




# THE SIGMA TRUST

## Scheme of Delegation

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## Scheme of Delegation for Local Governing Boards

Updated September 2017

### **Mission Statement**

To be "Greater Than The Sum Of Its Parts" represents the mission statement for The Sigma Trust. We believe we are stronger and more successful working together than we would be as separate institutions.

The mission for each academy within The Sigma Trust is to ensure that no child is left behind. Education should foster in its learners a curiosity to discover who they are and what they are capable of, together with developing the resilience for them to test the boundaries of their abilities, and build the skills necessary to face the future with confidence.

### **Vision**

Our vision is to ensure that all of our academies are at least "Good" with strong and improving outcomes and are able to demonstrate outstanding provision. We will achieve this by:

- Establishing a local family of academies that fully embrace the mission, vision and values of the Trust.
- Ensuring that best practice becomes shared practice so that no school is left behind.
- Recognising the uniqueness and achievements of each academy.
- Enabling every school to be a giver and receiver of support.
- Developing a relationship where autonomy and accountability go hand in hand.
- Creating a centre of educational excellence and innovation within the area.
- Working in collaboration with others to enhance the educational experience of children in the community.
- Training, recruiting and retaining teachers, leaders and support staff through high quality professional development.
- Requiring that services are delivered efficiently and represent outstanding value for money.

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## Introduction

As a charity and company limited by guarantee, The Sigma Trust is comprised of and governed by:

- Members who guarantee the liabilities of the Trust and review the strategic direction. They are the “guardians” of and ‘holders of the flame’ for the vision and mission of the Trust and have a responsibility for appointing Trustees to the Board.
- A Board of Charitable Trustees (the “Trustees”) who are responsible for, and oversee, the management and administration of the Trust and the academies run by the Trust. The Board reports annually to the Members of the progress of the Trust at an Annual General Meeting.
- A Finance and Audit Committee which is responsible for ensuring the highest standards in terms of finance, personnel, premises and extended schools/traded services so that these all contribute fully to maintaining the highest standards and accelerating pupil progress across the Academy Trust.
- Local Governing Boards (“LGBs”) which will be responsible for, subject to the provisions of this Scheme of Delegation (SoD), the day-to-day management, administration and committee structure of each academy subject to the terms of this SoD. A single LGB could oversee more than one academy. LGBs are “committees” of the Trust Board and local governors are appointed by the Board.

The aim of the SoD is to provide clarity to LGBs and to the Trustees on the extent of their rights, responsibilities, authority and powers and to provide a framework within which LGBs and Trustees will interact and work with each other.

This SoD has been put in place by the Trustees and applies from the date of this SoD. The SoD should be read in conjunction with the Company’s Articles of Association (the “Articles”) and any terms used in the Articles. Throughout the term Headteacher will be used to refer to the roles of Principal, Executive Headteacher and Co-Headteachers.

The terms of this SoD may be reviewed by the Trustees at any time, but shall be reviewed at least annually. Trustees reserve the right to remove or alter any delegation at any time whilst having due regard to, but not being bound by, the views of the LGB.

## 1. Governance

The Sigma Trust will establish Local Governing Boards (LGBs) for its academies which will be directly accountable to the Trustees with varying degrees of autonomy and delegated power.

The role of the LGB is determined by the Trustees and is predominantly to carry the Academy Trust vision forwards, based on the specific qualities and community characteristics of each Academy. LGB Members are expected to question and challenge the relevant academy leadership and to hold them to account. Unlike a Governing Board of a maintained school, a LGB is not a legal entity in its own right. Article 100 of the Articles provides for the appointment by the Trustees of committees (including LGBs) to whom the Trustees may delegate certain of the functions of the Trustees. Members of a LGB are not Governors in law, although they might be referred to locally as 'governors'. However, they do have an important responsibility in ensuring the good governance of the academy. Legal liability remains with the Academy Trust and the Trustees, who are ultimately responsible for the running of the Trust.

