



SCHEME OF DELEGATION

EFFECTIVE DATE: 19 November 2020

1. INTRODUCTION

- 1.1 As a charity and company limited by guarantee, Hammersmith Academy (the “Academy”) is governed by a Board of Governors (the “Governors”) who are responsible for, and oversee, the management and administration of Hammersmith Academy.
- 1.2 The Governors are accountable to external government agencies including the Charity Commission and the Department for Education (including any successor bodies) for the quality of the education they provide and they are required to have systems in place through which they can assure themselves of quality, safety and good practice.
- 1.3 This Scheme of Delegation explains the ways in which the Governors fulfil their responsibilities for the leadership and management of the Academy and the respective roles and responsibilities of the Governors to ensure the success of the Academy.
- 1.4 This Scheme of Delegation has been put in place by the Governors from the Effective Date in accordance with the provisions of the Company’s Articles of Association (the “Articles”) and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles.
- 1.5 Details of the current governance structure can be found in appendix 1.

2. GOVERNORS’ POWERS AND RESPONSIBILITIES

- 2.1 The Governors have overall responsibility and ultimate decision-making authority for Hammersmith Academy. This is largely exercised through

strategic planning and the setting of policy. It is managed through business planning, monitoring of budgets, performance management, the setting of standards and the implementation of quality management processes. The Governors have the power to direct change where required.

- 2.2 The Governors have a duty to act in the fulfilment of the Company's objects.
- 2.3 Article 87 provides for the appointment by the Governors of committees to whom the Governors may delegate certain of the functions of the Governors. This might include temporary committees, established to deal with specific matters.
- 2.4 The constitution, membership and proceedings of the Governing Body are determined by the Articles of Association.

3. **DELEGATED POWERS**

3.1 **General Provisions**

- 3.1.1 In general terms, the responsibility of the Governors in so far as the business of the Academy is concerned is to determine the policy and procedures of the Academy and to consider and respond to strategic issues.
- 3.1.2 The Governing Body shall have the following powers, namely:
 - 3.1.2.1 to expend certain funds of the Company, subject to the limitations of clause 5.3 of the memorandum of association, in such manner as the Governing Body shall consider most beneficial for the achievement of the Object in so far as it relates to the Academy and to invest in the name of the Company such part of the funds of the Company for which it has responsibility pursuant to this Scheme of Delegation as it may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the Object; and
 - 3.1.2.2 to enter into contracts on behalf of the Academy.
- 3.1.3 In the exercise of its powers and functions, the Governing Body may consider any advice given by the Headteacher.

3.1.4 Any bank account in which any money of the Academy is deposited shall be authorised by the Governing Body. Similarly, the closure of any bank account must be authorised by the Governing Body. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Governing Body.

3.2 **Ethos and Values**

3.2.1 The Governing Body shall be responsible for ensuring that the Academy is conducted in accordance with its ethos and values.

3.2.2 At all times, the Governing Body shall ensure that the Academy is conducted in accordance with any agreement entered into with the Secretary of State for the funding of the Academy.

3.3 **Finance**

3.3.1 In acknowledgement of the receipt by the Governors of funds in relation to the Academy; provided by the Secretary of State, donated to the Company and generated from the activities of the Company, the Governing Body has the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy.

3.3.2 The accounts of the Company shall be the responsibility of the Governors but the Director of Finance & Resources shall provide such information about the finances of the Academy as often and in such format as the Directors shall reasonably require.

3.3.3 The Governing Body shall set and approve a financial budget on an annual basis. This will be completed by the end of June of the previous academic year, or six weeks after receipt of the final funding letter, if this is received after 30 June. The Governing Body cannot approve a budget which would result in the Academy's general reserves going into deficit without the prior agreement of the Secretary of State.

3.3.4 The Governing Body shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the

Academies Financial Handbook are observed at all times as well as any requirements and recommendations of the Secretary of State

- 3.3.5 The Headteacher shall inform the Governors of any need for significant unplanned expenditure and will discuss with the Governors (and others as the Governors shall require) options for identifying available funding.
- 3.3.6 The Governing Body shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy.

