

## Governing Boards - Scheme of Delegation

### What is a scheme of delegation and how can it be used to support effective governance?

A scheme of delegation is a critical document used by academy trusts to detail the governance structure in place and define lines of responsibility and accountability; it describes who carries out which governance function and can make the decisions associated with that function.

### A word about single academy trusts

As single academy trusts do not have a separate layer of governance at school level, any scheme of delegation will be simpler and more straightforward as it will only need to make clear what is delegated to board committees and to the executive. For this reason, many single academy trusts do not have a scheme of delegation, instead relying on their committee terms of reference to identify where governance functions are exercised, and who makes decisions. However, this guidance can be used to inform single academy trusts on the roles and responsibilities of members, trustees and board committees, and how these might be organised within their trust.

### Introduction to the guidance

A multi academy trust's board of trustees is accountable in law for all major decisions about all the schools within the trust. However, this does not mean that the board is required to carry out all the trust's governance functions and many functions can and should be delegated elsewhere, including to the CEO, the board's committees, and to academy committees, often known as local governing bodies (LGBs). It is vital that the decision to delegate a function is made by the full board of trustees and is recorded. Without such delegation, the individual or committee (board or academy) has no power to act.

The principle governing document in trusts is the articles of association. The articles set out the charitable purpose of the trust, providing a framework for trusts to act within both company and charity law. They will not however include the specific detail of the trust's chosen governance structure and how governance functions have been delegated. This is why it is critical that trusts agree a scheme of delegation that explicitly establishes who carries out which governance function and can therefore make the decisions associated with that function.

A scheme of delegation is not an optional extra – it is an essential requirement for effective governance and clear decision making. As a document, the scheme of delegation should be as simple and systematic as possible, so that the members, trustees, board committees, academy committees (LGBs), and executive leaders are all clear about their roles and responsibilities within the governance structure.

It is important that the scheme of delegation is visible to all, both within and beyond the trust, so that it is clear how the governance structure and lines of accountability work. This is why the scheme of delegation must be published on the trust's website, as well as all of its schools' websites.

When considering any guidance on schemes of delegation, it is important to bear in mind that the model that you adopt must be appropriate for your trust. Governing and managing groups of schools is complex - hence this guidance is designed to demonstrate how a scheme of delegation need not detail every single governance function, but seeks to demonstrate the principles which determine the lines of accountability so that it is clear where certain functions and key decision making lies.

#### Some points to note:

- - Academy trusts should maintain a clear distinction between accountability through governance (i.e. by the trust board and its committees) and accountability through line management (i.e. by executive leaders); you will find examples of mixed accountability in

the variations to the standard model of delegation illustrated in this guidance, i.e. where both governance and line management are being utilised.

- - NGA takes the view that there should be clear separation between the layers of governance which means that the individuals making up one tier of the governance structure of the organisation are not the same as another tier; in other words, ideally, members should not also be trustees.
  - Academy trusts with academy committees can choose what they call these committees. Many opt for local governing body (LGB) with those on the LGB being known as governors. However, they should be clear that this terminology is not used in the same sense as when it is used in maintained schools, where governing bodies and governors act in accordance with school governance regulations.
  - The overarching scheme of delegation should not be confused with the written scheme of delegation of financial powers referred to in the [Academies Financial Handbook](#).

### [The status of the scheme of delegation](#)

The scheme of delegation is a key governance document because without it, it is not clear how accountability and decision-making works within the trust. This is why the Academies Financial Handbook (AFH) requires it to be published on the trust's website (AFH 2020 para 2.50).

It is especially important that maintained schools joining academy trusts take time to understand the trust's scheme of delegation so that they are clear about the trust's approach to local governance and which functions are delegated. Many trusts supplement the scheme of delegation with terms of reference for their academy committees (LGBs), so it is clear how these are constituted. For an example, see appendix 2.

As with all committees, the trust board has the power to change the constitution and powers of its committees at any time, and this includes the membership of those committees too.

### [NGA scheme of delegation guidance 2020](#)

NGA previously published four model schemes of delegation which have been widely used across the sector. As trust governance is becoming more established, NGA has moved to a single guidance document which:

- details the function of the scheme of delegation and what it should cover
- describes the most common, standard model of delegation
- gives information about intervention boards and hub governance
- includes examples of key local governance documents

### [Delegation in single academy trusts](#)

Many single academy trusts do not have a scheme of delegation, instead relying on their committee terms of reference to identify where governance functions are exercised, and who makes decisions. However, this guidance can be used to inform single academy trusts on the roles and responsibilities of members, trustees and board committees, and how these might be organised within their trust.

### [Delegation in maintained schools](#)

Whilst a scheme of delegation document is only used in academy trusts, effective delegation is, of course, fundamentally important in maintained schools.

### [NGA consultants can help](#)

NGA's consultants who are experts in trust governance are able to work with your trust reviewing and developing your scheme of delegation, and can provide bespoke training on how it is introduced and used by trustees, senior executive leaders, academy committee (LGB)