

# Trust Governance and Scheme of Delegation

September 2019

## Content

This handbook sets out the Governance arrangements for The Prospect Trust (the Trust) and its academies. It summarises governance duties and responsibilities of each main body within the Trust.

It includes a detailed Scheme of Delegation, providing clarity around the role and responsibilities of the Trust Board versus those of Academy Quality Councils.

This document will be kept under regular review by the Trust Board and will evolve as the Trust matures and new academies join.

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## Introduction

The Prospect Trust wishes to allow participating Academies autonomy to maintain their name and reputation where appropriate.

These guidelines set out how Academies will operate within the discretion and control allocated to them. The Trust has the legal and moral right to vary any delegated powers allocated to an Academy where the Academy is not achieving its targets or meeting educational needs as required and set out by the Trust.

## 1. What is The Prospect Trust?

The Prospect Trust came into being in June 2017 as a multi-Academy trust. Its main purpose is to enable strategic collaboration between educational organisations in order to maintain and improve standards. It is an exempt charity.



### The Prospect Trust

is the dynamo at the core of an effective, efficient educational hub; supporting, enabling and driving excellence in all our Academies.

The Mission of the Trust is:



### Our Aim

is to provide outstanding education within a family of local Academies, focusing clearly on excellent, innovative teaching, learning and pastoral care for all learners.

The Trust's **core values** are these:

- **Partnership** working together we can deliver better, and more effectively, than working alone
- **Restlessness** the current state is never good enough
- **Trust** open and transparent in everything we do
- **Quality** aspire to be the best in everything we do

In the early years of operation, the Trust's **strategic priorities** are to:

1. **Provide a dynamic, innovative approach to raising standards** and performance locally
2. **Improve progression opportunities** and smooth cliff edges at the transition points between primary, secondary and tertiary phases
3. **Enable closer working within Trust academies** to maximise the value of our combined physical and human resources
4. **Embed and grow a collaborative culture** to improve the educational prospects of the learners in our community
5. **Raise aspirations, ambition and achievement** by utilising experience and talent from within the Trust
6. **Inspire a new generation of teachers** providing professional development opportunities

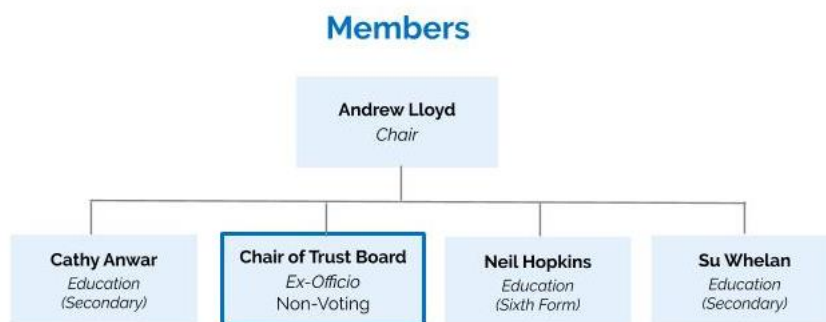
- that are second to none
7. **Closer partnership, collaboration and engagement** with other local educational, business and community providers
  8. **Create a business model** for operation which is **cost-effective and sustainable**