Members of an LGB play a key role in supporting the Board of Trustees to fulfil their statutory, contractual and regulatory duties. As an overview summary, the duties of the LGB will include:

- Establishing the vision and ethos for the relevant academy ensuring that it fits within and promotes the vision and ethos of the Trust.
- Ensuring good governance of the Academy
- Safeguarding and promoting the values of the Academy
- Supporting the Headteacher of the Academy and being a critical friend
- Monitoring the achievement, quality of teaching and behaviour and safety within the Academy
- Monitoring the Academy's finances. If the LGB has a deficit budget or thinks it will have a deficit budget within the next 3 months, the members of the LGB must notify the Trustees immediately
- Engagement with the Academy's key stakeholders e.g. parents/carers, pupils and staff
- Advising the Trustees about local issues they need to consider that affect the Academy

1. The principles governing the appointment, composition and organisation of the Local Governing Board are as follows:

- 1.1 The composition of the LGB shall be agreed between the Trust and the Local Governing Board but shall include:
  - no less than 9 and no more than 15 members
  - at least two parent members
  - the Headteacher of the relevant academy or academies
  - a maximum of a third of its member to be employees of The Sigma Trust, unless co-opted by the Board of Trustees.
- 1.2 The first LGB shall be established by the Trustees. Thereafter each LGB will propose future members, subject to formal appointment by the Trustees.
- 1.3 Whilst each LGB will look to recruit its own members, it is the responsibility of the Trust Board both to appoint and, should it ever be required, to dismiss individual LGB members.
- 1.4 Whilst initially there may be a separate LGB for each individual academy, the Trust will look to respond positively to any effective pairing or grouping that a number of schools might wish to propose that would lead to a single LGB being responsible for more than one school. This may be a requirement where one or more academies fails to recruit sufficient LGB members with the required level of skills. The composition set out in 1.1 will apply to all LGBs regardless of the number of academies that each serves.

- 1.5 The Trustees shall have the right (but shall not be required) to direct that any one member or all members of the LGB resign their post(s). In the event that the Trustees direct that all members resign their post, this SoD shall cease to have effect until such time as the Trustees are satisfied that new LGB members should be appointed. Some triggers of when the Trustees may exercise their right to direct that any member or all members of the LGB resign their post(s) are listed (but not limited to) as follows:
- Ofsted or the Trustees rate the Academy as inadequate
  - Any member or all members are in breach of the undertaking given in the Code of Conduct for Governance in Appendix 1.
  - Ofsted or the Trustees rate the Academy as requiring improvement
  - The Academy has a deficit budget
  - An event occurs at or in relation to the Academy which is significantly damaging to the reputation of the Company
  - An event occurs which causes a serious concern to the Trustees about the wellbeing of any child at the Academy; or
  - There is a significant fall in the progress and or standards obtained by pupils at the Academy.
- 1.6 All LGB Members will be required to produce evidence of identity (e.g. a passport or photo driving licences) and their appointment will be subject to an Enhanced DBS (Disclosure & Barring service) check. A Section 128 check will also be made against the DfE's register of persons barred from working with children and any other check imposed by the Trustees from time to time. Each academy will be responsible for ensuring that these checks have been made and shall report the outcome to the Company Secretary of The Sigma Trust on completion of such.
- 1.7 Every individual LGB member will be required to make an application and self-evaluation of skills and experience as part of the application process. This will be annually updated and will be used to inform a training programme for LGB members.
- 1.8 All LGB members will be required to participate in appropriate annual training.
- 1.9 The Sigma Trust will appoint the initial Chair of each LGB and then, thereafter, each academy shall annually appoint its own Chair subject to confirmation by the CEO who will report the appointment to the Trustees.
- 1.10 The Chair of each LGB shall meet as a member of a Governing group chaired by the Chair of the Trust's Board to enable effective communication. The frequency of these meetings will be agreed annually.
- 1.11 Members of a LGB are appointed for a three-year term in the first instance. Thereafter, a member may stand for reselection if there is no disbaring reason.
- 1.12 The Chair of the Trust and the Chief Executive Officer (CEO) of the Trust may attend any meeting of a LGB as he or she determines.
- 1.13 The local academy Principal or Headteacher or Co-Headteacher shall automatically be a member of the LGB.
- 1.14 The LGB may invite members of the academy's senior leadership team to attend and participate in LGB meetings but they will not have voting rights.
- 1.15 Each LGB shall adopt The Sigma Trust Code of Conduct for Governors (Appendix 1), and individual members of the LGB shall act in the best interest of the relevant academy at all times. No member of a LGB shall do anything which would be prejudicial to the interests of the relevant academy or The Sigma Trust at any time, including anything which might create bad publicity for the academy or the Academy Trust.
- 1.16 Individual members of a LGB must keep confidential all information of a confidential nature obtained by them relating to the relevant academy and The Sigma Trust
- 1.17 The LGB shall meet at least once a term.

