

**SCHEME OF DELEGATION**

**made between**

**DERBY DIOCESAN ACADEMY TRUST 2**

**and**

**THE LOCAL GOVERNING BODY OF  
ARBORETUM PRIMARY SCHOOL**

**EFFECTIVE DATE: 1<sup>ST</sup> February 2019**

**Signed on behalf of the Local Governing Body of Arboretum Primary School**

..... **Date** .....

**PRINT NAME**.....

**Signed on behalf of Derby Diocesan Academy Trust**

..... **Date**.....

**PRINT NAME**.....

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**THIS SCHEME OF DELEGATION** (the "**Scheme**") is made on 1<sup>st</sup> February 2019 between:

- (1) **DERBY DIOCESAN ACADEMY TRUST, a company limited by guarantee and registered in England and Wales under company number 09442311 ("DDAT2"); and**
- (2) **THE LOCAL GOVERNING BODY OF Arboretum Primary School (the "Local Governing Body" or the "LGB") constituted by this Scheme.**

1. **DEFINITIONS**

In this Scheme:

"**Academy**" means Arboretum Primary School, Corden Street, Derby DE23 8GP;

"**Articles**" means the Articles of Association of DDAT2;

"**Budget**" means the annual budget set for the Academy in accordance with the Master Funding Agreement and/or the Supplemental Funding Agreement;

"**DBE**" means the Diocesan Board of Education for the Diocese of Derby;

"**Directors**" means the directors of the DDAT2;

"**Head Teacher**" means the head teacher of the Academy;

"**Master Funding Agreement**" means the Master Funding Agreement entered into by DDAT2 and the Secretary of State for Education on 1<sup>st</sup> February 2019;

"**Operating Levels**" mean the three levels of delegated authority based on Ofsted's grading as determined by DDAT2 from time to time as set out in Schedule 2 of this Scheme;

"**Supplemental Funding Agreement**" means the Supplemental Funding Agreement entered into by DDAT2 and the Secretary of State for Education in respect of the Academy on INSERT DATE OF SFA;

"**Trustees**" means those trustees holding the Academy's site and providing them to DDAT2 for use and occupation by the Academy.

"**Responsible officer**" means the person who ensures that there is adequate supervision being done around audit functions

## **2. INTRODUCTION**

2.1 As a charity and company limited by guarantee, DDAT2 is governed by a board of Directors who are responsible for, and oversee, the management and administration of DDAT2 and the academies run by DDAT2. The Academy is one of the academies overseen and managed by DDAT2.

2.2 The Directors are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education provided by DDAT2 and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.

2.3 NOT USED

2.4 The management of the business of the Academy shall be delegated by the Directors to the LGB, a committee of the Directors established by this Scheme, according to its Operating Level.

2.5 In addition to clause 2.4, the role of the LGB is to:

2.5.1 maintain an overview and keep the Directors properly informed of the conduct and progress of the Academy;

2.5.2 act as a critical friend to the Head Teacher and staff of the Academy;

2.5.3 be accountable to the Directors, parents and the wider community for the LGB's actions and the Academy's overall performance.

2.6 This Scheme has been put in place by the Directors from the Effective Date in accordance with the provisions of the Articles and it should be read in conjunction with those Articles as well as with:

2.6.1 the Directors' strategic plans and policies for the Academy; and

2.6.2 the Budget.

## **3. ETHOS AND MISSION STATEMENT**

3.1 NOT USED

3.2 The mission statement of DDAT2 is as follows:

The Trustees and the Academy aim to serve their communities by providing an education of the highest quality within the context of Christian belief and practice. They encourage an understanding of the meaning and significance of faith and promote Christian values through the experience the Academy offers to all its pupils.

- 3.3 The objects of DDAT2 are to advance for the public benefit education in the United Kingdom by establishing, maintaining, carrying on, managing and developing academies which shall offer a broad and balanced curriculum and which shall include Church of England Schools designated as such which shall be conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and having regard to any advice issued by the DBE.

