



EMAT SCHEME OF DELEGATION MAY 2021

1. The Esteem Multi – Academy Trust (EMAT) Scheme of Delegation

The 'Esteem Multi Academy Trust's (EMAT) Board of Directors are accountable in law for all major decisions about the academies that are part of the EMAT. However, this does not mean that the board is required to make all the decisions itself. While the board cannot ever delegate its accountability, many decisions can and should be delegated to the CEO, board committees and LGBs. The decision to delegate a function is made and recorded by the board to enable individuals, committees and LGBs to have the power to act.

Our guiding principles focus on collaboration and shared values within which we celebrate the distinctiveness of each of our academies. This scheme sets out how delegation is put into place so that within the legal structure in which we operate, it is clear what the CEO, Trust Board committees, LGBs and other executive officers have the power to act on. Any decision to delegate a task/responsibility is made by the full Board of Directors. Without such delegation, an individual/committee/team has no power to act.

When academies join the EMAT the LGBs and their governors will transition to the new structure as they are. The Trustees have the right to review the appointment of governors and to appoint additional governors/remove governors where appropriate. The Trustees approve the appointment of the chair of each LGB.

The EMAT holds the view that all academies will have an LGB to which some decisions may be delegated. This includes scrutiny and monitoring of the performance of the academy and its headteacher, pupil outcomes and the quality of teaching and learning; ensuring compliance with statutory procedures and with Trust policies; making decisions about the academy's budget within any parameters set by the Trust and determining, sustaining and celebrating the ethos and character of the academy.

Should the Board have any concerns about the performance of any of the academies within the Trust, its initial response will be to offer support with a view to maintaining current levels of delegation. In some circumstances the Board may appoint additional governors to LGBs as a means of supporting decision making within academies. However, the Board will have the right to take the decision to reduce LGB decision making powers. This will be unusual and the decision to remove delegated authority from a LGB will be exceptional.

Factors which may influence the Board's decision about the level of delegation to each LGB include: ● School performance ● A recent Ofsted / DfE report ● Financial and administrative performance ● Leadership and governance capacity and capability ● Safeguarding and/or well-being concerns ● Health and safety issues ● Parental concerns / complaints

Significant concerns e.g. fraud will result in the immediate removal of the LGB.

The EMAT is committed to transparency in reporting. Trust Board minutes will be shared with LGBs and, likewise, LGB minutes will be reported to the Board. The EMAT also provides a termly opportunity for networking , reporting and best practice focus for chairs and trustees as a cross-MAT Chairs Group Forum.

This scheme of delegation:

- Promotes a culture of honesty and accountability
- Ensures clarity regarding which decisions the EMAT Trust Board remains in control of
- Identifies responsibility for the appointment and performance management of the CEO/ Executive Leaders and Head Teachers
- Ensures that the role of the Executive Leadership is fully understood throughout the trust
- Identifies responsibility for policy and practice in each academy
- Identifies responsibility for oversight of educational performance in each academy
- Identifies responsibility for oversight of the Trust's and each academy's budget
- Identifies responsibility for assessment of risk

2. EMAT Key Roles and Responsibilities

The role of members:

The members of the Trust have a different status to trustees. Originally, they will have been the signatories to the memorandum of association and will have agreed the Trust's first articles of association which outlines the governance structure and how the Trust will operate. The articles of association will also describe how members are recruited and replaced, and how many of the trustees the members can appoint to the Board. The members appoint trustees to ensure that the Trust's charitable object is carried out and so must be able to remove trustees if they fail to fulfil this responsibility. Members are also responsible for approving any amendments made to the Trust's articles of association. In order to retain a degree of separation of powers between the members and the Board, and in line with current DfE expectations, no members should be trustees other than the chair of trustees. Employees of the Trust are not permitted to be members.