- 1.18 There is no requirement for an LGB to have any sub-committees. Where these exist all decisions must be taken to the full LGB for approval. Each sub-committee shall have a set Terms of Reference that will be approved by the Board of Trustees.
- 1.19 Meetings of the LGB shall be quorate if at least half the members are present.
- 1.20 Each LGB will publish the meeting dates for its full and sub-committee meetings in advance each year and formally notify the Trust PA of those dates.
- 1.21 All members of a LGB must give apologies in advance for missing a meeting and this apology must be accepted by other LGB members.
- 1.22 Any LGB Member whose attendance falls below 80% or who has a pattern over time of repeatedly missing meetings or who fails to tender apologies or whose reasons for missing meetings repeatedly are deemed unacceptable by the relevant academy LGB may be warned and then dismissed by the Chair of the local LGB on behalf of The Sigma Trust if absences continue.
- 1.23 Subject to the terms of this SoD, the LGB may determine which topics to cover, but will ensure that, as a minimum, it covers annually and as appropriate the responsibilities of:
- Safeguarding
  - Finance
  - Personnel (including pay)
  - Progress & Standards
  - Curriculum
  - Buildings & Grounds
  - Health, Welfare & Safety
  - Staff Grievances
  - Staff Welfare & Discipline
  - Appeals/Admissions
  - Staff Dismissals
- 1.24 The Trustees of the Trust will inform the Headteacher of the Academy and Chair of the LGB when taking immediate and decisive action on any matter without prior consultation with the full LGB when, in the reasonable opinion of the Trustees, it is necessary to do so and shall report such actions to the LGB at the next opportunity.

## 2. Types of Sigma Trust Academies

The level of intervention by The Sigma Trust Board will be determined by Ofsted outcomes, internal reviews, examination results and financial security of each academy. This will identify whether the academy is deemed to be High Performing, Transitional or Supported. An academy may change between being a Supported Academy, a Transitional Academy or a High Performing Academy from year to year.

- 2.1 Where any of the points outlined in 1.5 are applicable the academy will be deemed to be 'Supported'.
- 2.2 Where an academy is performing well, the LGB will have increased autonomy from the Trust, and the Trust may have less overall involvement with the day to day running of the academy.
- 2.3 Each Supported and Transitional LGB may be supported by Trustees or an independent consultant appointed by the Trust.
- 2.4 In the event that an academy changes from being either (i) a High Performing Academy to a Supported or a Transitional Academy, or (ii) a Transitional Academy to a Supported Academy, the Trustees reserve the right to remove some or all of the LGB members or place additional members on the LGB.

### **3. Vision and Accountability**

Each LGB is expected to:

- 3.1 Each LGB shall establish the vision and ethos for the relevant academy ensuring that it fits within and promotes the vision and ethos of The Sigma Trust: at a local level this will include establishing the logo and branding of the relevant academy, design of the prospectus, the academy uniform and the design of the academy website. However, all routine forms of communication and promotion must incorporate The Sigma Trust logo.
- 3.2 Carry forward The Sigma Trust's vision in a way appropriate to the specific qualities and community characteristics of each academy.
- 3.3 Implement actions required to comply with statutory regulations and the Funding Agreements.
- 3.4 Implement the policies agreed by the Trustees, including the policies regarding admissions, safeguarding, DBS and health and safety, best practice for HR and recruitment, and any others agreed by the Trustees from time to time.
- 3.5 Have oversight of the academy's activities.
- 3.6 Hold the relevant academy leadership to account for the progress of students and the standard of students' behaviour and discipline alongside the quality of provision.

