



**BROMLEY EDUCATIONAL TRUST**

## **SCHEME OF DELEGATION**

### **1. Introduction**

- 1.1 The need for a framework that provides clarity about the duties, roles and responsibilities of all parties is imperative for all organisations in order to secure effective systems of leadership, management and operation, to manage risk effectively and secure required outcomes.
- 1.2 The scheme of delegation needs to address:
  - 1.2.1 who in the organisation has the power to make decisions;
  - 1.2.2 the decisions individuals or groups are empowered to make;
  - 1.2.3 where and with whom consultation needs to take place before decisions are made; and
  - 1.2.4 where and with whom advice should be sought before decisions are made;
- 1.3 The framework also needs to clarify arrangements for monitoring and, where appropriate, intervention and how this will work in practice.
- 1.4 An overview of the accountabilities outlined in paragraph 1.2 and 1.3 is provided in the table appended to this report which sets out in diagrammatic form the ways in which the Bromley Educational Trust (the Trust) directors fulfil their responsibilities for leadership of the Trust, the respective roles and responsibilities of the Trust board and committees, the Stakeholder Boards, Executive Headteachers / Headteachers and senior leadership teams. It is based on the requirements of the Trust's Articles of Association and Master Funding Agreement with the DfE.
- 1.5 The scheme of delegation should support the objects of the Trust as set out in paragraph 4 of the Articles of Association (the Articles). The Trusts objects are 'to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing schools ("the mainstream Academies") offering a broad and balanced curriculum.

### **2. Powers of Delegation**

- 2.1 The starting point for the scheme of delegation needs to be a shared understanding across the Trust that, in accordance with the Trusts Articles and Master Funding Agreement (MFA), sole decision making power for the day to day business of the Trust resides with the Board of Trustees acting in accordance with the sponsors vision and values.
- 2.2 The Trust and not the individual Academies is the legal entity. As such, only the Board of Trustees has the legal authority to make decisions about:
  - i) employment issues;
  - ii) finance issues; and
  - iii) land ownership or leases; and

- 2.3 The Trust is the admissions authority for all member Academies. Therefore, the Trust board must determine and keep under review the admissions arrangements for all Academies, ensuring that they are compliant with the national Admissions Code.
- 2.4 The presumption therefore is that all legal and strategic decision making authority lies with the Trust. However, while the Trust (via the Trust board) holds this ultimate authority, the DfE and Trust Articles and Master Funding Agreement make clear that the Board of Trustees has the power to delegate decision making as it deems appropriate to board committees, to a Stakeholder Board and to Academy Executive Headteachers / Headteachers.
- 2.5 The framework must be approved and regularly reviewed by the Board of Trustees. Individual officers within the Trust should not make decisions or take unilateral action outside of this framework unless this approval has been given. To do so could lead to legal challenge and significantly increases risk. By approving the scheme of delegation, the Board of Trustees, in effect, gives this permission.
- 2.6 Where delegated decisions are made by an Executive Headteacher / Headteacher or senior officers on his/her behalf, they should be formally recorded so that an audit trail of decisions taken, when and by whom, can be maintained. Trust committees should also record decisions in the minutes of their meetings.

### **3. Financial Delegation**

- 3.1 The Board of Trustees is fully accountable to the DfE and Education Funding Agency (EFA) for all public funding that pays for the Trust's activities. This includes the annual revenue budgets for all Trust Academies, any grants associated with the conversion of schools that become sponsored Academies where the Trust has been approved as the sponsor or have chosen to convert as an Academy into the Trust. The Trust is also responsible for any capital receipts associated with Trust Academies.
- 3.2 The EFA sends all annual revenue budgets for Trust Academies directly to the Trust. Given the Trusts accountability, the annual budget for each Academy should be approved by the Board of Trustees. Once this approval has been given, Academy senior leaders should be given delegated authority to manage the budget.
- 3.3 The Board of Trustees are also required to approve a schedule of financial delegation that identifies the maximum post-holders can authorise. This schedule should also clearly identify the authority for procurement and the procurement rules each Academy should follow depending on the value of the contract. This information appears in the Financial Regulations approved by the Trust on an annual basis.
- 3.4 At each meeting, either the Board of Trustees or its nominated committee should an update on the financial performance of the Trust. Whilst it is not be appropriate for the Trust board to get involved in the operational detail of individual Academy budgets, by exception, the Board of Trustees should receive reports on significant deficits and surpluses in individual Academy budgets and the implementation of investment or recovery plans to address these in particular in terms of the impact on Academy standards.
- 3.5 Similarly, the EFA sends any capital monies on behalf of identified Trust Academies to the Trust. The Trust is directly accountable for these capital receipts and for ensuring that they are used appropriately for the purposes identified. The Board of Trustees or its nominated committee, are required to have an overview of all capital expenditure through regular reports. Executive Headteachers / Headteachers are required to have delegated authority through their procurement limits to ensure that this funding is spent appropriately to improve the learning environment. The Trust also has a legal responsibility to ensure that all procurement activity fulfils legal requirements in recognition that this is public money.

