

EQUITAS ACADEMIES TRUST

POLICY FOR THE DELEGATION OF TRUST BOARD FINANCIAL POWERS AND DUTIES

Approved by the Trust Board on

28th September 2016

Review Date

September 2017

POLICY FOR THE DELEGATION OF THE FINANCIAL POWERS AND DUTIES OF THE TRUST BOARD

Aston Manor Academy and Chilwell Croft Academy are governed by a Trust Board constituted under a Memorandum of Association and Articles of Association of Equitas Academies Trust. This policy should be read in conjunction with the TOR as issued by Winkworth Sherwood Solicitors.

The Trust Board is responsible for ensuring that high standards of corporate governance are maintained. It should exercise its powers and functions with a view to fulfilling a largely strategic leadership role in the running of the Academies, addressing such matters as:

- **policy development and strategic planning**, including target-setting to keep up momentum on school improvement;
- ensuring **sound management and administration** of the Academy, and ensuring that managers are equipped with relevant skills and guidance;
- ensuring compliance with **legal requirements**;
- establishing and maintaining a transparent system of prudent and **effective internal controls**. (Note that the Academies annual report and accounts must include a statement on the efficiency and effectiveness of such controls (as per part 5 of the EfA's Academy handbook);
- management of the Academies financial, human and other **resources** (in particular control over the spending identified in the Academies development plan);
- **monitoring performance** and the achievement of objectives, and ensuring that plans for improvement are acted upon;
- helping the Academy be **responsive to the needs of parents and the community** and making it more accountable through consultation and reporting;
- setting the Academies **standards of conduct and values**;
- assessing and managing **risk** (including preparation of a statement on the Academies risk management for its annual report and accounts).

Specific Areas which the Trust Board will oversee include:

- Approval of the Academies improvement plan;

- Approving specific policies developed by committees (e.g. related to curriculum, procurement, risk management etc.);
- Approval of the Academy budgets for Equitas Academies Trust.
- Determining levels of expenditure to be approved (e.g. committing to contracts over certain values), and levels to be delegated;
- Approving transfers between budgets over certain limits;
- Determining certain employees' terms and conditions (within the constraints of TUPE) and remuneration;
- Approving the annual report and accounts;
- Approving certain accommodation proposals;
- Decisions involving controversial, significant or unusual discretion.

Many Trust Board responsibilities will be delegated to committees or individuals. To ensure sound financial control, this policy statement specifies the decisions of the full Trust Board with regard to which financial functions it chooses to delegate to a committee and which to an individual. Where responsibility has been delegated, all decisions taken will be properly recorded for reporting to the Trust Board as and when it requires.

The policy takes into account:

- i) Academy Financial Regulations
- ii) Academy Financial Procedures

Trustees do not incur any personal liability in respect of anything done honestly, reasonably and in good faith in exercising their power to spend an Academies budget share, or delegating that power to the Executive Headteacher/Headteacher. The Trust Board is accountable for all actions taken in its name by individuals or committees to which it has delegated functions. Where the Headteacher delegates tasks to other members of staff, the Headteacher remains accountable to the Trust Board.

The full Trust Board will review this policy annually.

Signed: Dated:
 Chair of Trustees

Terms of Reference for Full Trust Board:

1. **To agree constitutional matters***, including procedures where the Trust Board has discretion.
2. To recruit new members as vacancies arise and **to appoint new trustees*** where appropriate, subject to ratification by the board. Staff and parent trustees are to be appointed pursuant to a process of election by the relevant constituency.
3. **To hold a minimum of three Trust Board meetings a year*.**
4. **To appoint or remove the Chair and Vice Chair*.**
5. **To appoint or remove a Clerk to the Trust Board*.**
6. **To establish the committees of the Trust Board and their terms of reference*.**
7. To delegate the appointment of the Chair of any Committee, to the Committee itself.
8. **To appoint or remove a Clerk to each committee*.**
9. **To suspend a Trustee*.**
10. **To review the delegation arrangements annually*.**
11. **To decide which functions of the Trust Board will be delegated to committees, groups and individuals*.**
12. **To receive reports from any individual or committee to whom a decision has been delegated and to consider whether any further action by the Trust Board is necessary*.**
13. To approve the first formal budget plan of the financial year.
14. To keep the Health and Safety Policy and its practice under review and to make revisions where appropriate.
15. **To set targets for student achievement prepared and proposed by each academy.**
16. **To appoint all teaching staff on the leadership scale and support staff on grade 6 or above.**
17. To discuss any items which **Local Advisory Groups** may wish to include.

