



# Scheme of Delegation

Adopted by Governors: 2012, reviewed 2013

Next Review due: Autumn 2024

Committee Reviewed at: .....Full Autumn 2022.....

Signed by Chair of Committee:.....

Date:.....

Signed by Head Teacher:.....

Date:.....

## **Birkett House School**

This Scheme of Delegation was approved by the Governing Body of the Academy Trust at the formation of the Academy. It was reviewed, amended and readopted on the dates shown therein.

The Scheme has been developed to clarify the responsibilities and powers of Governors and members of staff employed at the School in respect of key aspects of the management of the School and to ensure compliance with legal requirements and, where appropriate, Local Authority policies. The delegations set out in this Scheme are delegated to the specified committees of the Governing Body and post holders employed at the School.

Delegations cannot be exercised other than by the designated person or committee unless otherwise directed or agreed by the Governing Body. In the absence or incapacity of the Head Teacher, the delegations stand delegated to the Deputy Head Teacher unless otherwise directed or agreed by the Governing Body. In the absence or incapacity of a post holder other than the Head Teacher, the delegations stand delegated to the Head Teacher unless otherwise directed or agreed by the Governing Body.

Instead of exercising her/his/their delegated powers a post holder or committee may refer the matter to the appropriate committee or to the Governing Body. The scheme will be reviewed at the first meeting in each academic year of the Resources Committee and is made without prejudice to the powers and duties of the Governing Body and its committees.

**Powers to Be Exercised Only By the Full Governing Body or Members.** None of the responsibilities in this Paragraph may be further delegated.

a. Only the Members may:

- Change the Constitution of the Governing Body
- Decide on a change of school category
- Delegate functions
- Apply to change the governing documents.
- Appoint Auditors
- Members may also appoint up to 13 Governors

b. Only the Governing Body may:

- Elect or remove the Chair or Vice Chair of the Governing Body
- Appoint the Company Secretary
- Co-opt up to 3 governors on to the Governing Body
- Suspend Governors.
- Establish committees

c. Additionally the Governing Body has decided not to delegate the following:

- Decide what sex education is to be provided
- Agree any general principles on pupil discipline
- Decide any changes in the times of school sessions and dates of terms and holidays
- Appoint a Head Teacher
- Approve the budget
- Ensure that a broad and balanced curriculum is implemented and targets set as

required

- Ensure that RE and daily collective worship are provided
- Ensure balance in the presentation of political issues in the curriculum.
- Appoint auditors
- Appoint the Responsible Officer (RO)
- Agree the Annual Report and Accounts

## THE RESPONSIBILITIES OF GOVERNING BODIES AND HEADS

Note that this is not a complete list of Heads' and Governing Bodies' responsibilities and that some of these responsibilities are delegated; see the Decision Planner starting at Page 8.

<b>SCHOOL BUDGET &amp; FINANCE</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
<p>Draw up and submit to the Governing Body an annual budget plan ("the budget plan") for the School's funds which must conform to DfE requirements.</p> <p>Prepare and submit to the Governing Body any significant proposals for revisions to the budget plan within the strategic guidelines set by the Governing Body.</p> <p>To be Accounting officer with the following responsibilities:</p> <ul style="list-style-type: none"><li>• Ensuring regularity and propriety</li><li>• Ensuring prudent and economical administration</li><li>• Avoidance of waste and extravagance</li><li>• Efficient and effective use of available resources</li><li>• The day to day organisation, staffing, and management of the academy.</li></ul>	<p>Consider the annual budget plan ("the budget plan") proposed by the Head Teacher, amend the budget plan where appropriate, approve the budget plan. Consider and approve any proposed revisions to the budget plan submitted by the Head Teacher during the course of the year and to consider the delegation of their duties.</p> <p>To spend the delegated budget before end of financial year within variance allowed for academies.</p> <p>To decide whether to delegate their powers to spend the delegated budget and any grants to the Head Teacher. If so, decide the amount to be delegated.</p>