## 2. Governance

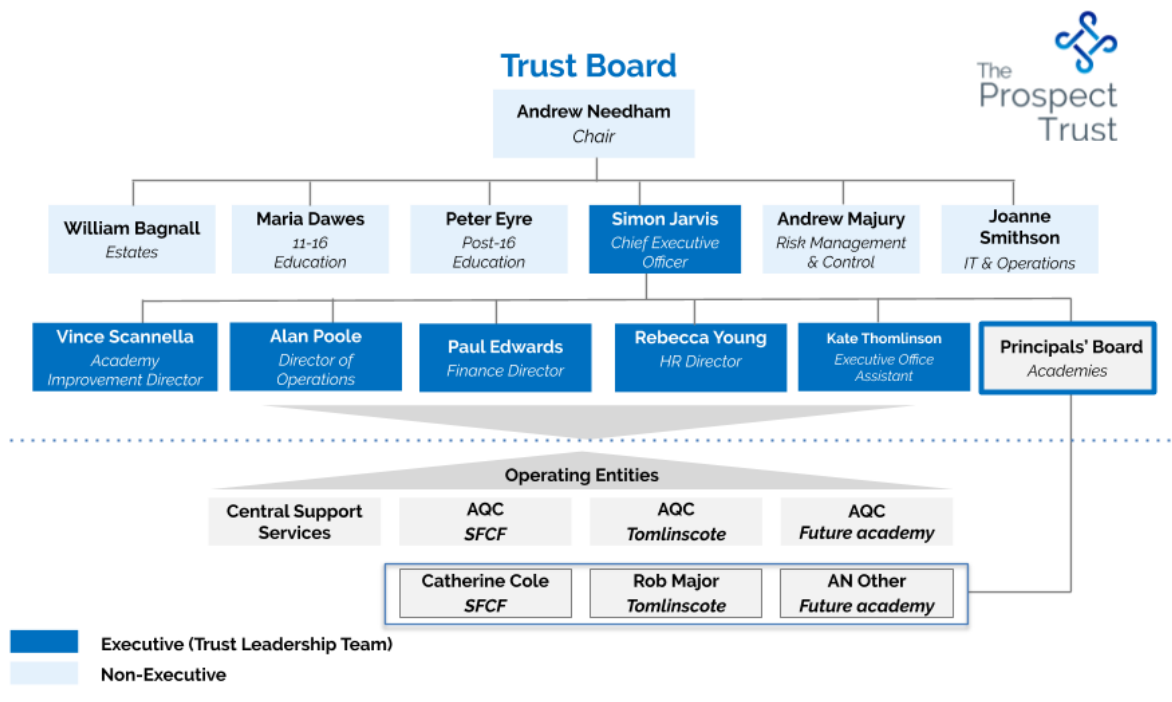
### The governance structure of The Prospect Trust

Trustees recognise that the Membership and Trust Board do not yet reflect an ideal balance of gender and ethnicity. Over time and ideally within the first 2 to 3 years of operation, it is our intention to redress this imbalance to better reflect the diversity of the communities served by the Trust. The composition of the Trust Board will also change over the same timescale to provide greater independence from Trust Academies.

### Members



### Trust Board



### 3. Trust Members

#### Key Responsibilities

- Approve the Trust's Articles of Association
- Approve the Trust Board's Constitution and its Terms of Reference
- Appoint and remove Trustees including the Chair
- Appoint new Members in conjunction with Trust Board input
- Oversee the effectiveness of the Trust governance structure
- Call the AGM
- Appoint and remove the Trust's external auditors and receive the Trust's audited annual accounts
- Can wind up the Trust if considered necessary

#### Key Characteristics

- The guardians of the ethos and effectiveness of the Trust
- A hands-off role providing oversight and challenge
- No fiduciary duties i.e. no legal obligation to act for someone else's benefit
- The financial liability of each Member is limited to £10
- There is intended to be a maximum of five Members

#### Other Matters

- Members will meet at least once (the AGM) per academic year
- The quorum for a meeting is 3 Members either in person or by proxy
- Members will remain in post until they resign, are removed from post or unable to continue as a Member as detailed in the Articles of Association
- Any Member can attend Trust Board meetings as an observer

### 4. Trust Board

#### Key Responsibilities

- Determine the mission, ethos and key strategic priorities of the Trust
- Ensure compliance with all policies, and statutory requirements
- Exercise fiduciary responsibility and accountability for the Trust and all of its academies
- Establish the Annual and Three Yearly Development Plans for the Trust
- Receive Annual Quality Improvement Plans for each individual Academy in the Trust
- Determine the Scheme of Delegation for each Trust Academy annually
- Review and determine targets for learner achievement for the Trust and for each Academy
- Approve the budgets for each Academy linked to the Annual and Three Yearly Development Plans
- Approve a Curriculum Plan for the Trust (and for each Academy if required)
- Appoint all Trust senior post holders including Academy Principals and the Trust Leadership team
- Approve the pay structure for staff in the Trust
- Review the performance of the Trust CEO and agree his/her remuneration
- Review the performance of the Principal of each Academy in conjunction with the chair of its AQC

