



Malmesbury C of E Primary School

Company Number 08483768

“Growing together in wisdom and love; discovering life in all its fullness.”

Scheme of Delegation

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Malmesbury C of E Primary School

Tetbury Hill

Malmesbury

Wiltshire, SN16 9JR

Tel: 01666 823514

Headteacher: Stephen Heal

E-mail: admin@malmesbury-pri.wilts.sch.uk

Website: www.malmesburyprimaryschool.co.uk

Scheme of Delegation 2023-24
Malmesbury Church of England Primary School

1. This Scheme of Delegation was approved by the Governing Body of Malmesbury C of E Primary School at the formation of the academy trust and will be reviewed, amended and readopted annually thereafter.

2. This Scheme of Delegation has been developed to clarify the responsibilities and powers of governors and members of staff employed at the school in respect of key aspects of the management of the school and to ensure compliance with legal requirements and, where appropriate, Department for Education and/or Local Authority requirements. The responsibilities set out in this scheme are delegated to the specified committees of the governing body and postholders employed at the school.

3. Delegated responsibilities can only be exercised by the designated person or committee, unless otherwise directed or agreed by the governing body. In the absence or incapacity of the headteacher, the delegated responsibilities pass to the deputy headteacher unless otherwise directed or agreed by the governing body. In the absence or incapacity of a postholder other than the headteacher, the delegated responsibilities pass to the headteacher unless otherwise directed or agreed by the governing body.

4. Instead of exercising their delegated powers, a postholder or committee may refer the matter to the appropriate committee or governing body. The scheme will be reviewed at the first meeting in each academic year and is made without prejudice to the powers and duties of the governing body and its committees.

5. The Chair of Governors has delegated power (Chair's Action) to make decisions on any matter where delay is likely to be seriously detrimental to:

- the school
- a pupil or prospective pupil at the school
- a pupil's carer(s) and/or family
- a person who works at the school
- public welfare
- the prevention or detection of crime
- the capture or prosecution of offenders

In the absence of the Chair such decision may be made by the Vice Chair of Governors. Chair's Action must be reported back to governors at the soonest opportunity and no later than the next meeting of the full governing body.

Please also note that the responsibilities listed under each heading are those for which the governing board retains overall responsibility. They do not include functions that fall within the head teacher's school management responsibility e.g. responsibility for each pupil's education.

The framework draws on a number of sources of information including: National Governance Association Schemes of Delegation Model 5 (2016); Department for Education Governance Handbook 2020; OFSTED School Inspection Handbook; School Information (amendment) regulations 2012; School Governance Constitution Regulations 2012; The School Governance (Roles, Procedures and Allowances) regulations 2013; Statutory policies for schools and academy trusts (DFE) September 2020. It has also taken note of a number of sample Schemes of Delegation from academies across England.

	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
General and Procedural Responsibilities (refer to Articles of Association)					
Establish the membership and organisation of the governing board and regulate its conduct	✓				
Hold full governing board meetings at least 3 times a year		✓			
Appoint and remove governors, trustees and members		✓			
Establish committees and elect or appoint committee chairs		✓			
Determine level of delegation of functions to committees annually and record their Terms of Reference		✓			
Establish any required GB procedures (where not set out in law and/or Articles of Association)		✓			
Appoint (and remove) the chair and vice chair of the governing board		✓			
Determine period of office of chair and vice chair		✓			
Appoint (and dismiss) the clerk		✓			
Determine any functions to be performed by the clerk		✓			
Appoint governors for SEN, safeguarding, whistle blowing and any others agreed by GB		✓			
Agree suspension or removal of governors		✓			
Publication of governors' details on school website. [As a minimum this should include: each governor's (or associate member's) name; category; appointing board; term of office; any committees they serve		✓			

on; positions they hold such as Chair, Vice Chair, Chair of a Committee. Associate members' voting rights on any committees should also be included]					
Establish, publish on website, (and update annually) a register of headteachers' and governors' business interests. The register must set out details of any relevant business interests and any other schools at which they govern. It should also detail any relationships between governors and school staff including spouses, partners and relatives and a register of gifts and hospitality.		✓			
Publish to all governors and staff an annual schedule of Board and committee meetings		✓			
Establish and review the Governors' Code of Conduct (best practice)		✓			
Carry out regular self-evaluation as a Board, including skills audits against the Competency Framework (DfE 2019)		✓			
Write and approve Annual Governance Statement (best practice)			✓		
Safeguarding	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Check that the school complies with statutory guidance on safeguarding			✓		
Make sure the school has effective safeguarding policies and procedures in place			✓		
Approve Child Protection Policy and review its effectiveness at least annually		✓			
Make sure a governor takes leadership responsibility for safeguarding and that they receive appropriate training		✓			
Make sure governors receive safeguarding training		✓			
Appoint a member of staff to be the designated safeguarding lead		✓			