### **4. Policies**

- 4.1 The Sigma Trust shall determine the principle policies (as listed in the appendices) of all Trust Academies and these shall be adopted by a Local Governing Board. These will be shared with staff and parents, as appropriate, for consultation and adoption.
- 4.2 A LGB may adopt those policies relevant to a local Trust academy providing that they are compliant with all other Trust Policies and DfE, Ofsted and EFA requirements and would be considered reasonable and appropriate when compared to similar policies nationally. A list of statutory, required and discretionary policies is also included in Appendix 2 and 3.
- 4.3 This Scheme of Delegation must also be displayed on the academy's website and be easily accessed.

### **5. Staffing, HR and Performance Management**

The Academy Trust (as employer) is responsible for determining the human resource policies, procedures and terms and conditions of service for all employees including the setting of appropriate rules for the conduct of staff. Changes to such policies and procedures will be effected only after consultation with the LGB, Principal or Headteacher/Co-Headteacher and staff groups where appropriate.

- 5.1 The LGB of each academy shall take the lead in the recruitment of a new Headteacher, but the CEO of The Sigma Trust shall always be a member of the appointing panel. All such new appointments shall be made subject to Trust recruitment policies, references and to ratification by the Chief Executive who may wish to consult the Trustees.
- 5.2 The appointment of other members of the Senior Leadership Team within Sigma academies are delegated to the LGB and the Headteacher of the academy but the CEO of The Sigma Trust may choose to determine that he or she should participate in such an appointment.



- 5.3 All other appointments shall be made according to the Trust's HR policies.
- 5.4 The LGB will ensure that the quality of teaching and learning is carefully monitored and that action is taken to tackle underperformance in line with the Trust's Capability policy
- 5.5 The suspension or dismissal of a Headteacher can only be approved by the Board of Trustees. Where an LGB believes such action is required they must report this to the CEO in the first instance. The Trustees must also approve the decision to end a suspension.
- 5.6 Where possible, the investigation stage of the disciplinary procedure will be operated by a manager other than the headteacher and any decision to proceed to a formal hearing will be agreed by the CEO and will take place before the headteacher who will adjudicate on the matter. The headteacher may be accompanied by a LGB member and an HR advisor, but the decision will rest with the headteacher.
- 5.7 Where the headteacher has been directly involved in the investigation stage of a disciplinary matter or is a witness to particular conduct relevant to the investigation, any formal hearing will take place before the Local Governing Board Disciplinary/Dismissal Committee.
- 5.8 The LGB Disciplinary/Dismissal Committee shall consist of 3 members of the LGB. Where this is not possible an additional member can be co-opted from another Sigma LGB.
- 5.9 Any decision to dismiss, suspend or end the suspension of a member of staff must be ratified by the CEO.
- 5.10 All appeals will be heard by two members of the Board of Trustees and one independent panel member chosen by the Board.
- 5.11 The LGB shall determine the academy group size and Headteacher's individual salary range (ISR) and submit this to the Board of Trustees for approval where any change is proposed.
- 5.12 The LGB will annually determine its staffing ratio and use these to set its budget which will, in turn, be submitted for approval to The Sigma Trust
- 5.13 Any restructuring of the staff in a school that could result in the declaration of a potential redundancy must be ratified by the CEO.
- 5.14 The LGB will ensure that all staff pay, grievance, capability or discipline procedures are dealt with in accordance with the policies adopted by the Academy Trust.
- 5.15 The LGB will adopt the Trust's Performance Management Policy and ensure that all performance management reviews are carried out in accordance with the adopted policy. The expectation is that all staff – teaching and support – shall benefit from an annual performance review.
- 5.16 The annual performance management review of the Principal, Headteacher or Co-Headteacher must be completed before 31<sup>st</sup> December every year. This will be undertaken by the Chair of the LGB (or another nominated member of the LGB), the CEO, another member of the LGB and an external independent consultant. Any pay award recommended for the Principal, Headteacher or Co-Headteacher shall be ratified by the Chief Executive who may wish to consult with The Sigma Trust Board.
- 5.17 The LGB may approve any performance related pay increases to any other member of staff save that of their Principal, Headteacher or Co-Headteacher in line with agreed Trust Performance Management policies.
- 5.18 The LGB will ensure that any complaints about the performance management of a member of staff are dealt with in accordance with the procedures set out in the adopted Performance Management Policy.

