

APPENDIX TWO: BDAT LEVELS OF DELEGATION CHECKLIST June 2018



Key and color coding for main decision maker

- Level 1: The Trust Board (the company). NB. The CEO is also an ex-officio member of the BDAT Board and Trustee.
- Level 2: A BDAT Board committee: Finance and Audit Committee (FAC), Primary Committee, Secondary Committee.
- Level 3: The CEO of the Trust
- Level 4: Local Governing Body of the Academy
- Level 5: A named individual endorsed by the Trust
- Level 6: Executive Principal or Principal of the Academy

v : decision maker I : involved in decision

This document sets out the powers BDAT as the Trust delegate to Academy Local Governing Bodies (LGBs) and named people. The CEO, LGB, Board committee or Academy principal /Executive Principal may choose to delegate further powers as required. It should be remembered that although decisions may be delegated Trust Board remains responsible for any decision made under delegation and can de-delegate powers as needed.

Function	No	Tasks	Decision Level						Notes
			1	2	3	4	5	6	
Central Services	1.	To determine the scope of mandatory core central services to be delivered by the Company on behalf of its Academies.	√						These are set by the Board as per the “Terms of joining document” provided to all schools when considering joining the Trust and will be reviewed annually.
	2.	To identify those additional services to be procured on behalf of individual academies.		I		√			Decisions for individual academies rests with schools however in some instances decisions may be taken at primary or secondary committees to procure goods across schools.
	3.	To ensure centrally procured services provide value for money.					√		BDAT Finance Director and Operations Director.
Finance	4.	To determine the proportion of the overall Academy budget to be delegated to individual Academies.	√						Confirmed to LGB at the point of joining and will be reviewed annually to reflect core service offer.
	5.	To develop and propose the individual Academy budget, including the allocation and use of any ring-fenced resources.				√			Academy budget planning and spend is delegated to individual academies for all funding minus the retained central funds (see 4).
	6.	To approve the first formal budget plan each financial year and receive final end of year Education and Skills Funding Agency (ESFA) returns.	√	I				I	The Trust Finance Director will finalise end of year accounts for ESFA, checking and consolidating the figures provided from each Academy. The Trust FARC approves the budget which then is ratified by the full Board. See Trust finance reporting cycle.

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	7.	To monitor monthly expenditure - and account to the Company for value for money.		I		√		I	This will be the responsibility of the LGB – with the BDAT Finance Director also monitoring on behalf of BDAT and reporting to the Trust FARC.
	8.(a)	To approve any between budget changes or in-year budget movements between spend headings within the Academy budget which do not result in a budget overspend.				√			LGB do this within the limits set by the Company - as referred to in 6.3.5 of the Scheme of Delegation and Trust financial handbook changes must be reported to the Trust Finance Director to report to the Trust FARC.
	8. (b)	To approve any between budget or in-year budget movements between spend headings within the Academy budget which are likely to result in a budget overspend.		√		I	I		LGB to discuss change with Trust Finance Director and propose changes. FARC to authorise overspend.
	9.	To establish financial decision levels and limits.	√					I	As advised by the Trust Finance Director.
	10.	To establish a charging and remissions policy.				√			
	11	Miscellaneous financial expenditure outside and in addition to the agreed budget.		√					FARC must authorise overspends.
	12.	To enter into additional contracts which exceed the agreed annual budget allocation.				√			Initially limited to £10,000 or 20% of budgeted surplus without written agreement of the Trust.
	13.	To make payments within agreed financial limits.						√	Finance Director, Business Manager or equivalent within the Academy - and as agreed by LGB.

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Performance Management	14.	CEO appointment, performance management and dismissal.	√					√		Appointment by Board, Performance Management by Chair and another nominated Trustee.
	15.	To appoint and manage the Deputy CEO, Trust Finance Director and Operations Director.			√			√		CEO and a nominated Trustee.
	16.	To appoint and manage the Trust Education Directors.			√			√		CEO and a nominated Trustee.
	17.	To appoint, manage and dismiss any central Trust staff.			√			√		CEO and Line Manager.
	18.	Executive Principal, Principal and Head of School appointments, management and dismissals and agreement to release and appoint Acting Principal.	√							<p>CEO, Chairman of the Academy and any Exec Principal / Trust Education Director in place must be included as a member of the appointments/selection panel and decision panel agreeing to planned release/secondment.</p> <p>The Exec Principal will always be on a Head of school panel. Other LGB members and Trustees may be invited. Panels will normally be around 5 plus a Diocesan Advisor as required.</p> <p>The Board makes the final appointment.</p>