Make sure that effective support is provided for any employee facing an allegation			✓		
Have due regard to the need to prevent people from being drawn into terrorism and to oversee the incorporation of the necessary procedures and practices outlined in the Prevent duty into the child protection policy			✓		
Ensure effectiveness of record keeping related to safeguarding responsibilities, including maintenance of central record of recruitment and vetting checks			✓		
Consider school's annual safeguarding audit and monitor subsequent action plans		✓			
Strategic Planning Responsibilities (best practice)	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Agree long term vision and strategic plan		✓			
Approve school improvement plans, ensuring OFSTED recommendations are incorporated and evaluate their impact		✓			
Determine and approve all statutory and non-statutory trust policies which reflect the trust's ethos and values		✓			
Ensure a broad and balanced curriculum is in place		✓			
Set the times of school sessions and the dates of school terms and holidays			✓		
Agree enrichment/extra-curricular offer including any additional services required			✓		
To decide whether to join or form a multi-academy trust	✓				
Decide what sex education is to be provided*		✓			
Pupil welfare, discipline/exclusions Responsibilities	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S

Draft a school behaviour policy and publicise to staff, students and parents.			✓		
Arrange for suitable full-time education for any pupil of compulsory school age who is suspended for more than 5 school days			✓		
<ul style="list-style-type: none"> Consider parents' representations about a suspension or permanent exclusion (can be delegated to a sub-committee of at least 3 governors) Consider the reinstatement of all suspensions or permanent 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) 		✓			
Arrange an <u>independent review panel</u> to consider a permanent exclusion, where requested by parents		✓			
Make sure the school complies with the Equality Act 2010 and the Public Sector Equality Duty and publishes equality objectives and information about how it is doing this		✓			
Make arrangements for supporting pupils with medical conditions			✓		
Premises Responsibilities	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Agree long term strategy for use of school premises		✓			
Arrange for regular monitoring and inspection of school premises				✓	
Arrange buildings insurance			✓		
Agree Health and Safety policy and ensure compliance and implementation				✓	
Agree a funded maintenance plan				✓	
Approve lettings policy and charges				✓	

Ensure security of school premises and equipment			✓		
Agree level of maintenance service the school will buy from service providers			✓		
Ensure risk assessments of school site are conducted and considered as appropriate				✓	
Staffing Responsibilities	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Determine the academy's staffing complement					✓
Formally approve appointments of head teacher and deputy head teacher		✓			
Ensure that staff wellbeing is monitored*					✓
Determine the headteacher and staff appraisal process		✓			
Approve, and keep under review, a school pay policy					✓
Fulfil role expected of governing boards in adopted procedures for range of staffing issues e.g. discipline, capability, grievance, redundancy, termination of employment					✓
Approve a statement of procedures for dealing with allegations of abuse against staff					✓
Agree the Principal's pay award annually					Pay panel
Agree and monitor staff appraisal procedure and pay progression					✓
Make teachers' pay progression decisions following recommendations of head teacher (by end of October)					Pay panel
Ensure safer recruitment requirements are met		✓			

Ensure that required staffing policies and procedures are in place and implemented					✓
Appoint selection panel for head teacher and deputy head teacher appointments		✓			
Appoint selection panel for other members of the senior leadership team		✓			
Ensure that at least one person on the selection panel for head teacher appointment has completed safer recruitment training		✓			
Finance Responsibilities (refer also to 'Academy Trust Handbook' and 'Academies Accounts Direction')	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Ensure adherence to ESFA and statutory financial requirements, including the annual report and agreed internal policies		✓			
Maintain accurate financial records			✓		
Appoint Chief Finance Officer		✓			
Agree and review annually a finance scheme of delegation		✓			
Oversee and approve the trust's programme of internal security, ensuring that risks are being addressed appropriately				✓	
Report to the Governing Body on the adequacy of the trust's internal control framework, including financial and non-financial controls and management of risks				✓	
Ensure security of all assets, including buildings and cash			✓		
Agree and monitor a charging and remissions policy				✓	
Maintain and review an inventory of valuable items			✓		
Authorise the disposal of assets				✓	

