of £50,000.

For capital purchases where three quotes can not be obtained. The CEO can approve such purchase up to £10,000. Purchases above this amount will be approved by the Finance & Audit Committee.

Individual payments that exceed £50,000 under a contract approved by the Board of Trustees or the Finance & Audit committee may be authorised by the CEO subject to a maximum limit of £100,000. Variations to such a contract may be authorised by the CEO up to an aggregate limit for all variations of £50,000.

Headteachers can authorise expenditure up to £5,000 within the limits set by the budget for that class of expenditure

Headteachers may not further delegate expenditure but may establish informal arrangements for allocation of budget to phase leaders, subject leaders, staff with other specific responsibilities, and class teachers.

Scope:

All budget headings for the school except for utilities, insurance, and other services

## Personnel Delegation

The CEO can remove any delegated authority at any time but must issue a notice to the person or people affected, to the Head of Personnel and to the Finance and Audit committee at their next meeting and must issue a further notice to the recipients of the first notice when any delegated authority is further varied.

Authority to make appointments and other employment decisions as listed below is given to the substantive post holders of the following positions. These authorities are not automatically conferred on those holding the positions on a temporary basis or when deputising for the substantive post holder. All those with the authority to make appointments or suspend or dismiss employees may at their discretion consult other employees, Local Governing Body or Trustees of the Trust, or external advisors.

The CEO has the authority to appoint any person reporting directly or indirectly to the CEO in accordance with Trust policies and procedures with the exception of Headteachers. The CEO will select and recommend for appointment candidates for the posts of Headteachers.

The Headteacher has the authority to appoint any person reporting directly or indirectly to the Headteacher in accordance with Trust policies and procedures, and to authorise others to undertake selection processes and make a recommendation for appointment to the Headteacher.

The Headteacher will consult with the CEO on the appointment of any Deputy Headteacher, Assistant Headteacher or equivalent position

The Headteacher will consult with the CEO on any changes to the management and reporting structure within the school

The CEO has the authority to appoint any person reporting to the CEO in accordance with Trust policies and procedures, and to authorise others to undertake selection processes and make a recommendation for appointment to the CEO.

The CEO will consult with the Trustees on the appointment of any Headteacher.

The CEO has the authority to suspend or dismiss any person employed by the Trust

In the absence of the CEO the Deputy CEO has the authority to suspend any person employed by the Trust

In the absence of the CEO and Deputy CEO the Head of HR and any one Headteacher acting jointly have the authority to suspend any person employed by the Trust

## Appendices

The Appendices do not describe any delegated responsibilities but are included as Appendices to the Scheme of Delegation for convenience.

### **RAG rating of schools**

The RAG rating of schools represents an informal assessment of risk to the school. The RAG rating is used to communicate the assessment of the school by the CEO and executive team to the school, the Trustees, Standards and Finance & Audit committees and the LGB of the school. It is used to determine the extent of support provided to the school and the frequency of school specific oversight by the Standards and Finance & Audit committees.

The CEO will report the current RAG rating of schools at each meeting of the Board of Trustees

The support provided to the school relates directly to the concerns that caused the RAG rating. Concerns may include actual or potential weakness in the Senior Leadership Team, inadequate local financial control, current or potential Ofsted rating below Good, or failure to secure needed improvements at sufficient pace; this is not intended to be a definitive list.

Oversight will involve routine discussion in both Standards and Finance & Audit committees and may include the committees requesting a review or audit of any aspect of the school's operations, or a discussion with the Headteacher.

It is anticipated that the majority of the interviews will be held remotely using video meeting technology.

The aggregate RAG rating of all schools will be included in the overall assessment of risk when considering additional schools joining the Trust.

Chairs meeting

This meeting is an ad hoc committee of The Diamond Learning Partnership Trust and has no delegated responsibilities.

## Chairs Meeting

### **Purpose**

To provide a forum for communication and discussion of matters of general interest to academies within the Trust

### **Membership**

The members of this committee will be the Chairs of the Board of Trustees, Standards and Finance & Audit committees and all LGBs, and the CEO.

The Chair of the meeting will be the Chair of the Board of Trustees.

There will be no formal agenda or minutes of the meeting.

## Multi-school LGBs

The default position and the preference of the Trustees is that each academy school will have its own LGB. Any school joining the Trust and any new school established by the Trust will immediately have its own LGB.

There are some circumstances in which the Trustees are willing to consider a single LGB being responsible for two or more schools.

- Two LGBs must make an application to the CEO and the Board of Trustees.
- The CEO supports that application.

There are no specific criteria that must be satisfied but as the principal role of the LGB, as stated in the Purpose, is to ensure that children are receiving a high-quality education then the application must show how this would be enhanced by the two LGBs joining together.

## Role description

### Safeguarding: nominated Trustee and LGB member role

The Trustees have overall responsibility for ensuring that children are safe and that the policies and practices of the Trust and its schools are effective. Limited responsibility is delegated to Local Governing Bodies. The Trustees and each LGB will nominate a Safeguarding member.

Safeguarding embraces all possible sources of harm to the child and so embraces pre-employment and pre-appointment checks and Codes of Conduct for adults associated with the school or trust, those aspects of the curriculum that address actual or potential harms to the child as well as the Child Protection and Prevent duties. Everything that could cause harm to a child is included.

It is usually not necessary for the appointed member to know the level of detail that could identify a child, but in any event the appointed member has an absolute obligation to keep confidential any such information that may become known to them.

#### **Purpose**

To ensure that the safeguarding responsibilities of the Trust or LGB are fulfilled.

#### **Appointment**

The nominated trustee or member will be the chair of the Trustees or of the LGB unless another member has been proposed and approved by a majority vote of the Trustees or LGB as the case may be. The appointed member may resign at any time. The term of the appointment will be until the first meeting of the Trustees or LGB in a new school year.

#### **Role**

To understand the arrangements for keeping children safe, the context of the whole school or Trust and the influence that has on safeguarding, and any specific factors that need to be considered including but not limited to children with any kind of disability or limited communication skills.

Maintain an awareness and understanding of the most up-to-date versions of 'Keeping children safe in education' (KCSIE) and 'Working Together to Safeguard Children'.

Keep up to date with the Child Protection and Safeguarding Policy and how this is evaluated to ensure compliance with KCSIE.

Ensure that the annual report from the DSL on the implementation of the school's safeguarding policies and procedures. is distributed to the CEO, LGB and LA.

To be satisfied that the arrangements for a Designated Safeguarding Lead, and any deputy or alternative arrangements, including provision of time, training and other resources are adequate.

To be satisfied that staff are adequately trained and there are good records of training.

To be satisfied that pre-employment or pre-appointment checks happen in a timely way and that the Single Central Record is always up to date.

To be satisfied that concerns about children are raised, logged, and followed through, and that concerns are reported, escalated when necessary, and pursued to a conclusion, and that all activity is properly recorded

To review the curriculum arrangements that enable children to behave in a way that promotes their safety.

To discuss all these matters with the DSL and agree if any action is required.

To report to the Trustees or LGB on any matters of concern.

To report to the Board of Trustees if additional action is required or if matters of concern are not being addressed.