***it is recommended that these matters are not delegated to either a committee or an individual.**

TERMS OF REFERENCE FOR COMMITTEES OF THE TRUST BOARD

The terms of reference of each committee of the Trust Board must be approved by the Trust Board and reviewed each year. They provided the sole, agreed framework within which each committee operates.

- 1 Each committee will be composed, where possible, of trustee's representative of the categories which form the whole Trust Board. The Headteacher & Executive Headteacher are ex-officio members of each committee.
- 2 The membership of each committee will be agreed on an annual basis at the first meeting of the whole Trust Board in the autumn term.
- 3 The Chair of each committee is elected by the whole Trust Board on an annual basis at the first meeting of the whole Trust Board in the autumn term. No Trustee employed at the Academy will act as chair to the committee. In the absence of the chair the committee will elect a temporary replacement from among the trustees present at the committee meeting.
- 4 The clerk of the committee is elected by the committee.
- 5 In the absence of the chair or clerk, the committee will elect a replacement for the meeting.
- 6 The quorum for each committee is fixed at three trustees who are members of each committee.
- 7 Each committee will meet as often as is necessary to fulfil its responsibilities and at least once each term.
- 8 The clerk to the committee will circulate an agenda for each meeting and papers at least a week before the committee meeting.
- 9 Attendance at each committee meeting, issues discussed and recommendations for decisions will be recorded. The written record will be forwarded to the clerk to the Trust Board in sufficient time for its inclusion on the agenda and papers of the next meeting of the whole Trust Board. This is to meet statutory requirements, provide information to the Trust Board and to seek ratification of decisions and recommendations.
- 10 The chair of the committee will be responsible for giving an oral summary of the committee's deliberations if necessary at meetings of the whole Trust Board.
- 11 Each committee is authorised to invite attendance at its meetings from persons to assist or advise on a particular matter or range of issues, including parents and members of the Academy staff who are not trustees.

- 12 Only trustees who are members of the committee may vote at committee meetings. Where necessary, the elected chair of the committee may have a second or casting vote.
- 13 In the event of a need to make genuinely urgent decisions between meetings on matters falling within the remit of the committee, the chair of the trustees, in consultation with the chair of the committee, will take appropriate action on behalf of the committee. The decisions taken and the reasons for urgency will be explained fully at the next meeting of the whole Trust Board.

FINANCE & GENERAL PURPOSES COMMITTEE:

TERMS OF REFERENCE

The Committee is responsible for the provision of guidance to the Trust Board on matters relating to finance, staff and estates. It will also deal, on behalf of the Trust Board, with any matters which require the attention of Trustees between meetings.

At the first meeting of the Trust Board in each academic year, the Trust Board should:

- Consider and confirm the committee's recommendations for its terms of reference, delegated powers and priorities for the academic year. The terms of reference should include the activities listed below, together with any additional items that the Trust Board may wish to include.
- Consider and confirm the membership of the committee, process for electing a chair, clerking arrangements and financial delegation to the Headteacher.

At the first meeting of the committee it should:

- Agree work priorities

The Activities of the committee will include the following

Finance

- Monitor compliance with Trust Board and DfE's Academy Finance requirements.
- Report to the Trust Board any decisions made in accordance with powers delegated by the Trust Board, including decisions made on Academy assets including depreciation and removal of items from asset register.
- Consider a termly budget position statement including virement decisions and reporting significant anomalies from the anticipated position to the Trust Board, making recommendations where necessary.
- Review the draft budget taking account of priorities in the Academy Improvement Plan and present this to the Trust Board for approval.
- Monitor expenditure of all voluntary funds held on behalf of the Trust Board.
- Make decisions in respect of service level agreements, ensuring that the principles of Best Value are applied to all services purchased.
- Review draft financial statements and present these to the Trust Board for approval.

- Consider and respond appropriately to recommendations made by the auditors.
- Undertake self-review at the end of each academic year to assess whether priorities have been achieved, making recommendations to the Trust Board on committee membership, terms of reference, delegated powers and priorities for the coming year.

Staffing

- Consider progress on personnel-related aspects of the Academy improvement plan and post OFSTED action plan, including staffing structure.
- Consider budget implications of pay awards, and make recommendations to the Trust Board.