The role of the trustees (alternatively known as directors):

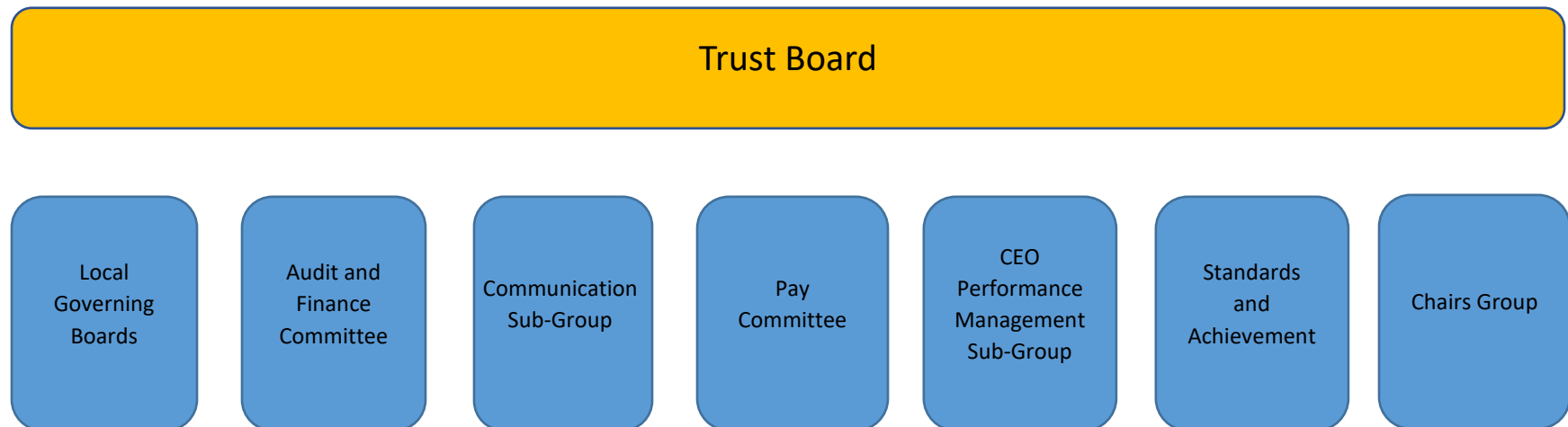
The trustees are the charity trustees (within the terms of section 177(1) of the Charities Act 2011) and are responsible for the general control and management of the administration of the Trust in accordance with the provisions set out in the memorandum and articles of association. The Board is the accountable body for the performance of all academies within the Trust and, as such, must:

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the executive to account for the educational performance of the academies and their pupils, and the performance management of staff
3. Oversee the financial performance of the Trust and make sure its money is well spent.

As trustees are bound by both charity and company law, the term ‘trustees’ and ‘directors’ are often used interchangeably. We use the term trustee as it avoids the possible confusion caused when executive leaders are called directors but are not company directors and trustees.

The Board is permitted to exercise all the powers of the Trust. The Board will delegate to the CEO responsibility for the day to day operations of the Trust. The trustees can determine whether to delegate governance functions and has the right to review and adapt its governance structure at any time which includes removing delegation.

The Trust Board and it’s committees and sub-groups;



The CEO, Central Team, Executive Team and Academy Headteachers

The Board delegates responsibility for the performance of the Trust, including the performance of the academies within the Trust, to the Chief Executive Officer (CEO). This means that the CEO is accountable to the Board for the performance of the Trust as a whole. The CEO will report to the Board on the performance of the Trust and of its academies, although this will be supplemented by monitoring reports from the LGBs. The CEO is the Accounting Officer so has overall responsibility for the operation of the Trust's financial responsibilities and must ensure that the organisation is run with financial effectiveness and stability, avoiding waste and securing value for money. In this role, the CEO will have the power to challenge decisions made by LGBs and may seek reconsideration of the decisions. The CEO leads the executive team of the Trust and will delegate management functions to the central team. The central team is responsible for supporting the CEO in overseeing the internal management, control and development of academies in the Trust. The Director of Education reports to the CEO and maintains a continued oversight of school improvement.

The CEO is performance managed by a committee of the Board. The Board delegates responsibility for the performance management of the academy headteachers to the CEO with the involvement of the LGB. Academy headteachers are responsible for the day to day management of the academies reporting to the LGB on matters which have been delegated.

The executive team consists of the Chief Executive Officer (CEO), Chief Operating Officer (COO), Finance Director (FD) and Director of Education (Dir of Ed) from the central team and the academy headteachers. The executive team advises and makes recommendations to the Trust Board on the development of the Trust and its academies.

The role of committees, including LGBs:

The trustees may establish committees either with delegated authority to make decisions or for the purpose of providing advice and support to inform the Board. However, the committees are not legally accountable for statutory functions – the Board retains overall accountability. The responsibilities of board committees will be set out in their terms of reference; the responsibilities of LGBs are set out in this scheme of delegation.