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	19.	Deputy and Assistant Principal appointments, Performance Management and dismissals (selection panel)				√	I	I	Trust Education Director, Chairman of the Academy and Principal must be included as a member of the appointments/selection panel and decision panel agreeing to planned release/secondment. The LGB makes the final appointment. The Chair of the LGB must always be informed immediately of a dismissal or suspension.
	20.	Appoint/dismiss and performance management of other teachers.				√		I	Principal/Headteacher or nominated representative must be a member of the appointment/selection panel. LGB pre-approves all staffing and budgets. The Chair of the LGB must always be informed immediately of a dismissal or suspension.
	21.	Appoint/dismiss and performance management of non-teaching staff.				√		I	Principal/Headteacher or nominated representative must be a member of the appointment/selection panel LGB pre-approves all staffing and budgets. The Chair of the LGB must always be informed immediately of a dismissal or suspension.
	22.	To ensure that an approved appraisal policy is in place.			√	√			
	23.	To secure the statutory appraisal of: <ul style="list-style-type: none"> Executive Principal 			√	√	√		Executive Principal: CEO, Education Director and Chair of LGB.

Function	No	Tasks	Decision Level						Notes
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		<ul style="list-style-type: none"> Principal Other staff 				√	√	√	Principal: Education Director and Chair of LGB. (Where there is an Exec Principal in place the Exec P will lead the appraisal of the Principal with the Trust Director instead of the CEO. See line management and Performance Management policy). All other staff: Principal and LGB.
	24.	To review annually the Academy appraisal policy.				√			
	25.	To manage school level complaints.				√		√	The Trust will only investigate complaints about schools when they have not been resolved at school level and the school has been found to either breach its funding agreement or has not followed its own complaints process. Complainants who are unhappy with responses but do not meet the above criteria should be referred to the ESFA as per the BDAT complaint policy.
	26.	To manage school level grievances.				√		√	Staff grievances should be routinely dealt with by the line manager in school with a final escalation point of the Head and Governing Body. In the case where the grievance is directly about the Head this should be referred to the CEO as per the grievance policy.

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Pay	27.	Agree a Trust pay policy and decision maker regarding adoption of pay rewards proposed by Nation Unions.	√			I		I	Trust to agree overall policy and pay rewards. LGB and Principal to implement in school.
	28. (a)	Pay discretions for all Principal/Exec Principals and Heads of School (or any school based staff member with a salary over £90,000).		√		I	I		FARC Remuneration committee to agree. LGB to recommend based on performance management and with advise of Trust Education Director and within agreed budget.
	28. (b)	Pay discretions for other Staff.				√		√	Principal to agree with LGB within agreed budget.
	28. (c)	Pay discretion for central Trust staff		√	I				FARC Remuneration committee to agree. CEO to recommend based on performance management and with advise of line manager and within agreed budget.
	29.	Determining dismissal payments/early retirement.	√		√	I		I	Trust to determine policy. CEO to be informed at outset. LGB and Principal to implement in school in line with allocated budget, as determined by Academies Financial handbook.
HR processes	30.	Establishing disciplinary/capability procedures.	√			I		I	Trust to agree overall policy. LGB and Principal to implement in school.

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	31.	Agreeing any out of normal process HR intervention.			√		√		The CEO (or operations director in their absence) must always be informed at the outset of any out of normal HR process and must be regularly informed. It is likely that the CEO may also inform the Chair of Trust.	
	32.	Determining Staff complement within agreed budget – including making provision for exceptional staff costs e.g. absence/ maternity/paternity payments.				√		√		
Curriculum and Standards	33.	To approve a curriculum policy.				√				
	34.	To develop and implement curriculum policy.						√		
	35.	Responsible for standards of teaching.						√		
	36.	Accountability for standards of teaching.	√					I	√	Main responsibility with Trust Education Director reporting to the Board.
	37.	Responsibility for individual child's education.						√	√	Principal and Trust Education Director, Accountable to LGB and Board.
	38.	Accountability for individual child's education.	√				√			Principal and Trust Education Director, Accountable to LGB and Board.

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	39.	Provision of sex education – to establish and keep up to date a written policy.				√			
	40.	To prohibit political indoctrination and ensuring the balanced treatment of political issues.				I		√	
	41.	To establish a charging and remissions policy for activities.				√			
Target Setting	42.	To propose targets for pupil achievement.					√	√	Principal with Trust Education Director.
	43.	To agree targets for pupil achievement.	√			√			
	44.	Responsibility for pupil outcomes.					√	√	Principal with Trust Education Director.
	45.	Accountability for pupil outcomes.		√		I	I	I	The Company are responsible to the Secretary of State for standards and pupil outcomes and delegate the monitoring of this to the primary and secondary committees. They will hold the LGB and Principal/Headteacher and Trust Education Directors accountable to them.
	46.	To establish a pupil discipline policy.	√			√			The LGB must ensure this is implemented.

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Exclusions	47.	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).				√			At the point of any decision to exclude the Head teacher must ensure a form EX1 or EX3 is sent to both the central Trust office and LA.
	48.	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in cases of urgency).				√			
	49.	To manage the appeal process for an exclusion.	√				√		Supported by the Trust Governance team.
Admissions	50.	To consult before setting an admissions policy.	√			√			The LGB will be responsible for consultation on changes to the admissions policy. The Trust Board must give its written approval for any changes to the admissions policy.
	51.	Admissions: to administer the admissions process in accordance with the policy and, as appropriate, procure an independent appeals process.				√			In accordance with the LA admissions facility.
	52.	To appeal against LA directions to admit pupil(s).	√			√			Although in practice the LGB and Headteacher/Principal would normally do this with the support of the Company.

