



5 Dimensions Trust Scheme of Delegation

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Introduction

This scheme of delegation is based very closely on the NGA model policy 2020 and is aligned to our articles of association.

The main adaptation from the NGA model relates to adding a greater degree of consultation to LGBs and Heads of School. This aligns with the inclusive values of the 5 Dimensions Trust.

The board of trustees is accountable in law for all major decisions about all the schools within the trust. However, this does not mean that the board is required to carry out all the trust's governance functions, and many functions are delegated elsewhere, including to the CEO, the board's committees, and to local governing bodies (LGBs). This is the purpose of this document.

Copies of the document are available on the school and Trust websites, Governor Hub and EVERY.

Some points to note:

- 5D takes the same view as the NGA that there should be clear separation between the layers of governance which means that the individuals making up one tier of the governance structure of the organisation are not the same as another tier; in other words, ideally, members should not also be trustees and Trustee should not be Governors on LGBs.
- Trustees are members of the Trust Board
- Governors are members of Local Governing Bodies

The scheme of delegation should not be confused with the written scheme of delegation of financial powers referred to in the [Academy Trust Handbook](#).

The status of the scheme of delegation

The scheme of delegation is a key governance document because without it, it is not clear how accountability and decision-making works within the trust. This is why the Academy Trust Handbook requires it to be published on the trust's website.

It is especially important that maintained schools joining academy trusts take time to understand the trust's scheme of delegation so that they are clear about the trust's approach to local governance and which functions are delegated.

