

BILTT Scheme of Delegation

Reviewed by BILTT Board

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Contents

1. Introduction	
1.1. Establishment of Committees	3
1.2. Appointment of Committees	3
1.3. Retention of Powers	4
2. Governance and Reporting Structure	
2.1. Trust	6
2.2. Local Advisory Body – Individual Academy (Non-Sponsored)	7
3. Roles and Responsibilities	
3.1. Members	8
3.2. Trustees	8
3.3. Committees	9
3.4. Executive Principal	9
3.5. Academy Heads of School	9
3.6. Local Advisory Body	9
4. Governance Model	
4.1. Introduction	11
4.2. Model	12
4.3. Key	16
5. Terms of Reference	16
6. Delegated Authority	17
7. Staffing Decision Making Model	18

1. Introduction

1.1. Establishment of Committees

The Bedford Inclusive Learning and Training Trust is the statutory body for all the schools in the Academy Trust, accountable in law for all decisions about its academies. The Secretary of State for Education has entered into an agreement with the Bedford Inclusive Learning and Training Trust (BILTT) to run the schools in the Trust and therefore the BILTT Board is responsible for the standards and operation of all schools in the Trust.

The BILTT Board will determine the membership and proceedings of any committee, with due regard to the requirements of the Articles of Association of the Bedford Inclusive Learning and Training Trust. Only the BILTT Board can take decisions on the delegation of powers, including the establishment of committees, the approval of terms of reference, the appointment of trustees and governors (with the exception of parent governors) or the delegation of any powers to a committee or an individual (for example, the Chair of the BILTT or Executive Principal), or any changes to previous agreements. The BILTT Board will also review the terms of reference, constitution and membership of any committee or sub-committee annually.

The BILTT Board has established a Local Advisory Body (LAB) in each academy and will appoint the chair. Two parents are elected to the LAB. The committee structure of the local advisory bodies may include sub-committees as defined by each local advisory body. The Local Advisory Body must also review the establishment, terms of reference, constitution and membership of any committee or sub-committee annually. The membership of any Local Advisory Body committee may include associate members, provided that a majority of members of the committee are governors. Any sub-committee must have a chair, who is either appointed by the Local Advisory Body (LAB) or elected by the committee. Either the BILTT Board or the LAB may remove the chair of a LAB sub-committee from office at any time.

1.2. Appointment of Committees

The delegation arrangements will be kept under review, and should be approved each year, (e.g. the first BILTT Board Meeting in the autumn term). Good practice requires the BILTT Board to consider the delegation arrangements at least annually.

The BILTT Board or Local Advisory Body may appoint non-trustees and non-governors to any of the committees providing that, on committees of the BILTT Board, trustees form the majority of voting members of the committee, or in the case of Local Advisory Bodies, governors (a) form the majority of the members of the committee; (b) are in the majority at any meeting of the committee; and (c) take the Chair of the committee.

1.3. Retention of Powers

Some key decisions cannot be delegated and must be taken by the BILTT Board. In these cases the BILTT Board may still ask a person or a working group to consider issues and make *recommendations* to them, as long as the full BILTT Board take the decision.

The BILTT Board is the employer of all staff and therefore is the final appeal body in matters of pay and staff discipline.

The BILTT Board is the admissions authority for all schools in the Trust, except where otherwise specified in law or in the Master or Supplemental Agreement.

The BILTT Board will agree the final budget for each school.

Duties which **cannot be delegated are:**

the suspension of trustees and LAB members

appointing and removing the chair and vice-chair of the Trust Board

the delegation of functions

Decisions relating to staff dismissal and appeals must be delegated to the Staff Discipline Committee of the BILTT or its Appeals Committee.

Outside these restrictions the BILTT Board *may* delegate any of its functions to a committee or an individual (e.g. Chair, Vice-Chair or Executive Principal).