#### 4. Policy Development

- 4.1 Given that the Trust is responsible and accountable for the financial management of all member Academies and is the employer of all staff working in such Academies, it follows that human resources and finance policy approval should remain at the board level.
- 4.2 In order to minimise risk and ensure consistency, it is recognised that, in the early period following conversion to Academy status, it is likely that member will continue to adhere to existing School policies approved by previous governing bodies where appropriate to do so.

#### 5. Monitoring and Intervention

- 5.1 The Board of Trustees on behalf of the sponsor, has ultimate responsibility and accountability for standards and performance in each Trust Academy, for finances across the Trust and for its legal responsibilities as employer.
- 5.2 A key task for the Trust is to develop and monitor a range of policies that member academies are expected to adopt. As far as possible under TUPE regulations and terms and conditions of employment, the policies for adoption may include those listed below.

<b>Academy &amp; Pupil Policies</b>	<b>Employment &amp; Staff Policies</b>
Curriculum	Pay & Remuneration
Teaching & Learning	Performance Management & Appraisal
Sex Education	Disciplinary
Religious Education	Re-structuring and Redundancy
Child Welfare & Safeguarding	Grievance
Attendance	Capability
Pupil Behaviour & Exclusions	Whistleblowing
Pupil Premium	Health & Safety
Health & Safety	Expenses
Academy Trips	Financial Regulations
Complaints	Fixed Assets
Reserves Policy	Procurement

#### 6. Scheme of Delegation

- 6.1 This scheme of delegation is intended to provide clarity and enable effective and efficient decision making. It is not intended to be a complex document or to itemise every decision that needs to be delegated. Rather, it should provide the framework for decision making and demonstrate how the Trust is managing risk and fulfilling its legal responsibilities effectively.
- 6.2 Pragmatically, as much operational decision making as possible should be formally delegated to committees of officers of the Trust. This will ensure the Board of Trustees can focus on performance and the strategic agenda.
- 6.3 The different levels of delegated power are listed below but it should be noted that not every task requires all levels of delegated power to be defined as many are contained within policies and job descriptions. The delegated authorities are categorised as follows:-

- A – Approve
- P – Propose / Prepare
- R – Recommend

6.4 The Scheme of Delegation should be read in conjunction with the Terms of Reference for the relevant body. While the Scheme is designed to be comprehensive it will not cover every task. The Key for the scheme of delegation can be found below:-

Board:	Board of Trustees
CEO/CFO:	The CEO, Deputy CEO, CFO, or equivalent
EHT:	Executive Headteacher or equivalent

## BROMLEY EDUCATIONAL TRUST: SCHEME OF DELEGATION

No.	Task	Board	CEO/CFO	EHT
	Key: Approve (A), Propose/Prepare (P), Recommend (R)			
<b>1.</b>	<b>Governance</b>			
1.1	Approve Trust Articles of Association (Members Only)	P		
1.2	Approve Trust Scheme of Delegation	A		
1.3	Approve new convertor or sponsored academies joining Trust	A	P	
1.4	Establish Trust committees / boards /LGB	A		
1.5	Approve Trust committee/ board Terms of Reference	A		
1.6	Appoint Chair of Trust Board	A		
1.7	Appoint Chair of committee / board	A		
1.8	Appoint (and remove) Clerk to Trust	A		
1.9	Trust Strategic Plan	A		
<b>2.</b>	<b>Trust &amp; Academy Performance, Curriculum and Teaching</b>			
2.1	SEN Policy	A		P
2.2	Teaching & Learning Policy	A		P
2.3	Curriculum Policy	A		P
2.4	Sex Education policy	A		P
2.5	Religious Education policy	A		P
2.6	Prevent	A		P
2.7	British Values	A		P
2.8	Set and publish targets for pupil achievement	A		P
<b>3.</b>	<b>Financial Governance &amp; Management</b>			
3.1	Trust & Academy Financial Regulations	A	P	
3.2	Appoint External auditors	A		
3.3	Approve annual budget	A	P	
3.4	Trust Academies Accounts Return to EFA		A	
3.5	Approval of financial statements	A		
<b>4.</b>	<b>Staff Policies and Pay</b>			
4.1	Appointment of the CEO & Accounting Officer, and CFO & company secretary	A		
4.2	Appointment of an Executive Headteacher or other senior staff at Head of School level and above	A		
4.3	Authority to recruit other staff within budget			A
4.4	Authority to recruit other staff outside of budget		A	P
4.5	Pay & Remuneration Policy	A	R	
4.6	Changes to Employee Terms & Conditions	A	R	
4.7	Annual Pay Award	A	R	
4.8	Performance Management & Appraisal Review Policy	A		
4.9	Disciplinary Policy	A		P
4.10	Grievance Policy	A		P
4.11	Capability Policy	A		P
4.12	Whistleblowing Policy	A		P
4.13	Employee Health & Safety Policy			A