Maintain a record of assets borrowed by staff			✓		
Appoint external and internal auditors		✓			
Review the external auditor's plan each year				✓	
Receive and act on auditors' reports		✓			
Assess the effectiveness and resources of the external auditor to provide a basis for decisions by the Academy Trust's members about the auditor's reappointment, dismissal or retendering				✓	
Maintain a register of pecuniary and business interests of governors and Trustees		✓			
Oversee the preparation of the annual budget plan in line with strategic and other relevant plans				✓	
Approve the final budget		✓			
Ensure the final budget is sent to appropriate authorities, on time		✓			
Monitor income and expenditure against the budget and ensure variances are explained		✓			
Evaluate the impact of the allocation of pupil premium funding and primary sport funding on overcoming barriers to learning and report this on the academy website				✓	
Approve virements between budget headings				✓	
Approve a policy for governors' allowances		✓			
Approve lettings policy and charging and remissions policy				✓	
Write off debts for income not received				✓	
Authorise other income-generation activities				✓	

Ensure insurance cover is appropriate				✓	
Maintain a risk register				✓	
Ensure appropriate Business Continuity Plan in place				✓	
Ensure all contracts and agreements conform with finance policies and procedures			✓		
Accept quotations/tenders and authorise orders/contracts for goods, works and services up to £10k			✓		
Accept quotations/tenders and authorise orders/contracts for goods, works and services over £10k*				✓	
Develop trust procurement strategies and efficiency savings programme				✓	
Authorise bank payments			✓		
Approve applications for business credit cards			✓		
Ensure compliance with VAT, PAYE and HMRC regulations				✓	
Ensure compliance with the Companies Act regulations, including preparing and submitting an annual report to Companies House and the Charities Act regulations				✓	
Ensure economy, efficiency and effectiveness (the three key elements of value for money) in the use of all funds				✓	
Administer voluntary funds			✓		
Monitor and review voluntary fund accounts				✓	

School Admission Responsibilities	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Ensure that all the mandatory provisions of the School Admissions Code (2012) are implemented		✓			
Determine the school's admissions arrangements annually, including the published admission number (PAN) and the oversubscription criteria		✓			
Establish an independent appeals panel when there are admissions appeals		✓			
Data Analysis and Target Setting Responsibilities	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Scrutinise a range of pupil performance data to evaluate the school's performance, including the OFSTED Data Dashboard		✓			
Agree challenging targets for pupil achievement/attainment, ensuring they are based on outcomes of robust data analysis, and monitor performance against them		✓			
Scrutinise analysis of examination results and key stage assessments against agreed targets		✓			
Ensure rigorous assessment processes are in place		✓			
Pupils, Parents and Community Responsibilities	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Make sure the required information is published on the school website			✓		
Ensure that school policy and procedure for looked after children are consistent with the measures set out in the statutory guidance.		✓			
Appoint a designated teacher to promote the educational achievement of looked-after children (LAC) and post LAC and that they undertake appropriate training			✓		

Make available on request a procedure for dealing with complaints. (The expectation is that this should be published online. For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2014)		✓			
Agree the Freedom of Information Act (FOIA) publication scheme and access policy		✓			
Ensure that employees at the academy are able to comply with requests for information under the FOIA and register annually with the Information Commissioner's Office			✓		
Establish a data protection policy in line with the General Data Protection Regulation (GDPR) and review it annually		✓			
Ensure provision of free meals to those pupils meeting the criteria, including Universal Infant School Meals where applicable)		✓			
Publish and update at least annually a SEND information report (meeting requirements set out in the Special Educational Needs and Disability Regulations 2014)		✓			
Designate a member of the governing board or a committee to have oversight of the school's arrangements for SEND		✓			
Make sure that the necessary special education provision is made for any pupil who has SEN, and monitor its effectiveness			✓		
Make sure that parents are notified by the school when special educational provision is being made for their child			✓		
Co-operate with the local authority in developing the local offer		✓			
Make sure the school follows the statutory SEND Code of Practice		✓			