The BILTT Board delegates responsibility for delivery of the vision and strategy to the Executive Principal. The BILTT Board will hold the Executive Principal to account for the day to day operation and performance of the Trust, including the performance of the academies within the Trust. The Executive Principal in turn holds the academies principals, head teachers and heads of school to account by line managing them.

The Executive Principal will report to the BILTT Board on the performance of the Trust, including the performance of the Trust's academies. The Executive Principal is performance managed by the BILTT Board.

A Local Advisory Body will be established in each academy. This LAB understands how its academy is led and managed, acts as the eyes and ears of the school and its community and has a role in influencing decision making. Each LAB has a direct link to the BILTT Board in case concerns need to be raised.

2. Governance and Reporting Structure -
2.1.Trust

2. Governance and Reporting Structure -

2.1. Trust continued

The chairs of the Trust's committees will be appointed by the Trust. The Executive Principal will be a member of all committees. All other Trustees will be assigned to either the Finance and Facilities Committee or the Personnel and Standards Committee, but not both. The composition of the Governance, Compliance and Pay Committee is Trust Chair, Vice-Chair, Chair of Finance and Facilities, Chair of Personnel and Standards and the Chair of each of the Local Advisory Bodies. The initial composition of the Local Advisory Bodies shall be the previous members of that school's Trustees.

The Chief Financial Officer can attend all Trust Board and Committee meetings.

2.2. Local Advisory Body: Individual Academy (Non-Sponsored)

The Local Advisory Body of a non-sponsored academy is permitted to set up such committees as it deems necessary to perform its functions efficiently and effectively. The chair of each Local Advisory Board will be appointed by the Trust. The Local Advisory Board will appoint any new members, but must include a minimum of two parent Trustees at any point of time,

The Local Advisory Board will monitor the school's budget and have discretion over expenditure, except staffing and the top slice. Any individual budget line variance to budget over £10,000, or individual expenditure over £10,000, must be approved by the Finance and Facilities Committee. The threshold for Capital Expenditure will be £10,000 and will need to be approved by the Finance and Facilities Committee.

3. Roles and Responsibilities

3.1. The Role of the 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. 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 trust 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. 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.

3.2. The Role of the Trustees

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 of trustees is the body accountable for the performance of all schools within the trust and as such must:

Ensure clarity of vision, ethos and strategic direction

Hold the executive to account for the educational performance of the schools and their pupils, and the performance management of staff

Oversee the financial performance of the trust and make sure its money is well spent

Because trustees are bound by both charity and company law, the terms 'trustees' and 'directors' are often used interchangeably. In this document term trustee is used to avoid possible confusion caused when executive leaders are called directors but are not company directors and trustees.

The BILTT Board is permitted to exercise all the powers of the academy trust. The BILTT Board will delegate to the Executive Principal responsibility for the day to day operations of the Trust. The trustees can determine whether to delegate any governance functions.

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

3.3. The Role of Committees

The trustees have established committees either with delegated authority to make decisions or for the purpose of providing advice and support, informing the overall work of the BILTT Board. However, these committees are not legally responsible or accountable for statutory functions – the BILTT Board retains overall accountability and responsibility. The responsibilities of committees are set out in their terms of reference. The BILTT Board may appoint committee members and committee chairs.

3.4. The Role of the Executive Principal

The Executive Principal has the delegated responsibility for the operation of the trust including the performance of the trust's academies and so the Executive Principal performance manages the academy Heads of School.

The Executive Principal 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 Executive Principal leads the executive management team of the academy trust. The Executive Principal 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.

3.5. The Role of the Academy Head of School

A Head of School is responsible for the day to day management of the school and is accountable to the Executive Principal.

3.6. The Role of the Local Advisory Body

The BILTT Board will establish a Local Advisory Body (LAB) in each school and will appoint the chair. The Local Advisory Body of a non-sponsored academy is permitted to set up such committees as it deems necessary to perform its functions efficiently and effectively. Two parents will be elected to the LAB.

