

## Framework for Trusts' Retained Responsibilities, DALP Board and Local Academy Boards' Scheme of Delegation and Terms of Reference

### Introduction

Diverse Academies Learning Partnership (DALP) consists of two Trusts; Diverse Academies Trust (DAT) and National Church of England Academy Trust (NCEAT). Trustees from each Trust form the DALP Board and work in partnership for all academies within DALP.

As a charity and company limited by guarantee, each Trust is governed by a board of trustees (the **Trust Board**) who have overall responsibility and ultimate decision making authority for the strategic direction and functions of the Trust, including the establishing and running of the academies maintained by the Trust.

In order to support the effective joint operation of the two Trusts and the DALP academies, the Trustees of both Trusts have established the **DALP Board** and a number of committees. The Trustees have delegated significant non-statutory powers and functions to the Board, its committees and the Local Academy Boards.

In summary, the **DALP Board** has established two different types of committee:

- main DALP Board committees which are established to deal with Trust-wide matters such as 'Audit & Risk', 'Finance & Resources', 'Pay & Performance Management' (**Board Committees**); and
- Local Academy Boards (**LABS**) and Portfolio Teams which are established by the DALP Board to support the effective operation of the Academies.

The quorum for the transaction of business of the LAB shall be 50% of governors and three LAB governors for a committee/portfolio.

The DALP Board reviews the Scheme of Delegation (SoD) and Terms of References (ToR) together with the membership of the Committees at least once every twelve months.

These SoDs and ToRs may only be amended by the DALP Board. The functions, duties and proceedings of Committees set out in these Terms of Reference shall also be subject to any regulations made by the DALP Board from time to time.

**This framework is firmly rooted in current DfE statutory requirements and national best MAT practice.**

**It should be read alongside:**

- 1. The Academies Financial Handbook**
- 2. DfE Governance Handbook**
- 3. DfE Competency Framework for Governance**

- 4. DALP's Governance Handbook**
- 5. Our more detailed group wide Terms of Reference for each DALP Board Committee and Local Academy Board Portfolio Team**
- 6. The DALP Partnership Agreement**
- 7. The Articles of Association for each Trust**

**All references to 'the trust' apply to both trusts at the heart of our partnership: the Diverse Academies Trust (DAT) and the National Church of England Academies Trust (NCEAT).**

#### **Framework for Trust Members' Specific responsibilities**

It is Members' duty to monitor the successful operation of the Trust, ensuring that Trustees are discharging their statutory duties and carrying out the trust's charitable objectives.

Specifically, these duties are to:

1. Appoint and remove members/trustees
2. Appoint the Chief Executive Officer as a Trustee
3. Approve trust accounts following recommendation from trustees
4. Monitor the operation of the Trusts in the discharge of their legal responsibilities
5. Approve any changes to the trusts' Articles of Association
6. Re-appoint trust Auditors annually following recommendation from DALP Board

#### **Framework for Trust Boards Specific Retained responsibilities**

Trustees are responsible for ensuring effective accountability and strong performance of all academies within the Trust and must:

- Ensure clarity of vision, ethos and strategic direction
- Hold the executive to account for the educational performance of the academies and their pupils
- Oversee the financial performance of the trust and make sure money is well spent.

Specifically, these duties are to:

1. Ensure the legal responsibilities of the Trusts are discharged by delegated bodies and that the Trusts are legally compliant
2. Ensure adherence to all legal documents thus: Articles of Association, Master Funding Agreement, any Supplemental Funding Agreements and the Academies Financial Handbook
3. Regulatory compliance to all regulations affecting the Trust including charity law, company law, employment law, health and safety, General Data Protection Regulation (GDPR) and Freedom of Information Act requests.
4. Approve DALP Partnership Agreement variations

5. Approve all Executive Principal and Principal appointments for Trust Academies
6. Appoint and dismiss the DALP Chief Executive Officer
7. Appoint and remove Chairs of Governors in Local Academy Boards (LABs) and the Chair of the DALP Board
8. Ensure and protect the Church designation of NCEAT
9. Monitor all aspects of the faith designation of NCEAT - including through the SIAMS inspection framework and process
10. Approve new academies recommended to the DALP Board
11. Appoint Trust legal advisors
12. Approve DALP Board budget recommendations
13. Approve the Annual Accounts for lodging with Companies House and the Education Skills Funding Agency (ESFA)

### **Framework for the DALP Board Scheme of Delegation**

The DALP Board consists of all DAT Trustees and three Trustees from NCEAT.