- Recommend to Members appointment and removal of Trustees
- Define the TORs for each sub-committee of the Trust Board including AQCs
- Appoint the Chair and Vice Chair of each AQC on the recommendation of its councillors
- Oversee Trust operations, ensure assets are protected and that it remains solvent
- Hold the CEO to account
- Specific statutory duties defined in Companies Act 2006 and Charity Law

### **Key Characteristics**

- Trustees recruited on basis of Trust Board skills and experience matrix
- Additional Trustees can be co-opted by the Board if additional skills needed
- Trustees may be liable for negligence if not acting honestly and reasonably

### **Other Matters**

- Term of office: 4 years for Trustees (staggered at start) and can be reappointed up to a maximum of three terms
- Quorum: three Trustees or, where greater, one third of Trustees in post
- Removal of a Trustee or Chair: requires a quorum of two thirds of Trustees in post

## **5. Academy Quality Councils**

### **Key Responsibilities**

- Hold the Academy Principal to account for the Academy's performance with strong focus on learner achievement
- Ensure that the Academy
  - Operates in support of the mission and ethos of the Trust
  - Contributes to the Trust's key strategic priorities
  - Complies with the Scheme of Delegation set by the Trust Board
- Approve the Academy's annual Quality Improvement Plan (prepared by the Academy Principal) for agreement by the Trust Board
- Monitor progress against agreed performance targets for the quality of teaching and learning, attendance and behaviour
- Engage with wider Academy activities as a means of monitoring overall quality
- Safeguarding of learners and staff
- Deal with any appeals regarding learner exclusion or staff disciplinary matters as appropriate

### **Key Characteristics**

- A critical advisory committee to the Trust Board with no specific legal status
- Meets on average four times per year
- Ideally ten to twelve people (councillors) including stakeholder representatives e.g. parents, staff, learners and the local community
- Works to levels of authority delegated from and agreed with the Trust Board. These may vary by Academy and over time depending on local circumstances
- Trust Board members may attend AQC meetings
- Recommend appointment of AQC Chair and Vice Chair for approval by the Trust Board

- AQC members (other than parents, staff and learners where applicable) are appointed or removed by the Trust Board

### **AQC Chair – Key Responsibilities**

- Encourage all councillors to fully participate in AQC meetings and training sessions as required
- Ensure that the AQC complies with the Trust's Scheme of Delegation
- Hold the Academy Principal to account
- Attend Trust Board meetings with Academy Principal as required and represent the views of the AQC
- Contribute to the appraisal of the Academy Principal
- Develop an effective working relationship with the Principal and senior staff through regular communication between meetings

## **6. Scheme of Delegation**

The sections below outline the accountabilities of the Trust Board and the responsibilities which have been delegated to the Academy Quality Council (AQC).

The Scheme of Delegation will be tailored to each Trust Academy and reviewed at least annually by the Trust Board.

The Scheme of Delegation below covers the following sections:

- a) Vision, mission and values**
- b) Academy performance and quality improvement**
- c) Governance**
- d) Teaching and learning**
- e) Safeguarding**
- f) Learner behaviour and welfare**
- g) Finance**
- h) Estates**
- i) Health and safety**
- j) Data protection**
- k) HR and staffing**
- l) Admissions**
- m) Complaints**
- n) Ofsted**
- o) Stakeholder engagement**

## Scheme of Delegation

### a) Vision, values and mission of the Trust

Trust Board:	AQC:
<ul style="list-style-type: none"> <li>Accountable for setting and delivering the vision, values and strategic plans for the Trust along with financial projections</li> <li>Considers, approves and monitors to ensure new academies are suited to joining the Trust</li> <li>Accountable for delivering the benefits of collaboration across the Trust</li> </ul>	<ul style="list-style-type: none"> <li>Contribute to the development and review of the Trust's vision, mission and values, and implement it locally</li> <li>Develop and implement the Academy's own vision, values and mission to be consistent with those of the Trust</li> <li>Responsible for ensuring the Academy contributes to, and benefits from, collaboration across the Trust</li> </ul>