**PERSONNEL**

<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
<p>To advise on staff requirements</p> <p>To advise the Governing Body on the appointment of all teachers</p> <p>To appoint all teachers except those remunerated on the Leadership Pay Spine</p> <p>To advise on the appointment of non-teaching staff.</p> <p>To make recommendations for teachers' pay progression and other teachers pay related matters.</p> <p>To advise the Governing Body on the specification for a vacant teaching post.</p> <p>To advise on levels of pay for all teaching and non-teaching staff except the Head Teachers.</p> <p>To advise the Governing Body on adopting effective procedures to deal with incompetent teachers and to keep the Governing Body informed of the general operation of such procedures.</p> <p>To advise on disciplinary rules and procedures and staff grievance</p>	<p>To agree the number of staff at the School and the level of the posts.</p> <p>To decide the overall procedures for appointing staff, including whether to delegate functions to the Head or Governor(s), taking account of legal requirements.</p> <p>To advertise Head Teacher and deputy vacancies nationally, and other vacancies as appropriate.</p> <p>To set up selection panels for Head Teacher and Deputy Head Teacher posts.</p> <p>To conduct interviews and appoint teaching staff (delegated to the Head Teacher)</p> <p>To appoint non-teaching staff. (delegated to the Head Teacher)</p> <p>To decide whether to exercise their power to delegate certain functions relating to the appointment of staff. Ie Pay Committee.</p> <p>To decide a specification for any vacant post, in consultation with the Head Teacher.</p> <p>To set the pay of all members of staff, including that of the Head Teacher and any Deputy Head Teachers, in line with legal requirements.</p> <p>To establish capability procedures to deal with incompetent teachers.</p> <p>To establish disciplinary rules and procedures and staff grievance procedures and to take appropriate steps to make them known to members of staff.</p>

<p>To advise the Governing Body on whether anyone employed at the school should be dismissed.</p> <p>To advise the Governing Body on payments to be made.</p> <p>To suspend staff in appropriate circumstances.</p> <p>To deploy, manage and Lead all teaching and non-teaching staff of the school and allocate particular duties to them.</p> <p>To evaluate the standards of teaching and Learning in the school and ensure that proper standards of professional performance are established and maintained.</p>	<p>To dismiss an employee.</p> <p>To decide whether any payment should be made in respect of the dismissal, or to secure the resignation of a member of staff (includes early retirement and redundancies) and the amount of any such payment.</p> <p>To decide whether to grant early retirement to teachers.</p> <p>To suspend staff in appropriate circumstances.</p> <p>To end a suspension</p> <p>The instigation and agreement too of an appropriate pay spine and related procedures for support staff</p>
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<b>SECULAR CURRICULUM</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
<p>To determine, organise and implement an appropriate curriculum for the school.</p> <p>To ensure that a broad and balanced curriculum is implemented in the school.</p> <p>To draw up a policy for the secular curriculum for the school ("the curriculum policy").</p> <p>To implement and review the policy once every school year and suggest any necessary changes to the Governing Body.</p> <p>To draft a Sex Education Policy</p>	<p>To ensure that the curriculum is balanced and broadly based.</p> <p>To ensure that a broad and balanced curriculum is implemented.</p> <p>To agree, amend or reject the curriculum policy drafted by the Head Teacher.</p> <p>To monitor the implementation of the School curriculum policy and consider with a view to adopting or rejecting any changes submitted by Head Teacher.</p> <p>To establish and approve</p>

