

New Islington Free School

SCHEME OF DELEGATION

**Policy Reviewed and Adopted by
Governing Body: 09 December
2016**

Version

2.0

Date of Next Review: 03/04/2018

1. **DELEGATION - GENERAL**

- 1.1 In accordance with the Articles of Association of New Islington Free School, the Governing Body may delegate to any Governor, committee, the Head Teacher, or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions the Governing Body may impose and may be revoked or altered.
- 1.2 Where any power or function of the Governing Body has been exercised by any committee, that person or committee shall report to the Governing Body in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Governing Body immediately following the taking of the action or the making of the decision.
- 1.3 The Governing Body may establish any committee to exercise powers and functions of the Governors. The Constitution, membership terms of reference and proceedings of any committee of the Governing Body shall be determined by the Governing Body and shall be reviewed at least once in every twelve months.
- 1.4 The membership of any committee of the Governing Body may include persons who are not Governors, provided that a majority of members of any such committee shall be Governors.
- 1.5 The Governing Body may determine that some or all of the members of a committee who are not Governors shall be entitled to vote in any proceedings of the committee. No vote on any matter shall be taken at a meeting of a committee of the Governing Body unless the majority of members of the committee present are Governors.
- 1.6 The Governing Body is responsible for ensuring that high standards of corporate governance are maintained. It should exercise its powers and functions with a view to fulfilling a largely strategic leadership role in the running of the Free School, addressing such matters as:
 - 1.6.1 ensuring compliance with the Articles of Association and the terms of the Free School's Funding Agreement and the Academies Financial Handbook;
 - 1.6.2 policy development and strategic planning, including target-setting to keep up momentum on school improvement;
 - 1.6.3 ensuring sound management and administration of the Free School and ensuring that managers are equipped with relevant skills and guidance;
 - 1.6.4 ensuring compliance with legal requirements including the Companies Act 2006 and Charities Act 2011;
 - 1.6.5 establishing and maintaining a transparent system of prudent and effective internal controls;
 - 1.6.6 management of the Free School's financial, human and other resources;
 - 1.6.7 monitoring performance and the achievement of objectives and ensuring that plans for improvement are acted upon;
 - 1.6.8 helping the Free School to be responsive to the needs of parents and the community and making it more accountable through consultation and reporting;
 - 1.6.9 setting the Free School's standards of conduct and values; and

- 1.6.10 assessing and managing risk (including preparation of a statement on the Free School's risk management policy for its annual report and accounts).

2. SCHEME OF DELEGATION

The Governing Body hereby resolves to establish separate committees to deal with specific areas of the Free School's business, and has determined the delegated responsibilities to be assigned to those committees, to ensure that matters can be dealt with in appropriate detail and with sufficient frequency. The committees established and their responsibilities are stated below.

3. THE HEAD TEACHER

The Governors shall appoint the Head Teacher who will act as an ex-officio Governor. By signing this document the Governors delegate such powers and functions as they consider are required by the Head Teacher for the internal organisation, management and control of the Free School (including the implementation of all policies approved of by the Governors) and for the direction of the teaching and curriculum at the Free School.

4. THE GOVERNING BODY

- 4.1 The establishment of committees does not absolve the Governing Body of its overall responsibility to manage the operations and finances of the Free School. In addition to the general responsibilities of the Governing Body outlined in 1.6 above, the Governing Body maintain responsibility for the following:

- 4.1.1 The Governing Body must ensure personnel management procedures have been identified, formally approved and documented to cover as a minimum:

- (a) recruitment (including references and police checks);
- (b) performance appraisal and review;
- (c) equal opportunities;
- (d) disciplinary (including absence policies);
- (e) grievance;
- (f) staff expenses; and
- (g) consider any other matters relating to personnel management procedures,

A report must be presented to the Governing Body at least once a year detailing whether the above duties have been discharged.

- 4.1.2 The Governing Body should also ensure that procedures are in place to ensure that employees of the Free School are paid for work done in accordance with their contracts of employment with the Free School.

- 4.1.3 The Governing Body must make a contingency and business continuity plan setting out what the Governing Body will do to ensure the Free School's continued operation.