Make sure that there is a qualified teacher as the special educational needs co-ordinator (SENCO) for the school and that they have sufficient time and resources to carry out their role effectively			✓		
Make sure that the teachers in the school are aware of the importance of identifying pupils who have SEN and providing appropriate teaching			✓		
Determine whether to publish a home school agreement (not statutory)					✓
Maintain a register of pupil attendance		✓			
Prohibit political indoctrination and ensure the balanced treatment of political issues*		✓			
RE and Collective Worship Responsibilities*	Members	Governing Body	Head Teacher	F&P committee (inc R&A)	C&S
Ensure that RE is provided in accordance with the school's basic curriculum*					✓
Ensure that every pupil can take part in an act of collective worship each day*			✓		

*indicates a responsibility that has been included in addition to the LA guidance document

Terms of Reference for Governing Body Committees

Title of committee: Curriculum & Staffing Committee

- **Composition and membership:** Julie Brown (Co-Chair)
Chris Osborn (Co-Chair)
Deborah Hampton
Ewen Vizor
Paula Muir-McLeod
Dalia ElEdel
Steve Heal
Johnathan Watkins (Associate Member, *with voting rights*)
Melanie Warwick (Associate Member, *with voting rights*)
- **Quorum – 3 non-staff governors**
- **Chairing arrangements:** Chair or vice chair will chair the meeting.
- **Frequency of meetings:** Once every 2 terms (3 x per year minimum)
- **Minuting and reporting procedures:** Chair will prepare a report / minutes to be submitted to the clerk for the attention of next full Governing Body.
- **Areas of responsibility**
 - ❖ Supporting the school in raising standards of teaching and learning and improving attainment for all pupils.
 - ❖ Monitoring the delivery of the curriculum and standards of achievement.
 - ❖ Establishing and maintaining appropriate levels of staff.
 - ❖ Ensuring that all teachers and assistants are suitably qualified, effective practitioners who can successfully meet the needs of pupils and able to contribute to the development of the school.
- **Strategic Goal Targets**
 - ❖ Ensure that teaching is effective by developing, promoting and sharing good practice and ensuring that learning opportunities for all pupils are maximised.
- **Delegated decision-making powers from Full Governing Body**
 - ❖ Determine the academy's staffing complement
 - ❖ Ensure that staff wellbeing is monitored
 - ❖ Approve, and keep under review, a school pay policy
 - ❖ Fulfil role expected of governing boards in adopted procedures for range of staffing issues e.g. discipline, capability, grievance, redundancy, termination of employment

- ❖ Approve a statement of procedures for dealing with allegations of abuse against staff
- ❖ Agree and monitor staff appraisal procedure and pay progression
- ❖ Make teachers' pay progression decisions following recommendations of head teacher (by end of October)
- ❖ Ensure that required staffing policies and procedures are in place and implemented
- ❖ Determine whether to publish a home school agreement (not statutory)
- ❖ Ensure that RE is provided in accordance with the school's curriculum

Title of committee – Finance & Premises Committee (including Audit & Risk Committee)

- **Composition and membership**
 - Rachael Pink (Chair)
 - Nigel Roberts
 - Vicky Lees
 - Brian Leitch (Vice Chair)
 - Mark Norton
 - Laurence Mussett
 - Steve Heal
 - Jonathan Watkins (Associate Member, *with voting rights*)
 - Melanie Warwick (Associate Member, *with voting rights*)
- **Quorum - 3**
- **Chairing arrangements** – Chair or vice chair will chair the meeting.
- **Frequency of meetings** – Once every 2 terms (3 x per year minimum)
- **Minuting and reporting procedures** - Chair will prepare a report / minutes to be submitted to the clerk for the attention of next full Governing Body.
- **Areas of responsibility**
 - ❖ Setting the annual school budget with reference to the priorities identified in the School Improvement Plan and recommending the budget for approval by the full governing body.
 - ❖ Monitoring income and expenditure against predicted levels
 - ❖ Ensuring that the school achieves value for money in its budgetary decisions and that appropriate financial procedures are in place for the effective discharging of staff responsibilities in terms of financial management.
 - ❖ Establishing and maintaining a stimulating, safe learning and working environment for pupils and staff.
- **Strategic Goal Targets**
 - ❖ Ensure that all strategic goal action plans are funded as fully as possible within the constraints of the school budget.
 - ❖ Work to create a school with a learning environment for our pupils that will inspire and support learning and positively reflect the ethos of continuous improvement that is at the heart of our school.
 - ❖ Financial scrutiny and oversight, and which can support the board in maintaining the trust as a going concern.
- **Delegated decision-making powers from Full Governing Body**
 - ❖ Authorise the disposal of assets