No.	Task	Board	CEO/CFO	EHT
	Key: Approve (A), Propose/Prepare (P), Recommend (R)			
<b>5.</b>	<b>Staff Management</b>			
5.1	Suspension of other staff (with HR support)			A
5.2	Determining staff structure and requirements			A
5.3	Authorisation of dismissal payments for the CEO, Deputy CEO, CFO, Executive Headteacher or equivalent	A		
5.4	Authorisation of dismissal payments for staff other than the Executive Headteacher or equivalent		A	P
5.5	Redundancy of staff		A	P
5.6	Restructuring of staff		A	P
5.7	Performance management of an Executive Headteacher, or equivalent	A	R	
<b>6.</b>	<b>Academy Policies, Procedures, and Contracts</b>			
6.1	Academy times, terms and holidays		A	P
6.2	Data Protection and FOI regulations			A
6.3	Change of Academy Age Range	A	R	P
6.4	Expansion of Academy PAN	A	R	P
6.5	Child Welfare & Safeguarding Policy	A	R	P
6.6	Attendance Policy & Plan	A	R	P
6.7	Pupil Behaviour & Exclusions Policy	A	R	P
6.8	Community & Religious Ethos & Values Policy	A	R	P
6.9	Short-term Exclusion			A
6.10	Permanent Exclusions			A
6.11	Complaints Policy	A		P
6.12	Admissions Policy	A		P
6.13	Academy uniform		A	P
6.14	Academy Trips Policy	A		P
6.15	Pupil Premium Policy			A
6.16	Pupil Premium Plan			A
6.17	Financial Reserves Policy	A	R	P
6.18	Agree annual commissioning plans and reporting arrangements	A	R	P
6.19	Report regularly to the Board and Local Authority commissioners in line with SLA agreements			P
<b>7.</b>	<b>Premises and Assets</b>			
7.1	Fixed Asset Policy		A	
7.2	Health & Safety Policy	A	P	
7.3	Buildings insurance and personal liability		A	
7.4	Trust Academy property strategy	A	R	P

## **Extract from the Financial Regulations of the Trust**

### **Appendix A – Authority Limits**

Delegated authorities are currently as follows:-

#### **1. Budget Variations**

##### Major Capital Projects

For major capital projects the Board will be required to approve any changes to the overall project budget. In urgent cases the Chair of the Board, Chief Executive Officer, or Chief Financial Officer jointly have power to act jointly on behalf of the Board. Such action will be reported to the Board at the earliest opportunity.

In order to control the overall project spend, movements between individual budget lines to reflect changes to project costs may be authorised by the Chief Financial Officer.

##### Annual Re-Modelling, Other Building Works and IT Projects

For annual re-modelling, other minor building projects and IT projects, there may be a requirement to authorise extras, contract variations, or other necessary amendments to the approved projects. The Chief Financial Officer may authorise any resulting increase of up to £50k. In urgent cases requiring approval of the Board, the Chair of the Board and CEO, Deputy CEO, or Chief Financial Officer jointly have power to act on behalf of the Board. Such action will be reported to the Board at the earliest opportunity.

##### Income & Expenditure

Income and expenditure budget variations (virements) must not reduce the budget operating surplus. The Chief Financial Officer in consultation with the relevant Headteacher may approve virements between budget heads of up to 10% of the Academy's overall budgeted expenditure. Virements above 10% require Board approval.

#### **2. Authorisation of Contracts, Orders, and Leases**

When applying the limits referred to below, the "value" for those orders/contracts, which relate to the continuous supply of goods or services over several years, will be the total value over the period of supply. The limits specified below do not relate to petty cash payments which must not exceed £20.

The limits referred to below relate to operating leases only. If you are unsure whether the lease is an operating lease or a finance lease, the Chief Financial Officer or Group Executive Director of Finance should be consulted. When applying the limits referred to below, the "equivalent purchase price" will be the total value of the lease/hire purchase payments over the period of the agreement (or until the first break clause for property leases).