- 4.1.4 In addition, the Governing Body must ensure the Free School has adequate insurance cover to support its activities as an employer, including, but not limited to, as employers' liability insurance, fidelity insurance, trustee indemnity, public liability insurance.

- 4.1.5 Ensure that spending has been for the purposes intended and that there is value for money in the use of public funds.
- 4.1.6 Ensure spending represents value for money and that a competitive tendering policy is put in place.
- 4.1.7 That relevant professional advice is obtained where appropriate including that of external auditors.
- 4.1.8 To keep the safeguarding policy of the Free School under review and ensure it is being adequately implemented.
- 4.1.9 To keep the Health & Safety policy of the Free School under review and ensure that it is being adequately implemented.

5. **GOVERNORS' MEETINGS**

- 5.1 The Governing Body is required to meet regularly enough to discharge its responsibilities under the Free School's Articles of Association, Funding Agreement and the Academies Financial Handbook. Governors' Meetings must take place at least three times a year and business only be conducted once a quorum is present. It has been decided that the Governing Body should meet at least once per school term.
- 5.2 The quorum for a Governors' Meeting is either three or one third of the total Governors then in office at the date of the meeting (whichever is the higher number).
- 5.3 It is a duty of the Governors to avoid conflicts of interest. A Governor must declare to the other Governors any interest that he or she, or a person connected to a Governor has, or potentially may have, that would conflict with discharging their duties as a Governor.
- 5.4 If a Governor has a direct or indirect interest in any item of business to be discussed at a meeting then this should be declared at such meeting, ideally at the outset of the meeting. A Governor must absent himself or herself from any discussion in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Free School and any personal interest (this includes but is not limited to any personal financial interest) or conflicting loyalty a Governor may have.
- 5.5 Governors must appoint a Secretary to the Governors (known as the Clerk), who must be someone other than a Governor or the Head Teacher.
- 5.6 Each meeting of the Governing Body should consider:
 - 5.6.1 a report of the financial position of the Free School, including its income and expenditure and financial commitments;
 - 5.6.2 whether adequate financial monitoring of the Free School's budget and activities is being undertaken;
 - 5.6.3 progress on any action identified to improve financial arrangements at the Free School;
 - 5.6.4 significant contracts proposed to be entered into by the Free School;
 - 5.6.5 details of any significant matters affecting the Free School's staff;
 - 5.6.6 details of any significant matters affecting the pupils' welfare or education; and
 - 5.6.7 details of any significant matters affecting the Free School's assets e.g. computers, cars, whiteboards etc.

- 5.7 Matters that should be considered by Governor's at least once a year are:
- 5.7.1 the Free School's goals and how they are being met;
 - 5.7.2 review of the management structure to ensure it is operating effectively;
 - 5.7.3 review of the performance of external providers e.g. bankers, services provided under Service Level Agreements.
 - 5.7.4 review and approval of the Free School's annual accounts and report of the Governors;
 - 5.7.5 review and approval of the financial budget for the following year;
 - 5.7.6 review and approval of the levels of insurance cover for the Free School's assets;
 - 5.7.7 findings made by the auditors and the auditor's management letter, and any other financial reviews, and consideration of what actions should be taken arising from their recommendations; and
 - 5.7.8 review of the risks to which the Free School is exposed and determination of whether systems are in place to mitigate those risks.
- 5.8 The Governing Body may decide to delegate responsibility for specified matters, where it has power to do so, to individual members or committees of the Governing Body. Decisions taken by individual members or committees of the Governing Body under delegated powers should be recorded in written minutes available to the Governing Body as a whole.

DELEGATION OF POWERS TO COMMITTEES

6. FINANCE, RESOURCES, HEALTH AND SAFETY AND AUDIT COMMITTEE

6.1 General

- 6.1.1 The Governing Body hereby resolves to establish a committee of the Governing Body to be known as the Finance, Resources, Health and Safety and Audit Committee ("FRHS&A") that will advise the Governors on finance, financial assurance, personnel, health and safety and premises.
- 6.1.2 The chair, members and secretary of FRHS&A shall be appointed by the Governing Body. The chair shall be a member of the Governing Body and shall not be the Chair of Governors.
- 6.1.3 Governors who are not members of the FRHS&A have the right of attendance.
- 6.1.4 The Head Teacher in his or her role as Accounting Officer and the Bursar will normally attend meetings of the committee to provide information and participate in discussions.
- 6.1.5 The Clerk of the committee will circulate minutes of meetings to the Governing Body.