### b) Academy performance and quality improvement

Trust Board:	AQC:
<ul style="list-style-type: none"> <li>Accountable for the quality improvement plans (QIPs) set by the AQC for each Academy</li> <li>Approve QIPs and reviews progress against targets</li> <li>Accountable for the setting, and achievement, of targets for the Trust and each Academy</li> <li>Accountable for ensuring rigorous analysis of learner progress and attainment across the Trust</li> <li>Accountable for setting learner performance targets for Academies across the Trust</li> </ul>	<ul style="list-style-type: none"> <li>Responsible for setting and delivering the Academy's QIP, in line with the Trust strategic plan, and monitors progress</li> <li>Responsible for identifying and monitoring the progress of priority departments in the Academy; considers and reports to the Trust on progress</li> <li>Consulted on the setting of the Academy's targets</li> <li>Accountable for achievement of the Academy targets</li> <li>Develop, implement and report on Academy progress to the Trust</li> <li>Responsible for analysing learner progress and attainment data in order to improve performance and meet the Academy targets for all learners</li> <li>Develop, implement and report on Academy progress to the Trust</li> </ul>

### c) Governance

Trust Board:	AQC:
<ul style="list-style-type: none"> <li>Accountable for the setting of Trust wide policies where appropriate and the monitoring of their implementation across the Trust</li> <li>Accountable for the maintenance of the Trust and Members registers of interests</li> <li>Establish sub-committees and AQCs as needed</li> <li>Approve AQC Chairs and members</li> <li>Approve governance delegation framework including annual review of Scheme of Delegation</li> <li>Accountable for the Trust Risk Register</li> <li>Accountable for the regular self-evaluation of the governance of the Trust including the Board, the AQCs and committees including skills audits where needed</li> </ul>	<ul style="list-style-type: none"> <li>Responsible for the Academy's implementation and adherence to Trust policies</li> <li>Accountable for setting local Academy policies and procedures where appropriate</li> <li>Ensure election of parent, staff and student members of the AQC</li> <li>Appoint link Councillors for Safeguarding</li> <li>Implement and ensure the Academy operates within the terms of the Scheme of Delegation</li> <li>Implement delegated responsibilities as per the Scheme of Delegation</li> <li>Responsible for self-evaluation activities relevant to the performance of the AQC including skills audits</li> </ul>

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## d) Teaching and learning

Trust Board:	AQC:
<ul style="list-style-type: none"> <li>Accountable for setting the expectations for teaching and learning across the Trust, including the curriculum</li> <li>Accountable for the provision of a wide, balanced and cultural education to learners within the Trust preparing them for life beyond the Academy</li> <li>Review and approve plans and monitor progress</li> <li>Accountable for the quality of teaching across the Trust</li> <li>Accountable for setting relevant policies for teaching across the Trust including the provision for vulnerable learners</li> <li>Accountable for creating a culture of collaborative self-evaluation and continuous improvement across the Trust including subject/Academy reviews as required</li> </ul>	<ul style="list-style-type: none"> <li>Monitor the quality of teaching and learning across the Academy in line with the Trust's expectations</li> <li>Consider, recommend approval of significant changes to the curriculum, evaluate effectiveness and report on progress</li> <li>Responsible for the promotion of British values and provision of social, cultural, mental and physical development for Academy learners</li> <li>Ensure the Academy provides independent careers information advice and guidance</li> <li>Responsible for the outcomes and the monitoring of the performance of vulnerable learners in the Academy</li> <li>Responsible for the monitoring and analysing the Academy self-evaluation activities ensuring actions link to the Academy QIP</li> </ul>

## e) Safeguarding

Trust Board:	AQC:
<ul style="list-style-type: none"> <li>Accountable for setting safeguarding procedures and the Child Protection Policy for the Trust having regard for the Prevent Duty statutory guidance</li> <li>Responsible for determining Trust procedures for safer recruitment of staff and undertaking an annual safeguarding audit of safer recruitment procedures</li> <li>Accountable for maintaining the Single Central Register for the Trust</li> <li>Accountable for coordinating the annual safeguarding audit for the Trust</li> <li>Accountable for compliance with relevant Equality and Diversity legislation</li> </ul>	<ul style="list-style-type: none"> <li>Implement and monitor all safeguarding and child protection procedures including the Prevent Duty</li> <li>Responsible for undertaking an annual safeguarding audit of the Academy</li> </ul>