3.4 **Procurement**

- 3.4.1 The Financial Procedures manual details the various levels beyond which the Academy requires Governor approval. Currently the Finance Committee must approve any expenditure on an item or contract award over £50,000, while expenditure at £100,000 and above, requires Governing Body approval. Approval may form part of a broader budget, provided the specific item is clearly identifiable within the approved budget plan.
- 3.4.2 The Financial Procedures Manual also requires the use of a tender process, and as per clause 3.4.1, this requires the involvement of Governors if the expenditure is over £100,000 annually.
- 3.4.3 The Asset Disposal Policy details the responsibilities that the Governors have towards the disposal of any assets. Governors must approve the disposal of any asset for which £5,000 or more was paid, and which is not fully depreciated at the time of disposal (5 years for furniture, equipment and motor vehicles or 3 years for ICT equipment). Governors must ensure that the best possible value is obtained from the disposal.
- 3.4.4 Approval is required from the Secretary of State before the sale, or disposal by other means, of an asset for which a capital grant in excess of £20,000 was paid.

3.5 Premises

- 3.5.1 Subject to and without prejudice to clauses 3.5.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities.
- 3.5.2 The Governing Body shall in conjunction with the Director of Finance and the Facilities Manager consider the suitability of building and facilities in light of long-term curriculum needs and the need for and availability of capital investment to meet the Governing Body's responsibility to ensure the buildings and facilities are maintained to a good standard, and ensure plans are in place to meet those needs.
- 3.5.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Governors, subject to approval from the Secretary of State.
- 3.5.4 Insuring the land and buildings used by the Academy will be the responsibility of the Governors.

3.6 Resources

3.6.1 Headteacher

- 3.6.1.1 The Governors shall appoint the Headteacher; Deputy Heads and Director of Finance & Resources. The Governing Body may delegate such powers and functions as they consider are required by the Headteacher for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Governing Body and for the direction of the teaching and curriculum at the Academy).

3.6.2 Other Staff

- 3.6.2.1 The Headteacher shall be responsible for the appointment and management of all other staff to be employed at the Academy provided that the Headteacher shall:
 - 3.6.2.1.1 comply with all policies dealing with staff issued by the Governors from time to time;

- 3.6.2.1.2 comply with the agreed annual staff structure;
 - 3.6.2.1.3 take account of the pay terms set by the Governors;
 - 3.6.2.1.4 take account of the Pay Committee's responsibilities as set out in the Terms of Reference and in the Pay Policy;
 - 3.6.2.1.5 adopt any standard contracts or terms and conditions for the employment of staff issued by the Governors;
 - 3.6.2.1.6 manage any claims and disputes with staff members having regard to any advice and recommendations given by the Governors.
- 3.6.2.2 The Governing Body shall approve any adjustments to the annual staffing structure.
- 3.6.2.3 The Governing Body shall carry out the performance review of the Headteacher and shall put in place procedures for the proper professional and personal development of all staff. The Pay Policy provides further detail of the responsibility that the Governing body have towards the performance review of the senior leadership team.
- 3.6.2.4 The Chair of Governors, or in his absence, a nominated deputy, must approve the commencement of any formal capability or disciplinary procedure. All procedures must then follow the Academy guidelines, which include an appeals procedure in every case.

3.6.3 **All Staff**

- 3.6.3.1 The Governing Body must approve any amendments to the staff terms and conditions. It is recommended that those changes which impact financially should be brought before the Finance Committee and those that impact working conditions e.g. hours of work, should be brought before the

Curriculum Committee, before approval at the Full Governing Board.