The role of the LGB is an important one, providing governance focus for the school at a local level, which does not duplicate the role of the Board. The LGB monitors the school's key performance indicators and acts as a critical friend to the school's senior leadership team, providing support and challenging where appropriate. Governance roles, be it a trustee, committee member or local governor must maintain a strategic role and focus. The day to day running and decision making within a trust resides with executive and operational leads.

3. The structure of the EMAT Governance is as follows;

Our governance structure (see next page) was established to provide robust challenge and support to both the executive team and to our academies. The design ensures statutory and procedural compliance to the EMAT Funding Agreement and adherence to our articles of association. This structure also conforms to best practice as laid out in the Academies Financial Handbook;

Members

Trustees

CEO, COO, FD & Executive Team

LGB	LGB	LGB	LGB	LGB	LGB	LGB	LGB	LGB	LGB	
Headteacher	Headteacher	Headteacher	Headteacher	Executive Headteacher	Headteacher	Headteacher	Headteacher	Headteacher	Headteacher	
Amber Valley & Erewash Support (joined 01/12/18)	Bennerley Fields School (joined 01/08/18)	Elmsleigh Infant & Nursery School (joined 01/04/20)	Fountains Primary School (joined 01/08/18)	Fountains High School (joined 01/08/18)	South Derbyshire Support Centre (joined 01/08/18)	North East Derbyshire Support Centre (joined 01/08/19)	Peak School (joined 01/08/18)	Holbrook School For Autism (joined 01/08/21)	St Clare's School (joined 01/08/19)	Stanton Vale School (joined 01/08/18)

4. The Scheme of Delegation

The following tables set out the responsibilities and decision making within the EMAT for good and outstanding schools. Schools that are graded by Ofsted as 'requires improvement' or who are in special measures will require an individual scheme of delegation following a process of due diligence, risk assessment and SWOT analysis.

The Key used;

ACX	Ultimately accountable to external authority and decision maker
AC	Ultimately accountable and delegates the decision to those responsible
R+	Primarily responsible where more than one is responsible
R	Responsible for task and ensures it is done
X	Decision maker
A	Advisor
C	Those who are consulted

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Budget & Finance	To approve the MAT consolidated budget and forecast each financial year.		AC X		A			
	To agree the annual levy for central services. This will include the % contribution that each school makes to the MAT, for agreed central services.		AC X		A	C	C	
	To ensure all schools receive their funding as per EFA/DFE funding formula including: -GAG - Pupil Premium, - Sports Premium, - LAC, - Post LAC, - SEN, - Forces Premium. The LA will continue to be responsible for the allocation of High Level Needs Funding.		X		R			
	To determine and review a financial scheme of delegation across the MAT.		AC X		A	C	C	To be led by the FD.
	Take miscellaneous financial decisions as per MAT scheme of financial delegation.		R	R	R	R	R	

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Budget and Finance	Approve each individual school budget and forecast.		AC X		A			
	Prepare and propose the individual school budget and forecast.				A	C	R X	HT to set balanced budget in line with MAT strategic aims, Reserves Policy and Financial Regulations and Procedures. If a deficit budget is set, decision-making moves to Executive Team.
	To monitor monthly expenditure within the trust.		AC X		A			Executive team to provide report to the Board of Trustees to confirm if spend is within the approved budget limits. To be led by the FD.
	To monitor monthly expenditure at each individual school.				A	C	R X	Central Finance team to prepare standardised management accounts to facilitate this process.

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
Budget and Finance	To establish a school charging and remission policy in line with the trust aims.					X	R	
	Approve how aggregated accumulated reserves are spent.		AC X		A			Finance & Audit Committee delegated to approve. Board of Trustees to be updated
	Propose how aggregated accumulated reserves are spent.				X	C	R	HT responsible for identifying and prioritising required capital expenditure on buildings, grounds, information and communication technologies (ICT) and vehicles over £10k to Capital Panel. Capital Panel to review and prioritise at MAT level and present recommendations to the Finance & Audit Committee.
	Staff pension responsibilities.		X					LGPS liabilities and discretionary decisions in accordance with LGPS rules
	Appointment of Auditors.	AC X		A				

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Staffing	Manage selection process and appoint CEO		AC X		C	C		Support from COO and/or Trust HR lead.
	Appoint selection panel and appoint headteacher for each school (LGB represented)		AC X	R		C		On the basis that some leadership posts may have a role across the trust Support from COO and/or Trust HR lead.
	Appoint selection panel for other members of the senior leadership team at academy level			R	C	A	X	LGB are not employers so are not the decision maker. This is delegated down from the Trust Board to CEO to Headteacher. LGB representative are usually on a recruitment panel for this level of appointment so would act as advisor with the decision left to the Head. Panel may involve CEO or Dir of Education.