Marketing and Publicity

- Take an overview with the Executive Headteacher and Headteacher on publicity and marketing.

Buildings

- Review the Academy risk assessments relating to health and safety and make recommendations to the Trust Board.
- Keeping building plans and maintenance under review.

Policies

- Review of policies on issues relating to Finance, Staffing and Buildings, including Health & Safety, and (in consultation with the Executive Headteacher and Headteacher) make recommendations to the Trust Board.
- Review of all statutory policies in consultation with the Executive Headteacher and Headteacher make recommendations to the Trust Board.

Quorum

- The committee consists of five trustees, with attendance from Headteachers and Business Managers.
- The committee shall be quorate if three members of the committee are present.

RAISING STANDARDS COMMITTEE:

TERMS OF REFERENCE

The Committee is responsible for the Monitoring & Evaluation of all standards across Equitas Trust.

At the first meeting of the Trust Board in each academic year, the Trust Board should:

- Consider and confirm the committee's recommendations for its terms of reference, delegated powers and priorities for the academic year. The terms of reference should include the activities listed below, together with any additional items that the Trust Board may wish to include.
- Consider and confirm the membership of the committee, process for electing a chair, clerking arrangements and financial delegation to the Headteacher.

At the first meeting of the committee it should:

- Agree a programme of meetings for the year, having regard to the dates for the full Trust Board meetings for the same period
- Agree work priorities

The Activities of the committee will include the following

Raising Standards

- To analyse and evaluate Key Performance Indicators (KPI's) in order to determine areas for improvement.
- To facilitate improved performance in all key areas including EYFS and Key Stages 1, 2, 3, 4 and 5.
- To facilitate improved performance in the key Ofsted areas of achievement of pupils, quality of teaching, behavior and safety of students and quality of leadership.
- To facilitate the implementation of Aston Manor/Chilwell Croft School Improvement Plan.
- To lead the development of Aston Manor/Chilwell Croft School Improvement Plan.
- To facilitate the aim of the Trust for all schools within it to be at least 'good' moving towards an 'Outstanding' Ofsted rating.

Audit Committee: Terms of Reference

The committee is responsible for the provision of guidance to the Trust Board on matters relating to Audit.

At the first meeting of the Trust Board in each academic year, the Trust Board should:

- Consider and confirm the committee's recommendations for its terms of reference, delegated powers and priorities for the academic year. The terms of reference should include the activities listed below, together with any additional items that the Trust Board may wish to include.
- Consider and confirm the membership of the committee, process for electing a chair, clerking arrangements and financial delegation to the Headteacher.

At the first meeting of the committee it should:

- Agree a programme of meetings for the year, having regard to the dates for the full Trust Board meetings for the same period
- Agree work priorities

The Activities of the committee will include the following

- investigate any activity within its terms of reference.
- seek any information that it requires from any employee of the Academy and all employees are directed to cooperate with any request made by the Committee.
- obtain outside legal or independent professional advice, at the Academies expense, and secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.

The duties of the Committee will include the following

Financial reporting

- to review, before submission to, and approval by, the Finance Committee, and before clearance by the auditors and challenge where necessary, the actions and judgements of management, in relation to the Academies financial statements,

operating and financial review - and related formal statements. Particular attention should be paid to:

- critical accounting policies and practices, and any changes in them;
 - decisions requiring a significant element of judgment;
 - the extent to which the financial statements are affected by any unusual transactions in the year and how they are disclosed;
 - the clarity of disclosures;
 - significant adjustments resulting from the audit;
 - the going concern assumption;
 - compliance with accounting standards;
 - compliance with Charity Commission and other legal requirements;
 - material post balance sheet events;
- to consider other topics, as defined by the Trust Board.

Internal control and risk management

- to review the Academies procedures for detecting fraud and whistle blowing and ensure that arrangements are in place by which staff may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or any other matters;
- to review management's reports on the effectiveness of the systems for internal financial control, financial reporting and risk management;
- to monitor the integrity of the Academies internal financial controls;
- to review the statement in the annual report and accounts on the Academies internal controls and risk management framework;
- to assess the scope and effectiveness of the systems established by management to identify, assess, manage and monitor financial and non financial risks. [Note: the Finance Committee retains responsibility for the review of the effectiveness of the system of internal control and must form its own opinion despite aspects of that review being delegated to the Audit Committee.]

Internal audit/Responsible Officer

- to consider annually whether there is a need for an internal audit function where no such function exists;
- to review the reports of the Responsible Officer on the effectiveness of the financial procedures and controls. These reports must be reported to the Trust Board.