## 6. Finance

- 6.1 The LGB shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the Academies Financial Handbook are observed at all times as well as any requirements and recommendations of the Trustees and the Secretary of State. The LGB shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy and are delegated to them.
- 6.2 The LGB will adopt the Financial Regulations of The Sigma Trust and will operate within the spending limits stated therein.
- 6.3 Each LGB will ensure proper levels of delegation and protocols are observed at a local academy.
- 6.4 The functions of the responsible officer and any accounting or systems checks contained in the Financial Regulations or those put in place by The Sigma Trust will be complied with.
- 6.5 The Chief Executive will consult with Heads and LGBs on any proposed top slicing of the subsequent year's budget and report the findings to the Trust Board. It is the Trustees who will decide Trust policy for this issue for that year. The LGB will agree to pay to The Sigma Trust any (variable) budget top slice required to enable the Trust to deliver services to its academies and which delivers on the Trust's Improvement Plan.
- 6.6 The LGB is required to draw up an annual balanced budget which it will submit to The Sigma Trust for approval.
- 6.7 Each LGB will prepare a three-year budget plan which it will submit to The Sigma Trust. These plans shall include the levels set out in the reserve policy and be updated annually
- 6.8 The LGB will monitor the academy's budget regularly and make adjustments using procedures contained in the Financial Regulations.
- 6.9 The LGB will send monthly monitoring reports on income and expenditure to The Sigma Trust.
- 6.10 The LGB will ensure that all financial returns required by the Education Funding Agency, HMRC (and Companies House) will be submitted to The Sigma Trust by the appropriate dates to enable it to meet its deadlines.
- 6.11 Each LGB shall ensure that its relevant academy operates an asset management plan and that this is updated regularly.
- 6.12 Each Trust Academy shall produce an annual Estate Plan which shall be submitted to The Sigma Trust for approval. This plan should contain an outline three year forward estate management and development plan.

## 7. Admissions & Exclusions

- 7.1 Subject to the provisions of any statutory admissions code, the LGB shall be responsible for the review from time to time of the Academy's admissions policy. Any changes made to the admissions criteria must have the consent of the Trustees.
- 7.2 Each academy will operate the admissions policy it has agreed with The Sigma Trust and shall make the policy available to all parents and to the Local Authority.
- 7.3 Each LGB will confirm Planned Admission Numbers with the Trust within the specified timeframes and provide termly updates of numbers on roll (NOR).
- 7.4 Any decision to expand the Academy shall be that of the Trustees who shall have regard to, but not be bound by, the views of the LGB.

- 7.5 The LGB has delegated authority to manage the exclusion and reinstatement of pupils as outlined in DfE legislation. However, where a Headteacher is considering the permanent exclusion of a pupil he/she must consult with the CEO first
- 7.6 Each academy will follow locally agreed protocols on mid-year admissions, Positive Referrals and Managed Moves.

## **8. Curriculum, Student Progress & Achievement**

- 8.1 The LGB will determine the curriculum for its academy ensuring that it implements any Trust wide approaches or requirements, including statutory requirements. Any changes made to the curriculum structure must follow consultation with the CEO.
- 8.2 Each LGB will annually set progression and attainment targets for its academy against The Sigma Trust Key Performance Indicators and submit these to the Trust for approval.
- 8.3 The LGB will monitor the progress towards meeting its targets against The Sigma Trust KPIs and take the necessary actions to intervene to ensure that targets are met. Such progress and interventions will be reported termly to the Sigma Board.
- 8.4 The CEO of The Sigma Trust shall use the report on progress against the Trust's KPIs to hold a meeting at least termly with each of the Trust's academies reviewing progress and agree what additional support or interventions is needed.
- 8.5 All Sigma Trust and statutory requirements for SEND or AEN pupils will be fully complied with by each LGB.