3.7 Curriculum and Standards

- 3.7.1 The Headteacher shall be responsible for the setting and review of the curriculum but shall have regard to any views of the Governors in recognition of the Governors' obligation to the Secretary of State to provide a broad and balanced curriculum.
- 3.7.2 The Headteacher shall be responsible for the standards achieved by the Academy and the pupils attending the Academy.
- 3.7.3 The Governing Body shall be responsible for the setting and review from time to time of the Academy's admissions policy provided that no change will be made to the admissions criteria without the written consent of the Secretary of State.

3.8 Extended Schools and Business Activities

- 3.8.1 Whilst the undertaking of any activities which would be described as part of the Academy's "extended schools agenda" or any activities designed to generate business income, would be the responsibility of the Headteacher, this shall only be undertaken in a manner consistent with any policy set by the Governors, and having regard to the viability of such activities, the impact on the Academy's activities and any financial implications.

3.9 Regulatory Matters

- 3.9.1 The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Governors but the Headteacher shall do all such things as the Governors may specify as being necessary to ensure that the Company is meeting its legal obligations.

3.10 Academy Day

- 3.10.1 The Governing Body must approve any changes to the Academy day, except for temporary early closures (e.g. due to snow, end of term), where the Chair of Governors, or in his absence, a nominated deputy, can agree the change.

3.10.2 The Governing Body have the responsibility on an annual basis to set the term dates, subject to the restrictions and guidelines set out by the Secretary of State.

3.11 Uniform

3.11.1 The Governing Body has the responsibility to approve any material changes to the Academy uniform.

4. OPERATIONAL MATTERS

4.1 The Governors have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Company and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.

4.2 The Governing Body will review its policies and practices on a regular basis, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

4.3 The Headteacher shall provide such data and information regarding the business of the Academy and the students attending the Academy as the Governors may require from time to time.

4.4 The Headteacher shall work closely with and shall promptly implement any advice or recommendations made by the Governors in the event that intervention is either threatened or is carried out by the Secretary of State and the Governors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Headteacher under this Scheme of Delegation in such circumstances.

5. ANNUAL REVIEW

5.1 This Scheme of Delegation shall operate from the Effective Date. It is based on the framework Scheme of Delegation that was put in place on the incorporation of the Company and attached to Company's first Articles of Association.

5.2 The Directors will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it.

5.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Governors will have regard to and give due consideration of any views of the Headteacher.

Appendix 1

Governance structure

Hammersmith Academy currently has a board of 16 governors.

Eight of the governors are from the Academy's sponsor organisations, four from the Mercers' Company and four from the Worshipful Company of Information Technologists. Currently, the governing body also includes six community governors, one parent governor, and one from the local authority. The Headteacher is not a governor.

The governing body is organised into four sub-committees, which undertake delegated work on behalf of the full board. The sub-committees are

- Curriculum;
- Pay;
- Finance, Audit and Estates; and
- Endowment and Reserves.

As and when required, additional sub-committees are convened on a temporary basis to help formulate policy and provide strategic guidance in addressing particular issues that the Academy is facing. These have included to date:

- Curriculum Funding
- Staff Retention; and
- Growth and Sustainability.

A full list of governors, along with details of which sub-committees they serve on, can be found on the school website.

Appendix 2

Scheme of delegation matrix

Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
Admissions	Determine the school's admissions arrangements annually, including the published admission number (PAN) and the oversubscription criteria	✓			✓	
	Make sure the school's admissions arrangements comply with the School Admissions Code and are fair, clear and objective	✓				
	Establish an independent appeals panel when there are admissions appeals	✓			✓	
Behaviour and exclusions	Arrange for suitable full-time education for any pupil of compulsory school age who has a fixed-term exclusion of more than five school days				✓	
	Convene a meeting to consider reinstating an excluded pupil and consider parents' representations about an exclusion in some circumstances	✓		✓		A panel of at least 3 governors must make the decision
	Arrange an independent review panel to consider permanent exclusions, where requested by parents	✓				
Curriculum	Make sure the school teaches a broad and balanced curriculum to the age of 16		✓		✓	