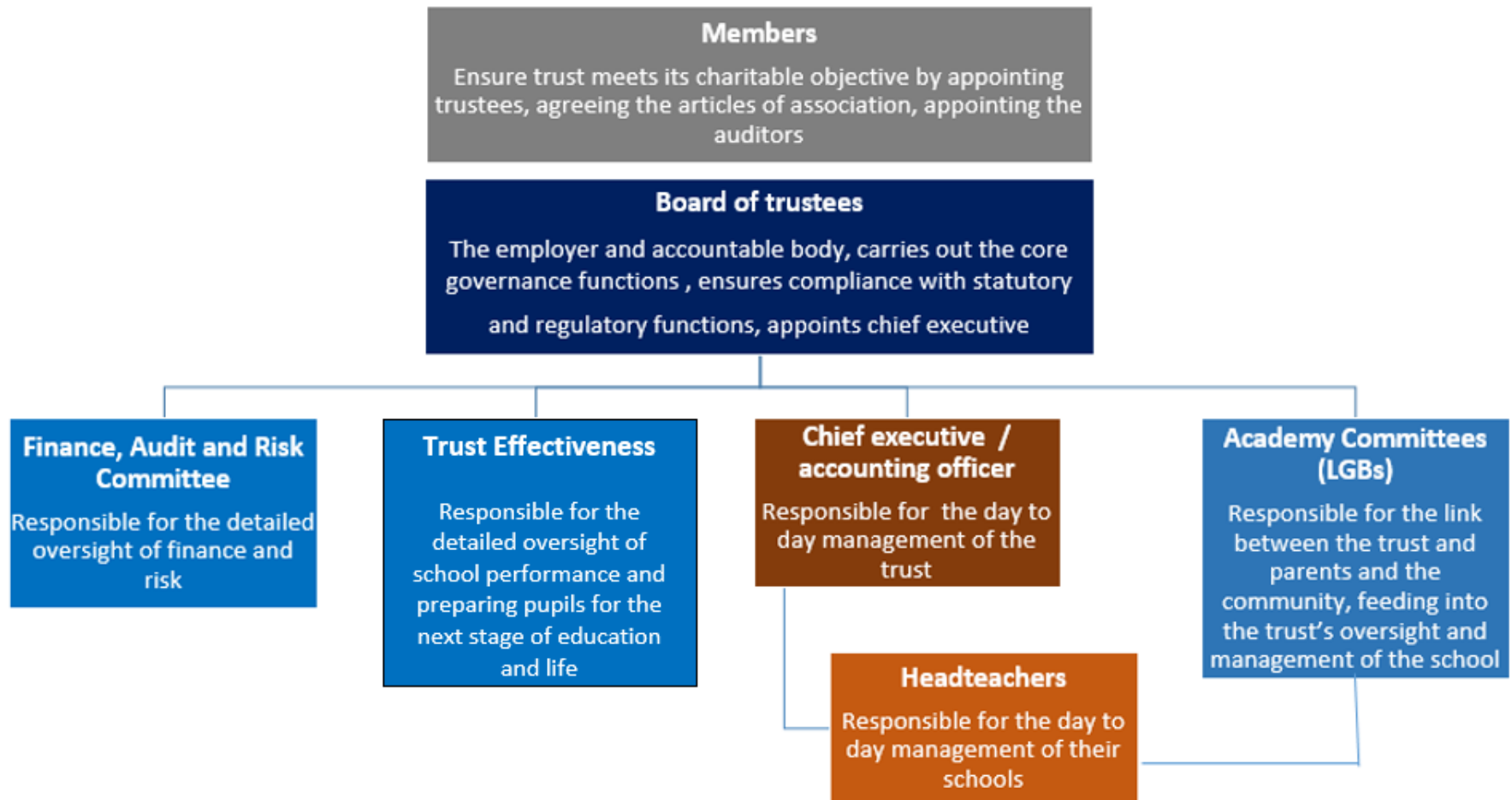


As with all committees, the trust board has the power to change the constitution and powers of its committees at any time, and this includes the membership of those committees too.

Features of the 5D scheme of delegation

- Reflects the 5D ethos, promoting a positive climate and a culture of honesty, transparency, and accountability for the benefit of all stakeholders.
- Ensures the executive leadership is clear about which decisions the trust board retains, and the extent of executive powers.
- Is clear about who appoints, and performance manages the chief executive, other senior executives, and the schools' headteachers.
- Identifies where the trust board retains responsibility for:
 - determining policy
 - management of risk
 - oversight of budgets and financial management
 - oversight of educational performance

The 5D model of delegation



Features the 5D model.

It features three clear layers of governance:

1. members
 2. trustees
 3. committees and individuals
- The members have a limited yet distinct and vitally important role.
 - The board of trustees is responsible for the core governance functions.
 - The board of trustees appoint the chief executive (CEO), to whom it delegates responsibility for the conduct and performance of the trust, including the performance of the schools within the trust, and for its financial management.
 - The board constitutes committees for finance, audit and risk (FRAR), and for Trust Effectiveness; these look in detail at resources and risk, and progress and attainment across the trust.
 - The board also constitutes academy committees (LGBs) to provide links to parents and the community, as well as for providing additional scrutiny of how the trust is managing its schools. These have formal delegated governance functions and decision-making powers.
 - It should be clear from which tier within the governance structure that panels are convened; this includes formal complaints panels, reviewing pupil exclusions and dealing with disciplinary matters.

Detailed roles and responsibilities

The role of the members

- The members of the trust are guardians of the governance of the trust and must ensure it carries out its charitable objective.
- There must be at least three members, although the 5D prefer at least five; members are not permitted to be employees of the academy trust.
- The members agree the trust's articles of association, appoint trustees and appoint the trust's external auditors.
- The members receive information about the trust's business and receive the annual report and accounts. If they have concerns that the trust is not carrying out its charitable objective, members should remove trustees that are failing to fulfil this responsibility.