## f) Learner behaviour and welfare

Trust Board:	AQC:
<ul style="list-style-type: none"> <li>Accountable for setting the expectations for learner behaviour and welfare through the strategic vision</li> </ul>	<ul style="list-style-type: none"> <li>Accountable for monitoring the relevant behaviour and discipline policies for the Academy</li> <li>Accountable for monitoring attendance figures and those relating to learner welfare</li> </ul>

## g) Finance

Trust Board:	AQC:
<ul style="list-style-type: none"><li>● Accountable for determining the level of funding with the DfE/ESFA and for meeting budget targets</li><li>● Accountable for the approval and submission of the final budget and statutory accounts for each Academy to the ESFA</li><li>● Approve annual accounts</li><li>● Approve Trust financial strategy and budget</li><li>● Approve 3 year financial forecasts</li><li>● Approve financial procedures</li><li>● Responsible for setting overall budget parameters and finance KPIs for the Trust and for each Academy</li><li>● Responsible for the receiving of termly budget accounts and monitoring the performance of the Academies in line with this and the KPIs, taking action as required within the delegated limits set by the budgets</li><li>● Responsible for achieving efficiency and value for money across the Trust using collaboration and benchmarking where needed</li><li>● Accountable for ensuring adherence across the Trust to the Academies Financial Handbook and other statutory requirements</li><li>● Accountable for the setting of the Trust-wide charging procedures</li><li>● Responsible for monitoring the implementation of the budget for disadvantaged learners across the Trust Academies</li><li>● Oversee, review and approve audit reports</li></ul>	

## h) Estates

Trust Board:	AQC:
<ul style="list-style-type: none"><li>● Accountable for agreeing all capital building projects for the Trust</li><li>● Approve expenditure and development plans</li><li>● Oversees planned maintenance programme (PMP) for the Trust estate</li><li>● Accountable for the environmental standards across the Trust</li></ul>	

## i) Health and safety

Trust Board:	AQC:
<ul style="list-style-type: none"><li>Accountable for Health and Safety (H&amp;S) across the Trust, determines the Health and Safety policy and monitors its implementation across the Trust Responsible for the implementation of an annual health and safety audit and the actions required</li><li>Implement policy and reports on performance</li><li>Accountable for ensuring that there are Disaster Recovery and Critical Incident plans in place in each Academy in the Trust</li><li>Accountable for the safety of all staff and learners on Academy trips</li></ul>	<ul style="list-style-type: none"><li>Responsible for compliance with the Trust H&amp;S policy and determining the local Academy procedures as required</li></ul>

## j) Data protection

Trust Board:	AQC:
<ul style="list-style-type: none"><li>Accountable for Trust compliance with data protection legislation</li></ul>	

## k) HR and staffing

Trust Board:	AQC:
<ul style="list-style-type: none"><li>Accountable, as the employer, for all staff across the Trust and acts as the ultimate body of appeal for HR issues</li><li>Oversee staffing structures and determining Trust salary and rewards framework</li><li>Appoint Trust CEO, members of the Trust leadership team and Academy Principals</li><li>Approve performance management framework for CEO and Trust leadership team and Academy Principals</li><li>Approve performance management framework</li><li>Approve remuneration of above based on evaluation of performance</li><li>Responsible for monitoring the recruitment and retention of staff across the Academies</li><li>Responsible for monitoring the quality of training and development for all staff in the Academies</li><li>Responsible for the appointment of the Principal of the Academy</li><li>Responsible via the CEO for the appraisal and pay award for the Principal of each Academy</li><li>Responsible, along with the CEO and Academy Principal, for the appointment of members of the leadership teams and other senior staff</li><li>Accountable for the adherence to Trust wide HR policies and UK legislation Responsible for the development of Trust-wide HR policies</li></ul>	<ul style="list-style-type: none"><li>Responsible for monitoring the effect on the quality of teaching and learning of staff recruitment, retention and CPD in the Academy</li><li>Consulted on the appointment of the Principal of the Academy</li><li>Consulted on the appointment of members of the leadership team and other senior staff</li></ul>