	sex education policy, to ensure that copies of the policy are available free of charge to parents and that parents can read a copy of the policy at the school.
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<b>PERFORMANCE MANAGEMENT</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
<p>To draft, if requested by the Governing Body, a school performance management policy, within the framework set by the Appraisal Regulations.</p> <p>To consult all school teachers at the school, if requested by the Governing Body, before drafting a performance management policy</p> <p>To implement the school performance management policy established by the Governing Body To appoint/act as appraisers for teachers</p> <p>To review complaints by teachers about their appraisal where the Head has not been the appraiser.</p> <p>To set the timing of the performance management cycle for other teachers</p>	<p>To establish a school performance management policy to govern the implementation of school teacher appraisal (including the Head Teacher) within the framework set by the Appraisal Regulations.</p> <p>To ensure that all school teachers are consulted.</p> <p>To review and, if necessary, amend the performance management policy annually. To ensure that school teachers receive a regular appraisal of their performance.</p> <p>To appoint two or three governors to take responsibility for carrying out all aspects of the Head Teacher's appraisal.</p> <p>To decide the exact timing of the performance review cycle for the Head Teacher.</p> <p>To appoint one or more review officers where a complaint is made by the Head Teacher about his/her performance review and the Chair of Governors has been involved in that review.</p>

<b>STANDARDS AND TARGET SETTING</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
<p>To ensure that appropriate targets are set by teachers, academic departments and (where deemed necessary) the whole school so as to maintain high standards of attainment and achievement.</p>	<p>To monitor both the systems for target setting and monitoring outcomes and also ensure that standards are high, in both absolute terms and compared to similar schools nationally.</p>

<b>EXCLUSIONS</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
The Head Teacher can exclude pupils for fixed period(s) of not more than 45 days in total in a year or permanently.	To set up a pupil discipline committee to review the use of exclusions in the school 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 a term or would lose the opportunity to take a public examination.

<b>ADMISSIONS</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
The Head Teacher may deal with applications for admission only where the need to determine an application does not arise, which will be where none of the statutory circumstances for refusing admission apply under the Act currently in force. This applies to applications at both the normal time of entry and to in-year applications.	The Governing Body is the admissions authority.

<b>RE &amp; COLLECTIVE WORSHIP</b>	
<b>Responsibilities of Head</b>	<b>Responsibilities of Governing Body</b>
<p><b>RELIGIOUS EDUCATION</b> The Head Teacher shall ensure that RE is provided, in accordance with the school's basic curriculum.</p> <p><b>COLLECTIVE WORSHIP</b> The Head Teacher shall ensure that each pupil shall on each school day take part in an act of collective worship.</p>	<p>The Governing Body shall exercise their functions with a view to ensuring that RE is provided in accordance with the school's basic curriculum.</p> <p>The Governing Body shall exercise its functions with a view to ensuring that each pupil takes part in an act of collective worship each day.</p>

SCHOOL PREMISES	
Responsibilities of Head	Responsibilities of Governing Body
<p><i>Control of school premises:</i> Day to day management of the school and charge of who can enter the school</p> <p>To advise Governing Body where appropriate.</p> <p><i>Health &amp; Safety</i> To comply with Governing Body directions</p>	<p>To control the use of the school premises both during and outside the school day.</p> <p>To decide on what charges to levy where external providers want to use the school premises.</p> <p>To agree a health &amp; safety policy, monitor risk assessments and set up arrangements to manage health &amp; safety.</p>

## GOVERNING BODY DECISION PLANNER

<p><b>THIS PLANNER SHOWS TO WHICH LEVEL THE GOVERNING BODY MAY LEGALLY DELEGATE FUNCTIONS</b></p> <p><b>KEY</b> Level 1: Full governing body Level 2: A committee of the governing body Level 3: Headteacher.</p> <p>Column blank: Action could be undertaken by this level. Column blocked off: Function cannot be legally carried out at this level.</p> <p><b>*Governors must remember that although decisions may be delegated, the governing body as a whole remains responsible for any decision made under delegation*</b></p>
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Key Function	No	Tasks	Decision Level		
			1	2	3
<b>Finance</b>	1	To approve the first formal budget plan each financial year	✓		
	2	To monitor monthly expenditure.		✓	
	3	To establish a charging and remissions policy		✓	
	4	Miscellaneous financial decisions		✓	
	5	To enter into contracts for which quotations are required as per the 8.8 of the financial Policy		✓	
<b>Staffing</b>	6	To make payments			✓
	7	Head teacher appointments (selection panel)	✓		