- ❖ Oversee the preparation of the annual budget plan in line with strategic and other relevant plans
- ❖ Evaluate the impact of the allocation of pupil premium funding and primary sport funding on overcoming barriers to learning and report this on the academy website
- ❖ Approve virements between budget headings
- ❖ Approve lettings policy and charging and remissions policy
- ❖ Write off debts for income not received
- ❖ Authorise other income-generation activities
- ❖ Ensure insurance cover is appropriate
- ❖ Ensure appropriate business continuity plan in place
- ❖ Develop trust procurement strategies and efficiency savings programme
- ❖ Ensure compliance with VAT, PAYE and HMRC regulations
- ❖ Ensure compliance with the Companies Act regulations, including preparing and submitting an annual report to Companies House and the Charities Act regulations
- ❖ Ensure economy, efficiency and effectiveness (value for money) in the use of all funds
- ❖ Monitor and review voluntary fund accounts
- ❖ Arrange for regular monitoring and inspection of school premises
- ❖ Arrange buildings insurance
- ❖ Agree Health and Safety policy and ensure compliance and implementation
- ❖ Agree a funded maintenance plan
- ❖ Approve lettings policy and charges
- ❖ Agree level of maintenance service the school will buy from service providers
- ❖ Ensure risk assessments of school site are conducted and considered as appropriate

Title of sub-committee – Audit & Risk Committee

- **Composition and membership:**
 - Rachael Pink (Chair)
 - Nigel Roberts
 - Brian Leitch (Vice Chair)
 - Laurence Mussett
 - Mark Norton
 - Vicky Lees
 - Steve Heal (attendee only as Accounting Officer)
 - Melanie Warwick (attendee only as Chief Financial Officer)

- **Authority**

The Audit & Risk Committee is a sub-committee of the Finance & Premises Committee and is authorised to investigate any activity within its terms of reference or specifically delegated to it by the Board. It is authorised to request any information it requires from any employee, external audit, internal audit or other assurance provider.

The Audit & Risk Committee is authorised to obtain outside legal or independent professional advice it considers necessary, normally in consultation with the Accounting Officer and/or Chair of Governors. However, the Audit & Risk Committee may not incur expenditure in excess of £10,000 in doing so without the prior approval of the Governing Body.

- **Role**

The role of the Audit & Risk Committee is to maintain an oversight of the Academy Trust's governance, risk management, internal control and value for money framework. It will report its findings annually to the Governing Body and the Accounting Officer as a critical element of the AT's annual reporting requirements. The Audit & Risk Committee has no executive powers or operational responsibilities/duties.

- **Duties**

- ❖ Review the annual report and accounts.
- ❖ Oversee and approve the trust's programme of internal security, ensuring that risks are being addressed appropriately.
- ❖ Report to the Governing Body on the adequacy of the trust's internal control framework, including financial and non-financial controls and management of risks.
- ❖ Review the external auditor's plan each year.
- ❖ Review the external auditor's findings and actions taken by the Academy Trust's managers in response to those findings.
- ❖ Assess the effectiveness and resources of the external auditor to provide a basis for decisions by the Academy Trust's members about the auditor's reappointment, dismissal or retendering. An annual report will be produced by the Audit & Risk committee in this regard.

Title of sub-committee – Pay Panel

- **Composition and membership:** Julie Brown (Chair)
Nigel Roberts
Laurence Mussett
- **Quorum – 3 non-teaching Governors**
- **Chairing arrangements:** Chair or vice chair will chair the meeting.
- **Frequency of meetings:** Once per year (minimum)
- **Minuting and reporting procedures:** Chair will prepare a report / minutes and ensure any records or minutes relating to the pay panel will be carefully safeguarded and kept confidential
- **Areas of responsibility**
 - ❖ To review, on an annual basis, the pay of each member of staff, award increments as appropriate and advise them of the outcome accordingly, in accordance with the school's procedure;
 - ❖ To minute clearly giving the reasons for all decisions and report these decisions to the next full governing body meeting as a confidential item to be received;
 - ❖ To seek professional advice from the Local Authority, Diocesan Authority or others, as necessary.