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Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
	Make sure all pupils at the school are provided with independent careers guidance from year 8 to year 13	✓	✓		✓	
Finance and budgets	Authorise the opening or closure of a bank account in which Academy funds are deposited	✓	✓			
	To determine how reserve funds are to be invested for the long-term benefit of the Academy and monitor those investments	✓	✓			
	Make day-to-day spending decisions under the amount of £50,000				✓	
	Appoint a senior executive leader as the accounting officer for the trust and a chief financial officer	✓				
	Refer potentially novel and contentious transactions to Education and Skills Funding Agency (ESFA) for explicit prior authorisation	✓	✓			
	Appoint a registered statutory auditor and prepare annual financial statements in line with the ESFA's academies accounts direction	✓	✓			
	Make sure that the trust has adequate insurance cover or has opted into the academies risk protection arrangement	✓	✓			
	Approve a balanced budget each financial year and submit to the ESFA	✓				

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Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
	Maintain a published register of interests, including the business and pecuniary interests of members, trustees and local governors	✓				
	Monitor impact of pupil premium funding	✓	✓		✓	
	Monitor impact of catch-up funding	✓	✓		✓	
Governing body procedures	Hold full governing board meetings at least 3 times a year	✓				
	Elect a chair and vice-chair of trustees	✓				
	Appoint a clerk	✓				
	Determine the constitution, membership and terms of reference of any committee it decides to establish and review this annually. Appoint or elect a chair for each committee	✓				
	Check that all statutory policies and documents are in place	✓				
	Delegate functions to committees and individuals	✓				
Health & Safety	Monitor the implementation of the health and safety policy	✓	✓			

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Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
	Make sure there is an appointed person in charge of first aid	✓	✓		✓	
Parents and the community	Make sure the required information is published on the school website	✓			✓	
	Approve a complaints procedure	✓				
	Establish a complaints panel to consider formal complaints about the school and any community facilities or services it provides	✓				
	Make sure the school complies with the Freedom of Information Act 2000	✓				
Pupil wellbeing	Make sure of the provision of free school meals to those pupils meeting the criteria	✓			✓	
	Appoint a designated teacher to promote the educational achievement of looked after children (LAC) and post-LAC and that they undertake appropriate training	✓			✓	
	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	✓				

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Scheme of delegation matrix

Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
	Make arrangements for supporting pupils with medical conditions	✓			✓	
Safeguarding	Check that the school complies with statutory guidance on safeguarding	✓				
	Make sure that safeguarding arrangements take into account the procedures and practice of the LA, as part of inter-agency safeguarding procedures set up by the Local Safeguarding Children Board	✓			✓	
	Make sure a member of the board is nominated to liaise with the designated officer(s) from the relevant local authority and partner agencies if allegations are made against the headteacher	✓				
	Monitor the implementation of the child protection policy	✓				
	Appoint a member of staff to be the designated safeguarding lead				✓	
	Make sure that effective support is provided for any employee facing an allegation	✓		✓	✓	
Special Educational Needs and	Designate a member of the governing body or a committee to have oversight of the school's arrangements for SEND	✓				

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Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
Disabilities (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				✓	
	Make sure the school produces and publishes online its school SEN information report	✓			✓	
	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	✓			✓	
	Make sure that the teachers in the school are aware of the importance of identifying pupils who have SEN and providing appropriate teaching				✓	
	Staffing	Appoint the Headteacher	✓			

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Function	Task	FGB	Committee	Individual governor	Headteacher	Comment
matters	Appoint the Deputy Head (s) and Director of Finance & Resources	✓			✓	
	Appoint and performance manage all other staff to be employed by the Academy				✓	
	Make sure safer recruitment procedures are applied (for example, disclosure and barring checks)	✓			✓	
	Make sure employment law and guidance is being followed	✓	✓		✓	
	Approve staffing structure changes	✓	✓			
	Approve the annual pay award	✓	✓			
	Dismiss the headteacher	✓				