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
	Appoint selection panel for other members of the senior leadership team within central team.		C	X R	C			Senior roles that are employed to work in central team
	Appoint other teachers		AC			C	X R	LGB are not employers so are not the decision maker. This is delegated down from the Trust Board to CEO to HT. LGB are usually informed of recruitment . Head is responsible and makes the decision.
	Appointment of MAT-wide teachers		AC	X R	A			CEO responsible for this
	Appointment of MAT-wide teaching assistants		AC	X R	A			CEO responsible for this
	Appoint academy non-teaching staff						X R	HT is the decision maker and responsible for this being done.
	To put in place a trust pay & performance management policy for schools		ACX	R+	R		A	Variations for TUPE transferring staff to be recognised at local level

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Staffing	To make pay decisions in line with the pay & performance management policy and legal requirements for the CEO and each headteacher		ACX	A				CEO advises on HT pay as their Line Manager Chair of LGB/Gov involved in HTPM meetings to support the process
	To make pay decisions in line with the pay & performance management policy and legal requirements for each schools staff excluding the headteachers.		AC				X R	TB delegate this down to HT who are responsible for this being done and make the decision.
	To make pay decisions in line with the pay & performance management policy and legal requirements for central team.		ACX	A X				CEO to make recommendations to trust Board. CEO delegated decision maker for some of the central team posts
	Establish and review procedures for addressing staff discipline, conduct and grievance.		AC X					
	Dismissal of headteacher & Chief Executive		ACX					
	Suspending CEO	C	ACX					

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Staffing	Suspending head		AC	X		C		CEO to suspend heads and seek further approval from Trust Board
	Suspending other school staff			C		C	X R	HT to suspend other school staff supported by Trust HR lead. CEO and LGB consulted
	Ending suspension (CEO)	C	AC X					
	Ending suspension (head)		X	A				
	Ending suspension other school staff			C		C	X R	HT to end suspension of other school staff supported by Trust HR lead. CEO and LGB consulted
	Setting the overall staffing structure of the MAT.		AC X	R	A			Recommendation from executive team Recommendation for MAT structure from CEO CEO responsible for ensuring this is in place.
	Setting the overall staffing structure of individual schools.		AC	X R+	A	C	R	Recommendation from headteacher HT and CEO are responsible for this being appropriate with support from central team

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Staffing	Determining dismissal payments/ early retirement		AC	X		C	A	TB are employer and therefore have the ultimate accountability, but this is delegated to CEO to decide. HT advises if school staff member.
	To produce and maintain a central record of recruitment and vetting checks – for staff, all governors/trustees and volunteers		ACX	R+		A C	R	TB (employer) has ultimate accountability. CEO would have some responsibility for this and delegate it to central team staff. LGB consulted on it. HT is primarily responsible for this being done at local level.
	To audit and monitor schools' SCR		AC X	R+	R	R C		TB (employer) has ultimate accountability. HT is primarily responsible for this being done. The significance of the SCR requires monitoring on a number of levels. Head of Safeguarding responsible for SCR audit across Trust, LGB responsible at academy level for annual review

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Staffing	To audit and monitor central team's SCR		AC X	R+	R			TB (employer) has ultimate accountability. CEO delegate to central team
Curriculum	To establish ,monitor and review curriculum policy				C	X	A	
	To consider any disapplication for pupil(s)						X	
	Responsibility for standards of teaching and progress for each child		ACX	R+	A	R	R	TB are ultimately accountable for standards for all pupils
	To decide which subject options should be taught having regard to resources, and implement provision for flexibility in the curriculum (including activities outside school day)					C	X	
	Establish publish and review a school sex education policy (including in primary schools where the LGB must decide whether to teach sex education) and ensure that parents are informed of their right to						X	R