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Religious Education	53.	Responsibility for ensuring provision of RE in line with school's basic curriculum.						√	
Collective Worship	54.	To ensure that all pupils take part in a daily act of collective worship (for Church schools only).						√	Parents have the right to withdraw their children from collective worship if notified to the Academy in writing. The Principal/Head Teacher must make appropriate provision if a parent exercises this right.
Premises & Insurance	55.	School insurance programme.		√				√	Inclusion within the Trust insurance policy. As considered necessary by the LGB additional insurance can be arranged chargeable to the school. Director of Operations to manage and account to FARC.
	56.	Asset management.		√				√	Director of Operations to coordinate and manage and account to FARC.
	57.	Developing school buildings strategy or master plan.				√			The LGB should take responsibility for producing and implementing a Premises Development Plan, liaising with the Trust Director of Operations as required.
	58.	To determine the allocation and prioritization of school conditions funding.		√				√	Director of Operations to coordinate and manage and account to FARC who will approve all awards.
	59.	Procuring and maintaining buildings, including developing properly funded maintenance plan.				√			

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	60.	To institute a health and safety policy.				√			
	61.	To ensure that health and safety regulations and safeguarding are followed.					√	√	Director of Operations and Principal.
	62.	To publish proposals to change category/phase and age range of the Academy.	√						The LGB can propose changes to the Board and must implement all required consultations.
	63.	To set the times of school sessions and the dates of school terms and holidays.				√		√	Any changes must be agreed in writing with the Trust.
	64.	To ensure that the school meets for 380 sessions in a school year.				√		√	
	65.	To decide the unexpected and unplanned school closures e.g. for snow or critical equipment breakdowns.						√	The Chair of the LGB and the Trust must be notified as soon as the decision to close is taken.
	66.	To prepare and publish the school prospectus.				√		√	
	67.	To ensure provision of free school meals to those pupils meeting the criteria.						√	
	68.	Adoption and review of home-school agreements.						√	

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	69.	To draw up governing documents and any amendments thereafter.	√			√			The Trust will approve; LGB to implement.
	70.	To appoint (and remove) the chair of the LGB.	√						
	71.	To appoint and dismiss the clerk to the LGB.	√						
	72.	To hold a full LGB meeting at least three times in an Academy year.				√			
	73.	To appoint and remove members of the LGB.	√				√		Named person jointly accountable is Chair of LGB.
	74.	To set up a Register of members' Business Interests.					√		Trust Governance Officer to ensure implementation.
	75.	To approve and set up a members and Trustees Expenses Scheme.	√						Trust Governance Officer to ensure implementation.
	76.	To discharge duties in respect of pupils with special needs by appointing a "responsible person".				√		√	
	77.	To consider whether or not to exercise delegation of functions (as allowable under Appendix 1 Sections 4 and 5) to committees or individuals.				√			The LGB may delegate to individuals functions already delegated to it by the Company so long as this does not breach the delegations set out in this document.
	78.	To regulate the LGB procedures (where not set out in law).					√		Trust Governance officer accountable to CEO and Board.

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	79.	To determine the development needs of governors and put in place an appropriate programme.				√	√		Trust Governance Officer.
	80.	To consider requests from other schools to join the Company.	√		√				Due diligence proposed to Board by CEO.
	81.	To decide to offer additional activities and to set out the form these should take.				√			
	82.	To put into place the additional services provided.				√			
	83.	To ensure delivery of services provided.					√		LGB to delegate delivery of services to named person (may be Head/Principal. Written arrangements must be put in place.
	84.	To cease providing extended school provision.				√			Must inform BDAT Board.
	85.	To develop a safeguarding policy in line with statutory requirements and best practice.				√			
	86.	To implement the governors safeguarding policy.						√	
	87.	Maintain accurate and effective and secure pupil records.						√	

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	88.	Maintain accurate and effective and secure employee records.						√	
	89.	Comply with all GDPR Data Protection legislation and good practice.					√	√	The Trust Director of Operations is the name Date Protection Officer (DPO) for the Trust. Each school has a local data protection coordinator responsible for managing data at the Academy and reporting concerns or breaches to the Head and Trust DPO. The Trust will produce all GDPR and Data policies and review these regularly. Each LGB should note the policies available and monitor compliance.
	90.	To determine, on an annual basis, those policies which will be developed by the Trust and be mandatory for all Trust Academies.			√		√		Trust Operations Director reporting to CEO.
	91.	To provide to the Company, on an annual basis, copies of all policies and procedures and a schedule for their review.				√	√	√	Trust Operations Director reporting to CEO.