## l) Admissions

<b>Trust Board:</b>	<b>AQC:</b>
<ul style="list-style-type: none"> <li>Accountable for determining an Admissions policy for each Academy in the Trust</li> <li>Responsible for monitoring admissions trends across the Trust</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring the Academy's admission arrangements operate within Trust and statutory guidelines</li> </ul>

### m) Complaints

<b>Trust Board:</b>	<b>AQC:</b>
<ul style="list-style-type: none"> <li>Accountable for determining a Trust wide complaints policy</li> <li>Accountable for monitoring the frequency and nature of any complaints across the Trust</li> </ul>	<ul style="list-style-type: none"> <li>Responsible for ensuring that the Trust's complaints policy is implemented within the Academy</li> <li>Responsible for monitoring the frequency and nature of any complaints across the Academy</li> </ul>

### n) Ofsted

<b>Trust Board:</b>	<b>AQC:</b>
<ul style="list-style-type: none"> <li>Accountable for representing the Trust at any relevant meetings during an Ofsted inspection</li> <li>Accountable for ratifying any action plan following an Ofsted inspection</li> </ul>	<ul style="list-style-type: none"> <li>Responsible for understanding the Ofsted framework and representing the AQC during an inspection</li> <li>Responsible for implementing the action plan for the Academy following any Ofsted inspection</li> <li>Responsible for ensuring that parents are informed of any Ofsted inspection and receive any necessary follow up reports afterwards</li> </ul>

### o) Stakeholder engagement

<b>Trust Board:</b>	<b>AQC:</b>
<ul style="list-style-type: none"> <li>Accountable for ensuring that meaningful engagement takes place across the Trust with stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Responsible for the ensuring the provision of opportunities for parents, staff, learners and local community to engage with the Academy</li> </ul>

## Main Trust Board and Academy Quality Council responsibilities - summative overview

Responsibility	Trust Board	Academy Quality Councils
<b>Vision, values and mission of the Trust</b>	<ul style="list-style-type: none"> <li>Set the vision, values and mission of the Trust and its overall strategic direction in conjunction with Trust Academies and their Academy Quality Councils</li> </ul>	<ul style="list-style-type: none"> <li>Contribute to the development and review of the Trust's vision, mission and values, and implement it locally</li> <li>Develop and implement the Academy's own vision, values and mission to be consistent with those of the Trust</li> </ul>
<b>Expansion of Trust</b>	<ul style="list-style-type: none"> <li>Consider, approve and monitor expressions of interest to ensure new academies are suited to joining the Trust</li> </ul>	
<b>Accountability</b>	<ul style="list-style-type: none"> <li>Establish sub-committees and AQC's as needed</li> <li>Approve Chairs and AQC members</li> <li>Approve governance delegation framework including annual review of Scheme of Delegation</li> </ul>	<ul style="list-style-type: none"> <li>Implement delegated responsibilities as per the Scheme of Delegation</li> <li>Ensure election of parent and staff members of AQC's</li> </ul>
<b>Scheme of Delegation</b>	<ul style="list-style-type: none"> <li>Establish and approve Scheme of Delegation</li> </ul>	<ul style="list-style-type: none"> <li>Implement and ensure Academy operates within terms of Scheme of Delegation</li> </ul>
<b>Policies</b>	<ul style="list-style-type: none"> <li>Approve Trust-wide policies</li> </ul>	<ul style="list-style-type: none"> <li>Implement Trust-wide policies</li> <li>Approve Academy specific policies not delegated to Academy Principal</li> </ul>
<b>Annual performance targets</b>	<ul style="list-style-type: none"> <li>Review Trust performance, set targets and monitor progress</li> </ul>	<ul style="list-style-type: none"> <li>Implement and report on Academy progress to the Trust</li> </ul>
<b>Quality Improvement Plans and self-evaluation reports</b>	<ul style="list-style-type: none"> <li>Approve Quality Improvement Plans and review progress against targets</li> </ul>	<ul style="list-style-type: none"> <li>Consider and report to Trust on progress</li> <li>Monitor Academy development plan and review progress reports</li> </ul>
<b>Safeguarding and child protection</b>	<ul style="list-style-type: none"> <li>Set policy and monitor compliance</li> <li>Appoint Safeguarding lead Trustee</li> </ul>	<ul style="list-style-type: none"> <li>Implement and monitor all safeguarding and child protection procedures</li> <li>Appoint link Councillors for Safeguarding</li> </ul>