The LAB will:

Seek to understand how the school is led and managed: the academy Head(s) of School will report termly on how the school is fulfilling the trust's ethos, vision and strategy

Act as the panel when reviewing the academy Head(s) of School's decisions on exclusions, and parents' complaints

Bedford Inclusive Learning and Training Trust

- Be the consultative body for the school's stakeholders
- Represent the school's stakeholders
- Forge links with the community
- Act as an ambassador for the school

Scheme of Delegation

4. Governance Model

4.1. Introduction

The following grid format presents BILTT Board’s decision-making structure. The columns set out the levels of governance, from Members through to Local Advisory Bodies, and highlight who has the power to take which decisions within BILTT. The grid is in four key areas to reflect both the governance framework and the three core functions of the governing board:

The governance frame

People

Systems and structures

Reporting

Being strategic

Holding to account

Ensuring financial probity

Area	Function	Delegation				
		Members	Trust Board	Executive Principal	Head of School	Local Advisory Body
The 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/ academy LAB member: elected		✓			✓
	Committee (including school committee) chairs: appoint and remove		✓			
	Academy LAB chairs: appoint and remove		✓	A		
	Clerk to board: appoint and remove		✓			
	Clerk to school committees: appoint and remove		✓			✓
Systems and structures	Articles of association: agree and review	✓	A	A		
	Governance structure (committees) for the trust: establish and review annually		✓	A	5.	
	Terms of reference for trust committees and scheme of delegation: agree and review annually		✓		6.	
	Terms of reference for local advisory body: agree and review annually		✓		7.	
	Skills audit: complete and recruit to fill gaps		✓	<A>		✓

Bedford Inclusive Learning and Training Trust

Scheme of Delegation

Reporting	Annual self-review of trust board performance: complete annually		✓			
	Chair's performance: carry out 360 review periodically		✓			✓
	Trustee contribution: review annually		✓			
	Academy LAB members' contribution: review annually			A>		✓
	Succession: plan		✓	A		
	Annual schedule of business for trust board: agree		✓	A		
	Annual schedule of business for committees: agree		✓	A		
	Annual schedule of business for local advisory body: agree		✓	A		
Reporting	Trust governance details on trust and academies' websites: ensure		✓	A		
	Academy governance details on academy website: ensure			✓	A	
	Register of all interests, business, pecuniary, loyalty for members/trustees/committee members: establish and publish		✓	A		
	Annual report on performance of the trust: submit to members and publish		✓	A		
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit		✓			
	Annual report on work of academy LAB: submit to trust and publish				A	✓

Being strategic						
Being strategic	Determine trust wide policies which reflect the trust's ethos and values (facilitating discussions with unions where appropriate) including: admissions, except where otherwise specified; charging and remissions; complaints; expenses; health and safety, premises management; data protection and FOI; staffing policies including capability, discipline, conduct and grievance: approve		✓	A		
	Determine school level policies which reflect the school's ethos and values to include e.g.; SEND; safeguarding and child protection; curriculum; behaviour: approve				✓	A
	Central spend / top slice: agree		✓	A		
	Management of risk: establish register, review and monitor		✓	A		
	Engagement with stakeholders	✓	✓	✓	✓	✓
	Trust's vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine		✓	A		
	Academies vision and strategy, agreeing key priorities and key performance indicators (KPIs) against which progress towards achieving the vision can be measured: determine			A>	✓	A
	Executive Principal: Appoint and dismiss		✓			
	Head of School: Appoint and dismiss			✓		
	Budget plan to support delivery of trust key priorities: agree		✓	A		
	Budget plan to support delivery of academy key priorities: agree				✓	A
	Trust's staffing structure: agree		✓	A		
Academies' staffing structure: agree			A>	✓	A	