- 6.1.6 The Governing Body shall determine the terms of reference of FRHS&A and how often the committee shall meet. The terms of reference of the FRHS&A shall act in conjunction with this document and supplement the general duties of the committee listed below.

6.2 **Authority**

- 6.2.1 The FRHS&A is an advisory body with no executive powers. However, it is authorised by the Governing Body to investigate any activity within its terms of reference, and to seek any information it requires from staff, who are requested to co-operate with the committee in the conduct of its inquiries.
- 6.2.2 The FRHSC is authorised to obtain independent professional advice if it considers that it does not have the requisite skill to properly discharge its duties.

6.3 **Duties**

The specific duties of the FRHS&A are contained in the Terms of Reference agreed by the Governing Body and shall include to:

- 6.3.1 review the Annual Budget in detail and to make recommendations to the Governing Body;
- 6.3.2 advise the Governing Body on the Free School's procurement policy and effectiveness in delivering value for money;
- 6.3.3 operate delegated powers as set out in the Free Schools' financial regulations, including the power to approve expenditure on behalf of the Governing Body and to write off assets;
- 6.3.4 monitor compliance with the financial requirements of the Funding Agreement, Academies Financial Handbook and any statutory requirements;
- 6.3.5 advise the Governing Body of the planning and oversight of any capital projects;
- 6.3.6 oversee management and maintenance of the Free Schools property and assets;
- 6.3.7 ensure that a policy is in place for the operation and maintenance of the Free School's buildings and grounds and make recommendations to the Governing Body as required;
- 6.3.8 review new and existing policies relating to the employment and conditions of staff at the Free School and make recommendations to the Governing Body;
- 6.3.9 provide dismissal and appeals committees within the staff capability, discipline and dismissal procedures;
- 6.3.10 review and monitor the Health and Safety policy statement in order to safeguard the health and wellbeing of students, employees and visitors to the Free School, and to make recommendations to the Governing Body;
- 6.3.11 review the operation of the Free School's code of conduct for Governors and code of conduct for staff; and
- 6.3.12 keep the safeguarding policy and its practice under review and make recommendations to the Governing Body as appropriate.

- 6.3.13 review the effectiveness of the Free School's internal control system established to ensure that the aims, objectives and key performance targets of the organisation are achieved in the most economic, effective and environmentally preferable manner;
- 6.3.14 advise the Governing Body on the appointment, reappointment, performance and dismissal of the internal auditor, external regularity auditor and any other assurance provider required;
- 6.3.15 discuss with the external auditor the nature and scope of each forthcoming audit and to ensure that the external auditor has the fullest co-operation of staff;
- 6.3.16 review the Free School's internal and external financial statements and reports to ensure that they reflect best practice;
- 6.3.17 regularly monitor outstanding audit recommendations from whatever source and ensure any delays to implementation dates are reasonable;
- 6.3.18 consider all relevant reports by the Bursar or the appointed auditor, including reports on the Free Schools accounts, achievement of value for money and the response to any management letters;
- 6.3.19 advise the Governing Body on the Free School's risk management procedures, including but not limited to, the production of a risk register;
- 6.3.20 provide assurances to the Governing Body that that risks are being identified and managed by:
 - (a) reviewing the risks to internal financial control at the free school;
 - (b) agreeing a programme of work to address, and provide assurances on, those risks;
 - (c) provide information in relation to 3.13.1 and 13.32 to the Governing Body in order to inform the governance statement that accompanies the Free School's annual accounts and, so far as possible, provide assurance to the external auditors; and
- 6.3.21 advise the Governing Body on the Free School's contingency plan setting out what the Governing Body will do to ensure the Free School's continued operation.

7. **REMUNERATION COMMITTEE**

7.1 **General**

- 7.1.1 The Governing Body hereby resolves to establish a committee concerned with the remuneration of employees of the Free School.