Responsibility	Trust Board	Academy Quality Councils
<b>Curriculum</b>	<ul style="list-style-type: none"> <li>Accountable for setting the expectations for teaching and learning across the Trust, including determination of the curriculum</li> <li>Accountable for setting relevant policies for teaching across the Trust including the provision for vulnerable learners and disadvantaged learners</li> </ul>	<ul style="list-style-type: none"> <li>Consider, recommend approval of significant changes to the curriculum, evaluate effectiveness and report on progress</li> </ul>
<b>Financial strategy, accounts and reporting</b>	<ul style="list-style-type: none"> <li>Approve annual accounts</li> <li>Approve Trust financial strategy and budget</li> <li>Approve three year financial forecasts</li> <li>Approve financial procedures</li> </ul>	
<b>Risk management, audit and control</b>	<ul style="list-style-type: none"> <li>Oversee, review and approve audit reports</li> <li>Appoint internal auditors and agree plan for activity across the Trust</li> </ul>	
<b>Estates and IT strategies</b>	<ul style="list-style-type: none"> <li>Approve expenditure and development plans</li> </ul>	<ul style="list-style-type: none"> <li>Implement and report on progress</li> </ul>
<b>Health and Safety</b>	<ul style="list-style-type: none"> <li>Set policies and review performance</li> </ul>	<ul style="list-style-type: none"> <li>Implement policy and report on performance</li> <li>Report on breaches to the Trust Executive</li> </ul>
<b>Staffing - senior staff (Trust CEO and Academy Principals)</b>	<ul style="list-style-type: none"> <li>Appoint Trust CEO, members of the Trust Executive and Academy Principals</li> <li>Approve performance management framework</li> <li>Approve remuneration of above based on evaluation of performance</li> </ul>	
<b>Staffing - all other staff</b>	<ul style="list-style-type: none"> <li>Oversee staffing structures</li> <li>Determine Trust salary and rewards framework</li> </ul>	<ul style="list-style-type: none"> <li>Ensure implementation of performance management framework and pay policy and report on progress</li> <li>Evaluate staffing structures and professional development</li> </ul>
<b>Admissions, exclusions, complaints, disciplinary, grievance</b>	<ul style="list-style-type: none"> <li>Oversee, develop, approve and monitor Trust policies</li> </ul>	<ul style="list-style-type: none"> <li>Implement policies</li> <li>Approve in-year admissions</li> </ul>

## 7. Trust Advisory Forum

### **Key Responsibilities**

- A general feedback forum to enable the Trust Board to understand how the Trust is working as a whole

### **Membership**

- Open to all Members, Trustees and Councillors plus Principals from all Trust Academies; meets annually
- Chaired by the Chair of Trust Board

## 8. Principals' Board

### **Key Responsibilities**

- Promote the Trust within the education sphere and profession
- Advise the CEO on strategy for Academies within the local and national context
- Identify effective strategies for Trust improvement to improve outcomes for learners
- Ensure that policies and procedures are adhered to consistently across the Trust
- Challenge and support each other in the delivery of the Trust Mission
- Share good practice across all areas of the Trust's remit
- Ensure value for money is achieved by working together to procure goods and services as a group where possible and appropriate
- Ensure the group offer the capacity to cover for absence, sickness, vacancies and so on
- Comply with the accountabilities demanded by the Trust Board

### **Membership**

- The Trust CEO, Academy Principals (plus SLT from each Trust Academy as required)
- The meetings will held be at least half termly and be chaired by the CEO