External audit

- to recommend to the Trust Board the appointment or re-appointment of Auditors having consulted the Finance Committee about the appointment, in particular about the level of audit fee.
- consideration of the audit plan, in advance of the field work;
- to review with the external auditors, the findings of their work, including, any major issues that arose during the course of the audit and have subsequently been resolved and those issues that have been left unresolved; key accounting and audit judgements; levels of errors identified during the audit, obtaining explanations from management and, where necessary the external auditors, as to why certain errors might remain unadjusted;
- to review and monitor the content of the external auditor's management letter, in order to assess whether it is based on a good understanding of the Academies business and establish whether recommendations have been acted upon and, if not, the reasons why they have not been acted upon;
- to develop and recommend to the Finance Committee the Foundation's policy in relation to the provision of non-audit services by the auditor and ensure that the provision of such services does not impair the external auditor's independence or objectivity.

Reporting

- The Audit Committee shall annually review its terms of reference and its own effectiveness and recommend any necessary changes to the Trust Board.
- The Chair will report to the Trust Board on main decisions taken and any recommendations that the Trust Board needs to vote on.
- The Audit Committee shall prepare a report on its role and responsibilities and the actions it has taken to discharge those responsibilities for inclusion in the annual report and accounts. Such a report should specifically include a summary of the role of the Audit Committee and the way the Audit Committee discharges its responsibilities.
- If the Audit Committee and Finance Committee disagree about the appointment of external auditors both Committees shall, as soon as is practicable, report to the Board which will determine the matter. No change of auditors shall be allowed without a formal resolution of the Trust Board.
- Where disagreements between the Audit Committee and the Finance Committee cannot be resolved, the Audit Committee shall report the issue to the Trust Board as part of the report on its activities in the Academies annual report.
- The Audit Committee Chairman or, if not available, a designated member shall attend the Trust Board meeting at which the annual accounts are laid before it for approval and shall answer questions, through the Chairman of the Trust Board, on the Audit Committee's activities and their responsibilities.

EQUITAS ACADEMIES TRUST
TERMS OF REFERENCE FOR THE DELEGATION
OF THE FINANCIAL POWERS AND DUTIES OF THE TRUST BOARD

In order to allow the Academy to function efficiently, delegation to the Executive Headteacher and Headteacher and to other members of staff is necessary. The extent and level of any such delegation should be agreed by the Trust Board subject to approval by members of the Equitas Academies Trust.

In this template a shaded box indicates that such delegation is not permitted because of national or local regulations or would not be best practice. Where committees exist, the name of the committee to which the function is delegated should be specified either in the column heading(s) or in the Comments column. Further comments may be added where you wish to clarify your decision.

Activities are listed in alphabetical order and not according to level of importance.

Key to abbreviations	BM	Business Manager	(AMA/CCA) staff member)
	RO	Responsible Officer	(Equitas Trust appointment)
	FO	Finance Officer	(AMA/CCA staff member)
	FA	Finance Assistant	(AMA/CCA staff member)
	PM	Premises Manager	(AMA/CCA staff member)
	ITM	IT Manager	(AMA staff member)
	HR	Human Resources Assistant	(AMA staff member)

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
1. Accounting						
1.1 Adhering to accounting policies and guidelines issued by the EfA		F&GP to Review			BM/FO/FA	RO as part of his audit will review policies
1.2 Maintaining accurate, reconciled and up to date records to provide financial and statistical information.				Monthly review of records	BM/FO/FA	BM will review monthly management accounts

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
2. Assets						
2.1 Arranging security of buildings, furniture, equipment, stock, stores and cash.					BM/PM	BM will receive and issue cash
2.2 Maintaining an inventory of all movable items of equipment and security marking such items.					ITM	To agree Fixed Asset register to Financial Accounts
2.3 Checking annually the inventory to verify the location and condition of each item of equipment in line with academy policy.					ITM	
2.4 Authorising the disposal of unusable or obsolete equipment included in the inventory.		Schedule to be discussed	Signs off any disposals over 10K Schedule to F&GP	Sign off any disposals up to 10K	ITM to prepare list	Must obtain EfA approval in writing if it proposes to dispose of an asset for which capital grant of more than £20,000 was paid.
2.5 Maintaining a record of all property borrowed by staff.					BM/ITM	Review registered regularly