The DALP Board has responsibility for the following in all DALP academies:

1. To approve and monitor the Corporate Vision and Ethos, Strategic Development and Annual Delivery Plan (ADP)
2. To approve, monitor and review the Corporate Growth Strategy
3. To approve the annual budget for the Corporate Function and academies
4. Financial Monitoring and adherence at corporate & academy level for probity and value for money of public funds
5. Delivery of the corporate function through the education, business and corporate directorates
6. Quality and performance of Local Academy Boards (LABs) in discharging delegated responsibilities
7. Monitoring the individual performance of all academies including financial, curriculum, teaching and learning and Pupil Premium
8. Approve, monitor and review Corporate Policies/Procedures/Practice
9. Multi Academy Trust (MAT), Ofsted and SIAMS inspection readiness and response to inspection outcomes
10. Approval of recommendations from the DALP Pay and Performance Committee in respect of performance management/appraisal/remuneration for CEO and corporate staff
11. Approval and dismissal of corporate appointments (CEO, DCEO, CFO and COO, Executive Principals and Principals)
12. Approve Corporate Organisational & Line Management Meeting Structures
13. Approve, monitor and review all tight principles and practice and operational standards
14. Monitoring Safeguarding - including review of any Serious Incident Review Panels (SIRPS)
15. Monitoring Health and Safety across the organisation
16. Monitoring Risk Management across the organisation
17. Conducting the CEO appointment process
18. Receive recommendation from the Audit Committee to approve external and internal Auditors

19. Appointing Local Academy Boards and its committees and DALP committees and its membership
20. Arrange insurance for the Trust and academies
21. Enter into contracts (or at LAB level)

### **Framework for the Local Academy Board (LAB) Scheme of Delegation**

Each DALP academy has its own LAB and two portfolio teams; Standards and Outcomes and Finance and Resources.

Secondary academy LABs have 10 governors; primaries and special academies LABs have 8 governors.

By exception, Yeoman Park and Redgate Primary (special) academies have a joint LAB which comprises 10 governors.

Whilst the Trust Boards have the overarching legal responsibility for the performance of each academy, the Trustees have delegated the following responsibilities to each academy for LAB governors to hold their academy to account. These delegated responsibilities will be retained provided that all decisions made at local level adhere to the DALP vision and ethos and there are no conflicts with the proper use of each academies delegated resources:

1. Risk Management
2. Safeguarding
3. Health and Safety
4. Implementation of corporate tight principles and practice
5. Deliver strategic objectives of the Trusts
6. Implementation of corporate policies, procedures and practice and review of local appendices to the DALP policies
7. Monitoring quality and effectiveness of corporate operations and function
8. Engagement in all DALP partnership and collaboration work
9. Academy vision
10. Strategic Planning
11. Academy outcomes for students/pupils
12. Teaching, learning and assessment quality and impact
13. Leadership and management quality and impact
14. Curriculum and qualifications quality and impact
15. Staff complement including appointing and dismissing staff in consultation with finance and HR corporate staff
16. Student personal development, behaviour and welfare quality and impact
17. Academy budget setting for submission to the DALP Board for approval, with monitoring and review of the approved budget thereafter
18. Pay and Performance Management /appraisal (see separate Terms of Reference for P&P committee)
19. Student/pupil admissions including approving and adherence to policy and statutory guidelines
20. Student/pupil exclusions
21. Student/pupil attendance
22. Quality assurance and self-evaluation

23. Legal compliance
24. Ofsted/inspection readiness and response to the outcomes of inspections
25. Appointment and removal of LAB governors with reference to the DALP Board chair
26. Procurement and entering onto contracts with reference to corporate colleagues

**Other Terms of Reference are available on request**

John Rolph - **Chair of DALP Board and DAT Trust Board**

Kathryn Mitford - **Chair of NCEAT Trust Board and Vice Chair of DALP Board**

September 2017

**Next review – September 2018**