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Curriculum	Establish publish and review a Trust wide policy to prohibit political indoctrination and uphold British Values		AC	R+	R	R	R	The Director of Education would produce a trust-wide policy, delegated by the CEO
	Responsibility for ensuring that provision of RE meets statutory requirements.					X		
	To ensure that all pupils take part in a daily act of collective worship in line with statutory requirements.						X	
	To decide whether to offer additional activities and what form these should take					X	R	
	To put into place the additional services provided					X	R	
	To decide whether to stop providing additional activities.					X	R	

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
Performance Management	To appoint the panel to carry out the appraisal of the headteacher (at least 1 LGB rep and 1 trustee and CEO).		A	R		C		To be coordinated by Executive Officer
	To carry out the appraisal of the central team.			X R	C			To be coordinated by Executive Officer and delegated to COO where appropriate
	To carry out appraisal of other teachers.						XR	
	To establish appropriate CPD for all staff			R	A		XR	CEO responsible and may delegate to Dir of Ed for trust wide CPD
	To formulate an overall Trust performance management policy		X	R	A	C		
	To appoint the panel to carry out the appraisal of the CEO		X					
Discipline and Exclusions	To establish a Trust exclusion and behaviour policy		X	R	A			
	Establish, publish and review a behaviours and exclusion policy that reflects the Trust's ethos that is suitable for each individual school.					X	A	
	To act within the SEND Code of Practice 2015, regarding exclusions.		X	R+		R	R	

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
Premises Health and Safety	To ensure the MAT and all academies have appropriate insurance in place		AC	R+	A		A	
	To ensure that all MAT premises are safe, secure and maintained		AC	R+	A	R	R	
	To ensure that health and safety regulations and buildings statutory compliance regulations are followed		AC	R+	A	R	R	
	Establish, publish and review a MAT health and safety policy		AC X	R	A	C	C	
	To prepare, publish and review a health and safety policy for each school that reflects the MAT policy		AC		A	X	R	
	Develop and implement an Estates Strategy for the MAT		X	R	A	A	A	
	Develop and implement an asset management plan for each academy which informs the MAT Estates strategy				A	R	R+	
	Develop and implement an energy management / carbon reduction strategy for the MAT		AC	R	R	A	A	
	Develop and implement an energy management / carbon reduction plan for each academy which is informed by the MAT energy management strategy				A	R	R+	

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
School Organisation	To publish proposals to change category of school		X	A				
	To set the times of school sessions and the dates of school terms and holidays.		X	A	A	C		Legally the Trust is responsible, but any local variations should be proposed by LGB.
	Admission of other schools/ academies into the Trust		X	A	A	C		As appropriate, in discussion with chairs group.
	Maintain a register of pupil attendance						XR	
	To ensure provision of free meals to those pupils meeting the criteria, including Universal Infant Free School Meals (if applicable).						X	
	Develop and implement individual academy improvement plan		AC X	R+	A	R	R	
	Review and evaluate pupil performance		AC X	R+	A		R	
	School self-evaluation of performance		AC X	R+	A	R	R	
Information for Parents	Formulate, implement and review Trust Improvement Plan		AC X	R+	A			
	To establish, publish and review a Trust complaints procedure.		X	R	A			
	To provide information about how complaints are handled on an operational basis in school					X R	A	

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		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
Information for Parents	To establish and publish a Freedom of Information scheme and ensure the Trust complies with it.		AC X	R				
	To establish, publish and review a suitable Trust Data Protection policy that is GDPR compliant		X	R				DPO advice and guidance. Delegation to Governance Manager.
	To establish, publish and review an individual school Data Protection policy and procedures that are in line with the Trust DP policy					X	A	
LGB Procedures	To hold a full LGB meeting at least three times in a school year					XR	A	
	To appoint (and remove) the chair and vice-chair (subject to Trust approval)		AC X			R		For LGB to determine, unless Trust consider specific support to be required
	To appoint and remove LGB members (subject to Trust approval)		AC X			R		For LGB unless there is an issue across whole LGB i.e. special measures
	To appoint and dismiss the clerk to governors		AC X	A		R		LGB responsibility if clerk recruited and managed by school . CEO delegates advisory role to Governance Manager.
	To set up a register of trustee and governors' business interests		X					
	To review and update annually the Trust and LGB register of interests		AC X				R	