#### **4. DELEGATED POWERS AND RESPONSIBILITIES**

- 4.1 The constitution, membership and proceedings of the LGB shall be as set out in Schedule 1 of this Scheme.
- 4.2 The LGB agrees to conduct the Academy's business in accordance with the system of decision making set out in Schedule 2 of this Scheme.
- 4.3 DDAT2 and the LGB will review the LGB annually to ensure that its governors have sufficient skills and knowledge to be an effective governing body of the Academy.
- 4.4 The LGB will review its policies and practices on a regular basis, having regard to recommendations made by the Directors from time to time.
- 4.5 The LGB shall provide such data and information regarding the business of the Academy as the Directors may reasonably require from time to time.
- 4.6 The LGB shall submit to and co-operate with any inspections by Ofsted, other statutory inspectors including pursuant to section 48 of the Education Act 2005 (Statutory Inspections of Anglican Schools) and the DBE and the Directors, acting reasonably.
- 4.7 The LGB shall work closely with and shall promptly implement any advice or recommendations made by the Directors in the event that intervention is either threatened or is carried out by the Secretary of State and the Directors expressly

reserve the unfettered right to review or remove any power or responsibility conferred on the LGB under this Scheme in such circumstances.

**5. ANNUAL REVIEW**

- 5.1 This Scheme shall operate from the Effective Date in respect of the Academy.
- 5.2 This Scheme shall be reviewed annually by DDAT2 and the LGB and may be amended by agreement of both parties in writing.

## **SCHEDULE 1**

### **CONSTITUTION OF THE LOCAL GOVERNING BODY**

1. The first LGB shall be the governing body of the predecessor school unless it is a school at Operating Level 3, in which case, transfer of the governing body will be at the discretion of DDAT2.
2. In the event that the predecessor school has an interim executive board, DDAT2 will appoint a committee consistent with the Articles to act as local governing body of the Academy.
3. The Directors (all or any of them) shall also be entitled to attend any meetings of the LGB. Any Director attending a meeting of the LGB shall not count towards the quorum for the purposes of the meeting and shall not be entitled to vote on any resolution being considered by the LGB unless the Academy is at Operating Level 3.
4. All persons appointed or elected to the LGB shall give a written undertaking to the Directors to uphold the objects, ethos and mission of DDAT2 as set out above.
5. Any governor vacancies must be notified to DDAT2 as soon as they arise and noted in LGB minutes.
6. Subject to the provisions of the Companies Act 2006 and in accordance with Article 136 every member of the LGB or other officer or auditor of DDAT2 acting in relation to the Academy shall be indemnified out of the assets of DDAT2 against any liability incurred by him/her in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him/her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of DDAT2.



**SCHEDULE 2**

**FUNCTIONS OF  
AND DECISION-MAKING BY  
THE LOCAL GOVERNING BODY**

**PART A**

**Scheme Overview**

1. The Operating Levels are:

**Level 1** where the Academy's overall effectiveness meets Ofsted grade 1: Outstanding;

**Level 2** where the Academy's overall effectiveness meets Ofsted grade 2: Good;

**Level 3** where the Academy's overall effectiveness meets Ofsted grade 3: Requires Improvement or Ofsted grade 4: Inadequate.

2. The LGB will conduct the Academy's business at the Operating Level determined each by DDAT2, acting reasonably.

3. If DDAT2, acting reasonably, determines that the Academy should move to a different Operating Level:

(a) DDAT2 may exercise its intervention powers to make the relevant number of appointments of governors to the LGB according to the new Operating Level;

(b) the new Scheme Decision Levels will be in force;

(c) any necessary adjustments will be made to its budget at the year end.

4. The functions of the LGB will be exercised in accordance with the Scheme Decision Level table at Part B below.

5. The Operating Levels within the Scheme have the following key features:

### **Level 1**

- Governors are appointed in line with the constitution of the predecessor school unless otherwise agreed by the appointing authorities.
- The Academy will be largely autonomous with full powers delegated to the LGB, subject to the Academy remaining in the required performance category based on Ofsted grading as determined by DDAT2, acting reasonably.

### **Level 2**

- Governors are appointed in line with the constitution of the predecessor school unless otherwise agreed by the appointing authorities.
- The Academy will be largely autonomous but DDAT2 will retain appropriate powers in the Scheme to ensure delivery of any required school improvement measures.

### **Level 3**

- The Directors may select all members of the LGB, other than parental and staff representatives.
- The LGB will have limited powers delegated to it in the Scheme.

## PART B

### Scheme Decision Levels

The LGB will conduct the Academy's business in accordance with the Decision Levels set out below.