Holding to account						
Holding to account	Auditing and reporting arrangements for matters of compliance (e.g. safeguarding, H&S, employment): agree		✓	A		
	Reporting arrangements for progress on key priorities: agree		✓	A		
	Performance management of the Executive Principal: undertake		✓			
	Performance management of academy Head of Schools: undertake			✓		
	Trustee monitoring: agree arrangements		✓	A		
	Local advisory body member monitoring: agree arrangements					✓
Ensuring financial probity						
Ensuring financial probity	Chief financial officer for delivery of trusts detailed accounting processes: appoint		✓	A		
	Trust's scheme of financial delegation: establish and review		✓	A		
	Academy's scheme of financial delegation: establish and review		✓	A		
	External auditors' report: receive and respond		✓	A		
	Executive Principal pay award: agree		✓			
	Head of Schools pay award: agree			✓		
	Staff appraisal procedure and pay progression: monitor and agree			✓		
	Benchmarking and trust wide value for money: ensure robustness		✓	A		
	Benchmarking and academy value for money: ensure robustness			A		
	Develop trust wide procurement strategies and efficiency savings programme			✓		

4.3 Key

Level 0: Members

Level 1: Board of trustees

Level 2: Chief executive officer

Level 3: Academy heads of school

Level 4: Academy local advisory bodies

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

✓ Action to be undertaken at this level

✓ Action to be undertaken at this level

A Provide advice and support to those accountable for decision making

<> Direction of advice and support

5. Terms of Reference

Detailed terms of reference (ToR) for each committee will be presented to the first Governance, Compliance & Pay Committee meeting, each year, but will include:

- Finance and Facilities Committee's ToR will include health and safety matters and marketing.
- Governance, Compliance and Pay Committee will include safeguarding matters.
- Local Advisory Bodies will be responsible for school curriculum; personnel and standards; health, safety and wellbeing; monitoring and management of income and expenditure within the budget set by the Trust.

6. Delegated Authority


- The budget is set by the Trust Board.
- The income and expenditure of each academy is monitored by the LAB and is managed within the budget set by the Trust.
- Any individual budget variance > £10k needs to be agreed by the Trust's Finance and Facilities Committee.
- Any individual spend > £10k must be brought to the Trust's Finance and Facilities Committee for approval.
- The Trust's Finance and Facilities Committee will agree all capital spend either when setting the annual budget or through reports received from any of the LAB's at a Committee meeting in-year.
- The LABs and their academies will adhere to the Trust Wide Finance Manual as approved by the Trust Board. All assets costing £10,000 or more will be capitalized. Unless authorised by the Trust's Board the capital budget will be restricted to the level of annual depreciation.

7. Staffing Decision Making Model

- 7.1. Due to the importance of staffing and their associated costs a clear decision making model is set out below that has been approved by the Board and is in place across all the Trust's academies.
- 7.2. If a school, or the Trust as a whole, is forecasting a deficit greater than approved budget, the Board reserves the right to consider ALL vacancies, whether fixed or permanent.



SEPTEMBER 2020



New Posts / Appraisal / Staffing Structures
Processes Must be Followed

Increments in line with 'usual' pay progression

For Teachers - increments are dependent on performance management and would go to LAB