7.2 **Authority**

- 7.2.1 The Remuneration Committee is an advisory committee reporting directly to the Governing Body.

7.3 **Duties**

- 7.4 The specific duties of the Remuneration Committee shall be to:

- 7.4.1 advise the Governing Body on the remuneration of all employees employed directly by the Free School (including the Head Teacher) including, for the avoidance of doubt, any recommendation made in relation to performance related pay;
- 7.4.2 recommend procedures to appraise the Head Teacher's performance to the Governing Body;
- 7.4.3 recommend pay and performance policies to the Governing Body;
- 7.4.4 advise the Governing Body on the conditions of service of all employees employed directly by the Free School (including the Head Teacher); and
- 7.4.5 review the recommendations of the Head Teacher as to salaries particularly any discretionary awards.
- 7.4.6

8. **PUPIL PROGRESS COMMITTEE**

8.1 **General**

- 8.1.1 The Governing Body hereby resolves to establish a committee of the Governing Body to be known as the Pupil Progress Committee.
- 8.1.2 The chair and members of the Pupil Progress Committee shall be appointed by the Governing Body. The chair shall be a Governor other than the Chair of Governors.
- 8.1.3 Governors who are not members of the Pupil Progress Committee have the right of attendance. The secretary will circulate minutes of meetings of the Pupil Progress Committee to all members of the Governing Body.
- 8.1.4 The Governing Body shall determine how often the Committee shall meet.
- 8.1.5 The Head Teacher or delegated member of the Strategic Leadership Team will normally attend meetings of the Committee.

8.2 **Authority**

- 8.2.1 The Pupil Progress Committee is an advisory body with no executive powers. However, it is authorised by the Governing Body to investigate any activity within its terms of reference, and to seek any information it requires from staff, who are requested to co-operate with the Committee in the conduct of its inquiries.
- 8.2.2 The Pupil Progress Committee is authorised to obtain independent professional advice if it considers this necessary.

8.3 **Duties**

The specific duties of the Pupil Progress Committee shall be to:

- 8.3.1 promote healthy lifestyles;
- 8.3.2 ensure all safeguarding and child protection policies are in place and acted upon;

- 8.3.3 monitor the implementation of the behaviour policy through the number and reasons for fixed term and permanent exclusions;
- 8.3.4 monitor attendance against targets, including persistent absentees;
- 8.3.5 engage with parents to support their child's learning;
- 8.3.6 promote community cohesion within the Free School and wider;
- 8.3.7 seek out ways to involve the local community in activities at the Free School;
- 8.3.8 monitor the diversity of activities and equality of access;
- 8.3.9 encourage the local community to take an active interest in the Free School;
- 8.3.10 consider any other matters where requested to do so by the Governing Body; and
- 8.3.11 report at least once a year to the Governing Body on the discharge of the above duties.

9. **TEACHING AND LEARNING COMMITTEE**

9.1 **General**

- 9.1.1 The Governing Body hereby resolves to establish a committee of the Governing Body to be known as the Teaching and Learning Committee.
- 9.1.2 The chair, members and secretary of the Teaching and Learning Committee shall be appointed by the Governing Body. The chair shall be a member of the Governing Body other than the Chair of Governors.
- 9.1.3 Governors who are not members of the Teaching and Learning Committee have the right of attendance. The secretary will circulate minutes of meetings of the Teaching and Learning Committee to all members of the Governing Body.
- 9.1.4 The Governing Body shall determine how often the Committee shall meet.
- 9.1.5 The Head Teacher or delegated member of the Strategic Leadership Team will normally attend meetings of the Committee.

9.2 **Authority**

- 9.2.1 The Teaching and Learning Committee is an advisory body with no executive powers. However, it is authorised by the Governing Body to investigate any activity within its terms of reference, and to seek any information it requires from staff, who are requested to co-operate with the Committee in the conduct of its inquiries.
- 9.2.2 The Teaching and Learning Committee is authorised to obtain independent professional advice if it considers this necessary.