	8	Deputy appointments (selection panel)	✓		
	9	Appoint staff (except Head Teacher)			✓
	10	Agree a pay policy & discretions		✓	
	11	Establishing disciplinary/capability procedures		✓	
	12	Dismissal of head teacher		✓	
	13	Dismissal of other staff		✓	
	14	Suspending head	✓		
	15	Suspending staff (except head)			✓
	16	Ending suspension of Head Teacher	✓		
	17	Determining staff complement		✓	
	18	Determining dismissal payments/ early retirement		✓	
<b>Curriculum</b>	19	To establish, implement & monitor a curriculum policy			✓
	20	Responsible for standards of teaching			✓
	21	To decide which subject options should be taught having regard to resources, and implement provision for flexibility in the curriculum (including activities outside school day)			✓
	22	Responsibility for individual child's education			✓
	23	Provision of sex education – to establish and keep up to date a written policy			✓
	24	To prohibit political indoctrination and ensuring the balanced treatment of political issues			✓
	25	To establish a charging and remissions policy for activities (not National Curriculum based)		✓	
<b>Performance Management</b>	26	To establish a performance management policy & review annually		✓	
	27	To implement the performance management policy			✓
<b>Target Setting</b>	28	To set and publish targets for pupil achievement		✓	
<b>Discipline/ Exclusions</b>	29	To establish a discipline policy		✓	
	30	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 of the full governing body or vice-chair in their absence)		✓	
	31	To direct reinstatement of excluded pupils (Can be delegated to chair of the full governing body or vice-chair in their absence)		✓	
<b>Religious Education</b>	32	Responsibility for ensuring provision of RE in line with school's basic curriculum (all schools)			✓
<b>Premises &amp; Insurance</b>	33	Buildings insurance and personal liability		✓	
	34	Developing school buildings strategy or master plan and contributing as required to Govt. Asset Management Planning arrangements (it is suggested that the GB as a whole should undertake this decision)		✓	
	35	Procuring and maintaining buildings, including developing properly funded maintenance plan		✓	
<b>Health &amp; Safety</b>	36	To institute a health and safety policy	✓		
	37	To ensure that health and safety regulations are followed			✓
<b>School Organisation</b>	38	To set the times of school sessions and the dates of school terms and holidays		✓	

	39	To ensure that the school meets for 380 sessions in a school year		✓	
	40	To ensure that school lunch nutritional standards are met where provided by the governing body.			✓
	41	To ensure provision of free school meals to those pupils meeting the criteria			✓
<b>Information For Parents</b>	42	Adoption and review of home-school agreements		✓	
<b>GB Procedures</b>	43	To draw up instrument of government and any amendments thereafter	✓		
	44	To appoint (and remove) the chair and vice-chair of a permanent or a temporary governing body	✓		
	45	To appoint and dismiss the clerk to the governors	✓		
	46	To hold a full governing body meeting at least three times in a school year or a meeting of the temporary governing body as often may require	✓		
	47	To appoint and remove co-opted governors.	✓		
	48	To set up a Register of Governors' Business Interests	✓		
	49	To approve and set up a Governors Expenses Scheme		✓	
	50	To discharge duties in respect of pupils with special needs.	✓		
	51	To consider whether or not to exercise delegation of functions to individuals or committees	✓		
	52	To regulate the GB procedures (where not set out in law)	✓		
<b>Federations</b>	53	To consider forming a federation or joining an existing federation	✓		
	54	To consider requests from other schools to join the federation	✓		
	55	To leave a federation	✓		
<b>Extended Schools</b>	56*	To decide to offer additional activities and to what form these should take	✓		
	57	To put into place the additional services provided			✓
	58	To ensure delivery of services provided			✓
	59*	To cease providing extended school provision	✓		

\*Although these tasks are open to delegation under the Education (School Government)(Terms of Reference) (England) Regulations 2000, the expectation would be that these decisions would be undertaken by the full Governing Body.