## **9. Safeguarding**

- 9.1 The LGB will take all necessary steps to safeguard the children in its care and will act on all advice given by The Sigma Trust, the LA or any other recognised and authoritative Board in this respect.
- 9.2 Each Sigma Trust Academy shall have in place the Child Protection, Welfare & Safeguarding Policies of The Sigma Trust and which meet Local Authority and national requirements and which will fulfil Ofsted requirements.
- 9.3 The LGB will ensure that all safeguarding and safer recruiting policies & procedures in use at the relevant academy are those which are in line with those of The Sigma Trust and which meet local and national policy and requirements and which will fulfil Ofsted requirements.
- 9.4 The LGB will ensure that it has The Sigma Trust Trips and Activities Policy in force which is complied with and which meets local and national requirements.
- 9.5 Any immediate concerns or issues about safeguarding, vulnerable pupils or SEND at the Academy should be first raised with the Headteacher of the Academy. The Headteacher shall report such immediate concerns or issues to the CEO as soon as possible.

## **10. Health and Safety**

- 10.1 Each LGB will adopt the Health, Safety & Welfare Policy adopted by The Sigma Trust and comply with all of its requirements.
- 10.2 The LGB will ensure that all routine health & safety and hygiene regulations and recommendations are complied with.
- 10.3 A Health & Safety Report will be received at all meetings of the full LGB.
- 10.4 Any immediate concerns or issues about health and safety at the Academy should be first raised with the Headteacher of the Academy. The Headteacher shall report such immediate concerns or issues to the CEO as soon as possible.

## **11. Self-Evaluation and Action Planning**

- 11.1 Each LGB shall annually carry out a self-evaluation of the strengths and weaknesses of the academy and record these submitting a copy to the CEO..
- 11.2 Each LGB shall annually prepare an academy Strategic Improvement Plan with clear success criteria and time lines, using the Trust's agreed format. This improvement plan will link into the Strategic Improvement Plan for the Trust as a whole and shall be submitted to the CEO. The Sigma Trust reserves the right to direct the LGB to change its priorities or planned actions or to require further work on identifying meaningful success criteria.
- 11.3 Each Trust academy shall participate in an annual Triad Improvement Programme, or equivalent, developed by The Sigma Trust, and each LGB will receive a report generated by that scheme which will feedback into the annual self-evaluation and improvement planning process.
- 11.4 Each Trust academy shall participate in any internal review identified as necessary linked to an area of concern. These may involve the use of external consultants.

## Appendix 1

### The Sigma Trust – List of Central Policies

	<b>HR Policies</b>
S	Pay
S	Capability
S	Appraisal/Performance Management
S	Discipline & Dismissal
S	Grievance
R	Leave of Absence
R	Confidentiality
S	Recruitment
S	Pre-Employment Checks
S	Equality & Diversity
S	Code of Conduct
R	Flexible Working
S	Probation
S	Redundancy & Restructuring
R	Sickness Absence Management
S	Allegations of Abuse against staff
S	Single Central Record & Vetting

	<b>Educational Policies</b>
S	Admissions
S	Safeguarding
S	Complaints
S	Freedom of Information
S	Data Protection/Privacy Notice
R	E-Safety
D	Consultation
S	Radicalisation & Extremism

	<b>Finance Policies</b>
S	Finance Regulations
S	Scheme of Delegation
R	Financial Procedures
R	Donations
S	Trustees Expenses
S	Whistle Blowing
S	Charging
R	Debt Recovery
R	Reserves Policy
S	Risk Management
D	Reimbursement Policy
S	Accounting Policy
S	Anti-Fraud & Corruption
S	Investment Policy

	<b>H&amp;S Policies</b>
S	H&S Policy
R	Critical Incident
S	Asbestos
R	Business Continuity
R	EVC
R	Security/CCTV

S	Statutory
R	Required
D	Discretionary

## Appendix 2

### The Sigma Trust – List of Academy Based Policies

	<b>Educational Policies</b>
S	BFL
S	Admissions
S	Attendance
D	Exam Policy
S	Exam Contingency Plan
S	Accessibility
D	Homework
S	SEN
S	EYFS
D	CIEG
R	Controlled Assessment
D	ICT
D	Uniform
S	Anti-Bullying
R	Drugs Education (Secondary)
S	Sex Education
S	Home School Agreement
S	Curriculum Policy
R	Marking & Feedback Policy
R	PSHE

	<b>H&amp;S Policies</b>
S	Medical/First Aid
R	EVC
R	Work Experience
S	Fire Risk Assessment
R	LR8 Duty
R	Asbestos Management

S	Statutory
R	Required
D	Discretionary