For ease of reference, these are shown using the colour code for the Operating Level shown in Part A above.

Decisions are allocated between the decision makers. The allocation varies according to the Decision Level. The decision makers are:

DDAT2

A named individual identified by the Directors ("the Directors' nominee")

The Local Governing Body

The Head Teacher

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
Central Services	1.	To determine the scope of central services to be delivered by DDAT2 to and on behalf of the Academy		3	1 2		DDAT2 to determine legal, HR and finance services
	2.	To identify additional services to be procured on behalf of the Academy		3	1 2		
	3.	To ensure centrally procured services provide value for money		3	1 2		
Budgets	4.	To determine the proportion of the overall DDAT2 budget	1 2 3				Provided that the proportion of the Budget withheld by the DDAT2 in respect of the Academy shall not be more

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
		to be delegated to the Academy					than 4, 5 and 6% for Operational Levels 1, 2 and 3 respectively
	5.	To develop and propose the individual Academy budget		3	1 2		
	6.	To approve the first formal budget plan each financial year	1 2 3				
	7.	To plan and manage monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		3		1 2	
	8.	To monitor monthly expenditure and financial reports, and identify actual or potential items of budget overspend/underspend		3	1 2		
	9.	To approve any amount to be transferred between budget headings and/or likely budget overspends		3	1 2		
	10.	To establish financial decision levels and limits	3		1 2		
	11.	To establish a charging and remissions policy for the Academy		3	1 2		
	12.	To appoint the Responsible Officer for the Academy	1 2 3				
	13.	To enter into additional contracts which exceed the agreed annual budget allocation	1 2 3				
	14.	To make payments within agreed financial limits				1 2 3	

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	15.	<p>To collect income due to the Academy</p> <p>To maintain proper financial records for the Academy</p> <p>To prepare accounts for the Academy</p> <p>To develop risk management strategies</p> <p>To authorise acquisition of assets</p> <p>To authorise disposal of assets</p> <p>To appoint auditors</p> <p>To decide how to apply Pupil Premium</p>		3		1 2	
	16.	<p>To monitor compliance with approved Financial Procedures</p> <p>To monitor use of pupil premium monies</p>		3	1 2		
<b>Staffing</b>	17.	Pre-recruitment checks		3	1 2		
	18.	To appoint a Head Teacher (through a selection panel)		3	1 2		<p>1. Directors' nominee present to advise</p> <p>2. Directors' nominee votes</p> <p>3. Taking account of views of LGB</p>
	19.	To appoint a Deputy Head Teacher ( through a selection panel)		3	1 2		

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	20.	To appoint other teachers		3	1 2		
	21.	To appoint non-teaching staff			1 2 3		
	22.	To agree a pay policy	1 2 3				Consistency of employer is important and keep in line nationally
	23.	To exercise Pay discretions		3	1 2		
	24.	Establishing disciplinary/capability procedures		3	1 2		In accordance with current policies
	25.	Dismissal of Head Teacher/Deputy Head Teacher	2 3		1 2		1. LGB in accordance with current policies and in consultation with DDAT2  2. LGB and/or DDAT2 in consultation with each other  3. DDAT2 in dialogue with LGB
	26.	Dismissal of other staff	3		1 2		In accordance with current policies
	27.	Suspension of Head Teacher	2 3		1 2		1. LGB in accordance with current policies and in consultation with DDAT2  2. LGB and/or DDAT2 in consultation with each other  3. DDAT2 in dialogue with LGB
	28.	Suspension of other staff		3	1 2		In accordance with current policies

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	29.	Ending of suspension of Head Teacher	2 3		1 2		1 LGB in accordance with current policies and in consultation with DDAT2  2. LGB and/or DDAT2 in consultation with each other  3. DDAT2 in dialogue with LGB
	30.	Ending of Suspension of other Staff		3	1 2		3. DDAT2 in dialogue with LGB
	31.	Determining Staff complement within agreed budget		3	1 2		
	32.	Determining dismissal payments/early retirement		3	1 2		
	33.	Conduct of Staff Appraisals  Formulation of Employment Policies and Staff Handbook  Management of staff disputes		3	1 2		
<b>Curriculum</b>	34.	Freedom to opt out of national curriculum		2	1		
	35.	To develop a curriculum policy		3	1 2		
	36.	To implement curriculum policy		3	1 2		
	37.	Responsible for standards of teaching		3		1 2	
	38.	Accountability for standards of teaching		3	1 2		