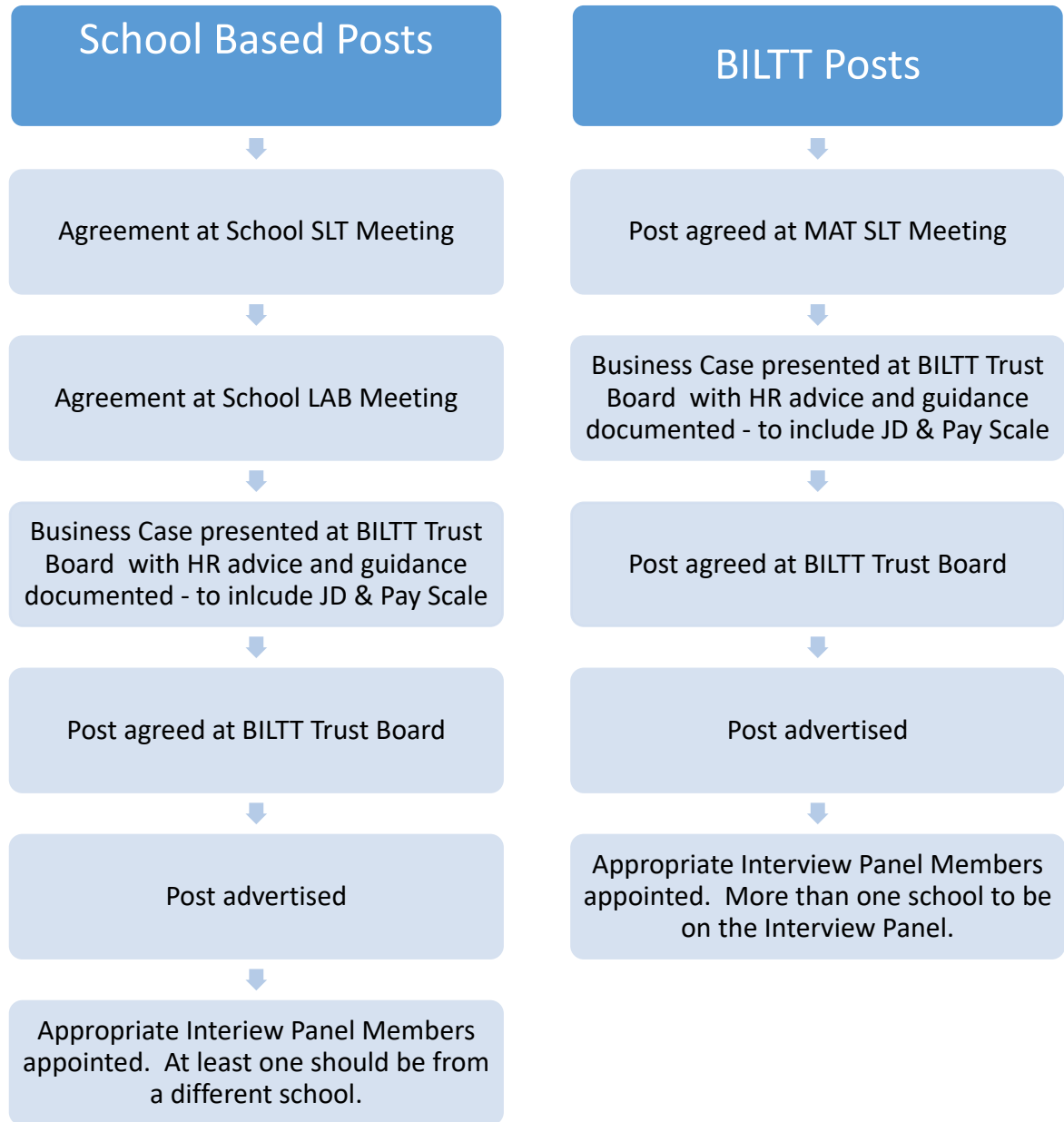
TO LAB



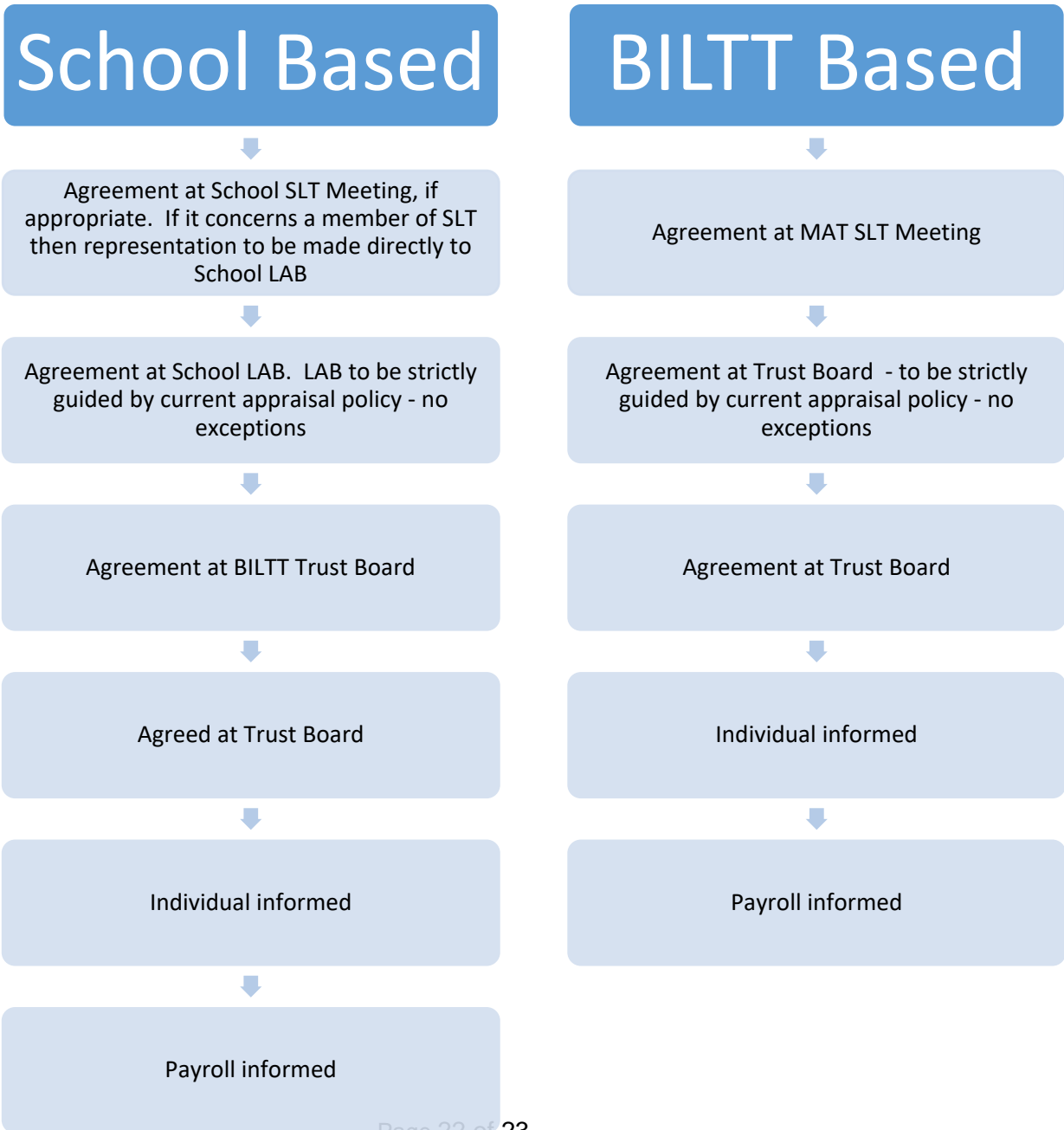
Confirmation sent to individuals

For Support Staff - automatic process every April - not dependent on performance management

New Posts



Movement of an individual more than one point including change in pay scale



Staffing Structures

'Minor Changes'



Any 'minor changes' to staffing structures at a local level and within the existing budget envelope need to be agreed at the School's SLT and LAB informed. This information to be made available to Executive Principal and Chair of Trust Board



Any changes that incur a change in the budget envelope with regard an additional costs, however small, must go through the school LAB and be presented at BILTT P & S.



Any change in Central Structures must go to MAT SLT and then BILTT TRUST BOARD regardless of costs



Any variances in excess of £10K must be presented at BILTT Finance Committee