The role of the trustees

- The trust is a charitable company and so trustees are both charity trustees (within the terms of section 177(1) of the Charities Act 2011) and company directors (within the terms of the Companies Act 2006).
- Trustees are bound by both charity and company law
- Trustees are responsible for the general control and management of the trust, and in accordance with the provisions set out in the memorandum and articles of association and its funding agreement are legally accountable for all statutory functions and for the performance of all the schools within the trust; they do this by carrying out the core governance functions.
- The board of trustees approve a written scheme of financial delegation and choose to delegate certain powers to board committees and academy committees (LGBs). They approve a written scheme of delegation and committee terms of reference.
- 5D creates information pathways between the trust board, the academy committees (LGBs) and the chief executive so that academy committees (LGBs) can share with them any concerns (or celebrations) they may have.
- In line with the values of the Trust, on the rare occasion that the Trust Board might overrule a decision from the LGB, the Trust Board would always provide an explanation for this.

The role of trust board committees

- Trustees delegate some governance functions to board committees.
- Board committees must have at least three trustees in membership, and trustees must be in the majority for voting purposes; the trust board appoints board committee chairs and committee members according to their skills.

Detailed scrutiny of financial management and school performance is delegated to board committees.

The role of academy committees (LGBs)

- Trustees delegate some governance functions to academy committees (LGBs); the articles of association do not require trustee membership of academy committees (LGBs) and by committing to the separation of individuals on each tier in the governance structure, 5D is able to demonstrate transparent decision making and prevent bias and conflicts from emerging, thus strengthening the governance checks and balances within the trust.
- The trust board approves the appointment of the academy committee (LGB) chairs, also approves the appointment of the majority of academy committee (LGB) members.
- 5D opts for parent representation to be at school level with parents elected to sit on the academy committees (LGBs) as opposed to trust wide elections for parent trustees.

Being close to and representative of the community the school serves, the academy committees (LGBs) should be:

- a valued point of consultation and representation in the development of trust policies
- the recipients of detailed information about how their schools are being managed
- tasked with scrutinising management information thus providing assurance to trustees that the school is:
 - operating within the ethos and values of the trust and creating a positive climate for all stakeholders
 - working within agreed policies
 - meeting the agreed targets
 - engaging with stakeholders
 - acting as an ambassador for the trust
- If 5D was to grow to include very small schools, or schools in very close proximity, or a number of schools overseen by an executive headteacher, having one academy committee (LGB) overseeing that group of schools is an effective option to local governance.
- 5D demonstrates the value we put on local governance by ensuring effective channels of communication between trustees and academy committees (LGBs), as well as providing specific training and development programmes for all involved in the governance of the trust.

The role of the chief executive

- The trustees delegate the day-to-day management of the trust to the chief executive, line managing them in line with the trust's appraisal and performance management policies.
- The chief executive is also the accounting officer and so is not only responsible for the performance of the trust as a whole but has a personal responsibility to parliament for the regularity, propriety and value for money, and for assuring the board about compliance with the funding agreement and the Academy Trust Handbook.
- The chief executive will be responsible for the leadership and management of the central executive team and the schools' headteachers and will report to the trust board and its committees.

The role of headteachers

- The chief executive delegates the day-to-day management of the trust's schools to headteachers, line managing them in accordance with the trust's appraisal and performance management policies.
- Headteachers share information about how the trust is managing the school with the academy committee (LGB) so that committee members build an understanding about how the school operates and are enabled to monitor and scrutinise how key policies and improvement plans are working in practice.

Variations to the standard 5D model

Delegation to an intervention board

5D may find the use of an intervention board an effective way of managing a school which requires rapid improvement across a range of operational areas as well as to the local governance function. Similar to an interim executive board in a maintained school, an intervention board will generally consist of a small number of senior executives plus one or two non-executives (trustees or academy committee (LGB) members) who will meet very regularly (eg fortnightly or every three weeks or so) to monitor and evaluate agreed actions and to take key decisions. The board would be chaired by the chief executive, and its work would be reported directly to the board via the chief executive.

Typically, these boards do not include parents, so it is important that a parent council or similar is established in the school as soon as it is practicable. This is also why any intervention board should be time limited with the aim of establishing a local governance function as soon as possible.