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	39.	Responsibility for individual child's education		3		1 2	
	40.	Accountability for individual child's education.		3	1 2		
	41.	Provision of sex education – to establish and keep up to date a written policy		3	1 2		
	42.	To prohibit political indoctrination and ensuring the balanced treatment of political issues			1 2 3		
	43.	Assemble data for pupil assessment and other returns  ICT  Post-Inspection action plan		3	1 2		
<b>Performance Management</b>	44.	To ensure that an approved appraisal policy is in place		3	1 2		
	45.	To secure the statutory appraisal of :  • Head Teacher/Headteacher  • Other staff	3	3	1 2		For other staff 3 is directors nominee
	46.	To review annually the performance management policy	3		1 2		
<b>Target Setting</b>	47.	To propose targets for pupil achievement				1 2 3	
	48.	To agree targets for pupil achievement		3	1 2		



Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	49.	To establish a discipline policy	3		1 2		
	50.	To review the use of exclusion and to decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than 15 days in total in a term or would lose the opportunity to sit a public examination. (Can be delegated to chair/vice-chair in cases of urgency)	3		1 2		
	51.	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency)	3		1 2		
	52.	Develop the Academy development/improvement plan		3	1 2		
	53.	Approve Academy development/improvement plan	1 2 3				
<b>Admissions</b>	54.	Setting/amending an admissions policy	3		1 2		1 & 2 LGB in consultation with DDAT2 provided that it does not conflict with DDAT2 mission statement
	55.	Admissions: application decisions	3		1 2		
	56.	If appropriate to appeal against LA directions to admit pupil(s)	3		1 2		1 & 2 LGB in dialogue with the Headteacher
<b>Religious Education</b>	57.	Responsibility for ensuring provision of RE	1 2 3				

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
Collective Worship	58.	To ensure that all pupils take part in a daily act of collective worship		3	1 2		
Premises & Insurance	59.	Buildings insurance and public liability	3		1 2		1 and 2 LGB to ensure DDAT2's minimum criteria are met
	60.	Developing Academy buildings and facilities estate long term strategy or master plan	1 2 3				
	61.	Maintaining buildings, including developing properly funded maintenance plan	3		1 2		
	62.	To institute a health and safety policy	3		1 2		
	63.	To ensure that health and safety regulations are followed	1 2 3				
	64.	Premises security Premises management		3	1 2		
	65.	To set the times of school sessions and the dates of school terms and holidays	3		1 2		
	66.	To ensure that the school meets the statutory requirement for [380] sessions in a school year	3		1 2		
	67.	To ensure provision of free school meals to those pupils meeting the criteria			1 2 3		
	68.	To appoint the chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT2

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	69.	To remove the chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT2; LGB to accept DDAT2's decision where there is a safeguarding or other legal reason.
	70.	To appoint the vice-chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT2
	71.	To dismiss the vice-chair of the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT2; LGB to accept DDAT2's decision where there is a safeguarding or other legal reason.
	72.	To appoint the secretary to the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT2
	73.	To dismiss the secretary to the LGB	3		1 2		1 and 2 LGB decision in consultation with DDAT2; LGB to accept DDAT2's decision where there is a safeguarding or other legal reason.
	74.	To determine the development needs of governors and put in place an appropriate programme		3	1 2		
	75.	To ensure delivery of services offered			1 2 3		
	76.	To develop a safeguarding policy in line with statutory requirements and best practice.	3		1 2		
	77.	To implement the governors' safeguarding policy			1 2 3		

Function	No	Tasks	Decision Level				Notes
			DDAT2	Directors Nominee	LGB	HT	
	78.	Maintain accurate and effective and secure pupil records.			1 2 3		
	79.	Maintain accurate and effective and secure employee records.			1 2 3		
	80.	Comply with all Data Protection legislation and good practice.			1 2 3		
	81.	To determine, on an annual basis, those policies which will be developed by DDAT2 and mandatory for all DDAT2 Academies	1 2 3				
	82.	To review policies annually and ensure they meet statutory requirements for the Academy			1 2 3		
	83.	Complaints Procedure			1 2 3		Third stage complaint with DDAT2