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
LGB Procedures	To approve and set up a governor's expenses scheme		X					
	To regulate the LGB procedures (where not set out in law)		X			A		
	To consider whether or not to exercise delegation of functions to individuals or committees.		X					
	To consider delegation of functions to individual and committees, within the remit of the Trust governance terms of reference, meeting schedule and quorum rules.					X		Ensuring compliance with Articles of Association
	To carry out an annual review of Trust governance terms of reference and committee structure		AC X			C		
	To carry out an annual review of LGB governance terms of reference and committee structure		AC			R		
	Publish, monitor and review school governance information on website and maintain GIAS		AC			R+	R	
	Publish, monitor and review Trust governance information on website and maintain GIAS		AC	R				
	Annual review of effectiveness of governance and assessment of trustee/governor skills and training needs		AC R+			R		

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
MAT Organisation and Governance	To consider the sponsorship of any schools who are identified by the DfE to join the Trust		X	A	A	C		CEO recommend to TB
	To consider requests from other schools to join the Trust		X	A	A	C		CEO recommend to TB
	To consider a school leaving the MAT		X	A	A			CEO recommend to TB
	Setting and implementing the strategic direction vision and values of the Trust		X	R+	R	R	R	
	Review governance structures annually		X	R	A	A	A	
	Set annual schedule of governance and business		X	R+	A	C		CEO delegates to Governance Manager
	Induction for new Trustees, members and Governors	R	AC X	R+		R+	R+	CEO delegate induction of new trustees to Governance Manager
	Publish an annual report on Trust performance for Members and the school community and public		X	R	A			
	Management of Risk – establish strategic and operational risk registers, audit and monitoring procedures		AC X	R	A	R	R	Each academy will monitor their own RR, the MAT will monitor and maintain the Strategic Risk Register
	Determine Trust reporting procedures to manage KPIs and standards		X	R	A			
	Ofsted readiness		AC R	R+	R	R	R	
To establish, publish and review a Trust special educational needs (SEN) policy.		X	R	A				

Area	Function	Delegation						
		Members	Trust Board	CEO	Exec Team	LGB	Head	Notes
MAT Organisation and Governance								
	To prepare the SEN information report and review on an annual basis to meet Statutory obligations and to be in line with the Trust ethos.					X	A	
	Articles of Association: review & agree	X	A					
	Members: appoint/remove	X	A					
	Trustees: appoint/remove	X						
	Role descriptions for members	X						
	Role descriptions for trustees/ chair of trustees/specific roles/ committees		X					
	Trust Board committee chairs: appoint/remove		X					
	Clerk to Board: appoint/remove		X					
	To carry out an annual review of governance terms of reference and committee structure		R X				C	
	Publish, monitor and review school governance information on website and maintain GIAS		AC X				R+	R
	Publish, monitor and review Trust governance information on website and maintain GIAS		AC X	R				
Setting and implementing the strategic direction vision and values of the Trust		X			R	R	R	

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Equality and Inclusion	To establish and publish annually an 'Equality information and objectives statement' and review equality objectives every four years for the Trust.		X	A	A			
	To establish and publish annually an 'Equality information and objectives statement' and review equality objectives every four years for each school.					X	A	
	To identify a specific trustee with particular responsibility for children with SEN		X					Everyone has a responsibility but a link trustee to be appointed to have particular involvement and be point of liaison with the link governor in each school.
	To designate a 'responsible person' for children with SEN					X		
	To designate a 'responsible person' for looked after children					X		
	To establish an accessibility plan and review it every three years.					X	A	
	To establish, publish and review annually a Trust child protection policy and relevant procedures.		X	A	A			
	To establish, publish and review annually a child protection policy and relevant procedures for each school that reflects the trust ethos and procedures					X	A	Specific to the locality safeguarding partnership the academy sits within.
	To ensure the Trust carries out the annual safeguarding audit (S175)		X	A	A			

Area	Function	Delegation						Notes
		Members	Trust Board	CEO	Exec Team	LGB	Head	
Admissions	To determine each school admission criteria		X		A	A		
	Admissions: Application decisions		X		A		A	The Trust is the Admission Authority for Elmsleigh School, and the support centres. The LA is the Admission Authority for special schools
	To appeal against LA naming the school in Part 1 of the EHCP		X		A	A		