Delegation and decision making in an academy trust

Example grid representation of delegation in an academy trust

Reading the grid
✓ - governance function and decision making is at this level
C - to be consulted prior to decision being made
Note: Decisions delegated to the trust board may be delegated to a board committee but not the CEO, academy committee or HT

Governance function		Members	Trust board / board committees	CEO / accounting officer	Academy committees (LGBs)	HT
Governance framework: people	Members: appoint/remove	✓				
	Trustees: appoint/remove	✓	✓			
	Parent trustees/parent academy committee (LGB) members: appoint when elected		✓		✓	
	Board committee chairs: appoint and remove		✓			
	Named safeguarding trustee: appoint and remove		✓			
	Academy committee (LGB) chairs: appoint and remove		✓		C	
	Academy committee (LGB) members: appoint and remove		✓		✓	
	Clerk to board: appoint and remove		✓			
	Clerk to academy committees (LGBs): appoint and remove		✓		✓	
Governance framework: systems and structures	Articles of association: review and agree	✓				
	Governance structure for the trust: establish and review annually		✓			
	Committee terms of reference and scheme of delegation: agree annually		✓			
	Annual schedule of governance business: agree		✓	C	✓	C
	Self-review of trust board and committees: complete annually		✓			
	Self-review of academy committees (LGBs): complete annually				✓	
	Chair's performance: carry out 360° review periodically		✓			
	Trustee/academy committee (LGB) member contribution: review annually		✓		✓	
	Publish governance arrangements on trust and schools' websites: ensure			✓		

Governance function		Members	Trust board / board committees	CEO / accounting officer	Academy committees (LGBs)	HT
Governance framework: reporting	Annual report on the performance of the trust: submit to members and publish		✓		C	
	Annual self-review/triannual external review of board effectiveness: submit to members		✓		C	
	Annual report and accounts including accounting policies, signed statement on regularity, propriety and compliance, incorporating governance statement demonstrating value for money: submit to members and Companies House		✓			
	ESFA required reports and returns submit		✓			
	Annual report work of academy committee (LGB): submit to trust and publish				✓	
Being strategic	Determine trust wide policies which reflect the trust's ethos and values: approve		✓	C		
	Determine school level policies: approve				✓	C
	Management of risk: establish register, review and monitor		✓	C		
	Engagement with stakeholders: ensure		✓	✓	✓	✓
	Determine trust's vision, strategy and key priorities: approve		✓	C	C	C
	Determine schools' vision, strategy and key priorities: approve			✓	C	C
	Chief executive officer: appoint and dismiss		✓			
	Accounting officer: appoint and dismiss		✓			
	HTs: appoint and dismiss			✓	C	
	Budget plan to support delivery of trust key priorities: agree		✓	C		
	Budget plan to support delivery of schools' key priorities: agree			✓	C	C
	Trust's staffing structure: agree		✓	C		

Governance function		Members	Trust board / board committees	CEO / accounting officer	Academy committees (LGBs)	HT
	Schools' staffing structure: agree			✓	C	C
Holding to account	Ensuring compliance (e.g. safeguarding, H&S, employment): agree auditing and reporting arrangements		✓	C		
	Monitoring progress on key priorities: agree reporting arrangements		✓	C		C
	Performance management of the chief executive: undertake		✓			C
	Performance management of HTs: undertake			✓	C	
Financial oversight	External auditors: appoint	✓				
	Chief financial officer: appoint		✓	C		
	Trust's scheme of financial delegation: establish, monitor and review		✓	C		
	External auditors' report: receive and respond		✓			
	CEO pay award: agree		✓			
	Headteachers' pay award: agree			✓		
	Staff appraisal procedure and pay progression: review and agree		✓			
	Benchmarking and trust wide value for money: ensure robustness			✓		
	Monitoring budget: agree reporting		✓	C		