<b>Sponsored Academies</b>	
<b>Value</b>	<b>Authorisation</b>
Up to £2,000	Head of School Deputy Headteacher Other authorised signatory
Up to £5,000	Business Manager, or equivalent
Up to £25,000	Executive Headteacher, or equivalent
Up to £50,000	Group Executive Director of Finance Deputy CEO
Up to £500,000	Chief Executive Officer Chief Financial Officer
Over £500,000	Board *

\* Following authorisation of the transaction or project by the Board, signing contracts and orders is delegated to the CEO, Deputy CEO, Chief Financial Officer, or relevant Headteacher.

<b>Non-Sponsored Academies</b>	
<b>Value</b>	<b>Authorisation</b>
Up to £2,0000	Head of School Deputy Headteacher Other authorised signatory
Up to £5,000	Business Manager, or equivalent
Up to £50,000	Group Executive Director of Finance Deputy CEO Executive Headteacher, or equivalent
Up to £500,000	Chief Executive Officer Chief Financial Officer
Over £500,000	Board *

\* Following authorisation of the transaction or project by the Board, signing contracts and orders is delegated to the CEO, Deputy CEO, Chief Financial Officer, or relevant Executive Headteacher

### 3. Disposal of Assets

<b>Value of Disposal / NBV</b>	<b>Authorisation</b>
Up to £350	Head of Finance Service
Up to £1,000	Head of School Deputy Headteacher
Up to £5,000	Deputy CEO Executive Headteacher, or equivalent
Up to £12,500	Group Executive Director of Finance
Up to £50,000	Chief Executive Officer Chief Financial Officer
Over £50,000	Board *

Authority shall not be required for disposal of each computer which is replaced as part of the annual renewal programme.

\* Following authorisation of the transaction or project by the Board, signing contracts and orders is delegated to the Chief Executive Officer, Chief Financial Officer, or relevant Executive Headteacher.

**4. Contracts for the Supply of Goods or Services by the Academy/Trust**

<b>Contract Value per annum</b>	<b>Authorisation</b>
Up to £1,000	Head of School Deputy Headteacher
Up to £50,000	Deputy CEO Executive Headteacher, or equivalent Group Executive Director of Finance
Up to £500,000	Chief Executive Officer Chief Financial Officer
Over £500,000	Board *

\* Following authorisation of the transaction or project by the Board, signing contracts and orders is delegated to the CEO, Deputy CEO, Chief Financial Officer, or relevant Executive Headteacher.

## **Appendix B – Authorised Cheque Signatories and Authorisation of Electronic Payments**

Arrangements for bank payments will be as follows:

(i) Cheque Signatories

All cheque payments require two bank signatories.

The posts permitted to be on the bank mandate for the purpose of authorising cheque payments are as follows:-

- a) Chief Executive Officer
- b) Deputy Chief Executive Officer
- b) Chief Financial Officer
- c) Group Executive Director of Finance
- d) Head of the Finance Service

(ii) Electronic Payments (BACS)

The proposed payment run is prepared by a member of the finance service team and reviewed by the Head of Finance or Finance Supervisor. The review includes checking proposed payments above £5k to invoices. The proposed payment run is then passed to a Member, the Director of Finance, or Head of Finance for final checking and authorisation as appropriate.

(iii) Electronic Payments (CHAPS/Faster Payments)

These are urgent payments which are processed outside of the normal creditor payment run. Every effort should be made to ensure that the volume of such payments are kept to a minimum. All such payments must be authorised by a member of the finance service team and a bank signatory identified in (i) above.

(iv) Electronic Payroll Payments

These include Net Pay, PAYE, National Insurance and Pension contributions. All such payments must be authorised by the Payroll Service Manager (or nominee in their absence) and the Chief Financial Officer, Deputy CEO, Director of Finance, or Head of the Finance Service.

Arrangements for the use of electronic banking systems including the allocation of Smart Cards will be determined by the Director of Finance.

## Appendix D – Approval Authority for the Control of Debts

Debts may be written off in accordance with the limits specified below. The limits below apply to all Academies and refer to individual debtor accounts rather than batch totals.

<b>Transaction Value Written Off</b>	<b>Authorisation</b>
Up to £5,000	Headteacher Group Executive Director of Finance Deputy CEO
Up to £15,000	Chief Executive Officer or Chief Financial Officer
Up to £20,000	Board
Over £20,000	Secretary of State (through the EFA)

The limits referred to above are subject to the following cumulative values in any one financial year.

<b>Debtor Value Written Off</b>	<b>Authorisation</b>
Up to £10,000	Headteacher Group Executive Director of Finance
Up to £30,000	Chief Executive Officer or Chief Financial Officer
Up to £50,000	Board
Over £50,000	Secretary of State (through the EFA)