9.3 **Duties**

The specific duties of the Teaching and Learning Committee shall be to:

- 9.3.1 monitor students' attainment and quality of learning;
- 9.3.2 ensure the curriculum offer is relevant and appropriate for all students;

- 9.3.3 advise the Governing Body on the Free School's curriculum statutory obligations;
- 9.3.4 review any proposals from the Head Teacher for changes to the Curriculum and to consider the implications for staffing;
- 9.3.5 contribute towards the review, revision and monitoring of the Free School's Development Plan;
- 9.3.6 review the policy and provision for collective worship and religious education and make recommendations to the Governing Body;
- 9.3.7 review the policy on charging for curriculum activities and make recommendations to the Governing Body;
- 9.3.8 review the policy and provision for Sex and Relationship Education and make recommendations to the Governing Body;
- 9.3.9 review any report from the SIP (School Improvement Partner) in relation to the teaching and learning of the Free School; and
- 9.3.10 report at least once a year to the board on the discharge of the above duties.

10. **DELEGATION TO OTHER COMMITTEES**

The Governing Body recognises that it may need to delegate duties to a committee other than the committees named above in due course, and shall need to amend this document accordingly.

DELEGATION OF POWERS TO OFFICERS OF THE FREE SCHOOL

11. **ACCOUNTING OFFICER**

- 11.1 The Academies Financial Handbook requires that the Head Teacher (or a Chief Executive if applicable) must be appointed as the Accounting Officer. The Free School must notify the Secretary of State of the name of the Accounting Officer. The Accounting Officer must have appropriate oversight of financial transactions by:
 - 11.1.1 ensuring that all the Free School's property is under the control of the Governing Body and measures are in place to prevent losses or misuse;
 - 11.1.2 maintaining a fixed asset register;
 - 11.1.3 ensuring that bank accounts, financial systems and financial records are operated by more than one person;
 - 11.1.4 keeping full and accurate accounting records; and
 - 11.1.5 preparing accruals accounts, giving a true and fair view of the Free School's use of resources in accordance with current accounting standards.
- 11.2 The Accounting Officer may delegate, or appoint others to assist in these responsibilities, for example to the Bursar/Business and Operations Manager. Within the framework of the Free School's development plan as approved by the Governing Body the Head Teacher

has overall executive responsibility for the Free School's activities including financial activities. Much of the financial responsibility has been delegated to the Bursar as Finance Director but the Head Teacher still retains responsibility for:

- 11.2.1 approving new staff appointments within the authorised establishment, except for any senior staff posts which should be approved by the Governing Body;
- 11.2.2 authorising contracts between £2,000 and £20,000 in conjunction with the Bursar;
- 11.2.3 authorising contracts above £20,000 in conjunction with the Bursar and with the approval of the Governing Body;
- 11.2.4 signing cheques up to £20,000 in conjunction with the Bursar or other authorised signatory. Two signatories are required on all cheques. Most payments are to be made by BACS, so cheques above £20,000 should be rare. Where a cheque is for an amount over £20,000, one of the signatories should be a non-executive Board member of the FRHSC.

12. **BURSAR**

12.1 The Bursar is the "Chief Financial Officer" for the purposes of the Academies Financial Handbook.

12.2 The main responsibilities of the Bursar are:

- 12.2.1 ensuring compliance with the Academies Financial Handbook;
- 12.2.2 day to day management of financial issues including the establishment and operation of a suitable accounting system;
- 12.2.3 the management of the Free School's financial position at a strategic and operational level within the framework for financial control determined by the Governing Body;
- 12.2.4 maintaining effective systems of internal control;
- 12.2.5 ensuring that the annual accounts are properly presented and adequately supported by the underlying books and records of the Free School;
- 12.2.6 preparing monthly management accounts;
- 12.2.7 authorising orders below £2,000
- 12.2.8 signing cheques up to £20,000 in conjunction with the Head Teacher or other authorised signatory; and
- 12.2.9 ensuring forms and returns are sent to the DfE and EFA (as applicable) in line with the timetable in the current guidance, signing such forms as necessary.

We hereby approve the New Islington Free School's Scheme of Delegation

Chair of Governors:

Print name: _____

Sign: _____

Date: _____

Head Teacher:

Print name: _____

Sign: _____

Date: _____

Bursar:

Print name: _____

Sign: _____

Date: _____