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
3. Audit						
3.1 Availability of records and documents for inspection by the External Auditors.					BM to prepare statutory accounts and ensure records are in order for inspection	Legal requirement to supply auditors with such information and explanations as they may require
3.2 Receiving the report from an audit inspection and implementing any recommendations.	Disclose findings	Audit present findings to the FG&P		Approval of management accounts	Reviewed by BM/ Headteacher	Audit to consider draft report first-then to Trust Board
3.3 Maintaining a register of pecuniary and business interests for trustees.	Report to the board			See right	Clerk of Trustees	Clerk to Trustees will do this in practice with the help of Headteacher
3.4 Reconciling bank statements on at least monthly basis.				Approved and Signed by	BM	Performed monthly
3.5 Maintaining a record of all cash holdings in the Academy.					BM	Reconcile cash monthly

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
4. Budget						
4.1 Overseeing the preparation of the annual budget plan and ensuring it links to the priorities established by the Academy self-evaluation form (SEF) and the Asset Management and Premises Development plans.	F&GP Chair present to Trust Board	BM present to Finance & General Purposes Committee	Review Budget	Preparation of annual budget in line with AIP. Ensuring good value for money against priorities	BM	BM will prepare budgets with the help of the Headteacher, the Ex HT will review budget
4.2 Approving the final budget.	Approval	Make recommendation to the Trust Board			BM to present	Equitas Academies Trust Board will approve the final budget of both Academies
4.3 Academy budgets to Trust Board within the agreed timescale	Chair of Trust Board to receive/convey Trust approval					BM will issue a budget timetable to coincide with the YPLA reporting deadlines
4.4 Monitoring actual year to date income and expenditure against budget and explain Variances	F&GP chair /BM to present management report to the Trust Board	Finance & General Purposes Committee		Review monthly management accounts	BM to prepare and report	Monitored on a monthly basis and reported to FG&P at least once per term by BM
4.5 Approving transfer between budget headings (virements) within agreed limits.	Over £50k	Finance & General Purposes Committee can authorise virements up to £50,000		Headteacher has authority for virements up to £10,000		All virements in aggregate exceeding £10,000 in any one term between departments must be reported to FG&P

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
5. Trustee Expenses						
5.1 Establishing procedures for trustees to claim expenses		F&GP			BM	
6. Income (including lettings)						
6.1 Approving a lettings policy and fees		Finance & General Purposes Committee			BM to prepare	
6.2 Rendering accounts promptly. Receipting and banking promptly all income intact. Not cashing personal cheques. Recording cash passed from one person to another					FO/FA will Account for all cash in and out - BM will review	
6.3 Writing off of debts		Finance & General Purposes Committee			BM to present any possible w/off's to the FG&P	Funding Agreement requires that Secretary of State's approval be obtained prior to writing off any single debt in excess of £1,000

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
7. Information and Communication Systems						
7.1 Controlling systems, security and privacy of data					ITM	
7.2 Registering under Data Protection legislation			Ex HT/BM will ensure that we are correctly			
8. Insurance						
8.1 Reviewing insurance cover in the light of a risk assessment		F&GP	Ex HT will assist the BM to assess the adequacy of the Insurance			
9. Investments						
9.1 Setting aside funds in cash reserves	Trust Board to determine investment	F&GP				BM to present any Investment opportunities

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
10. Orders and Paying for Goods, Works and Services						
10.1 Ensuring that all contracts and agreements conform with finance policies and procedures				Approved by Headteacher	Prepared by BM	
10.2 Accepting quotations/tenders and authorising orders/contracts for goods, works and services		F&GP committee to approve orders over £50k and up to £150k	Exe Headteacher to authorise over £10K and up to £50K	Headteacher to authorise all orders over £5k and up to £10k prior to any commitment being given	BM to review all orders under £5k prior to any commitment being given and approve	Orders over 10k will need 3 quotes Budget holders can approve orders up to £5k but require second authorisation from Headteacher/BM
10.3 Receipting and custody of all tenders					BM	
10.4 Authorising staff to open tenders		F&GP Committee to determine policy	See right			Ex HT will inform which budget holders can open tenders
10.5 All cheques require 2 authorised signatories						Authorised signatories are Exe Headteacher Headteacher Ass Headteacher Business Manager/Deputy Business Manager

<p>10.6 Not making payments unless goods have been received to the correct price, quantity and quality standard</p>					<p>FA will match goods received notes to orders on the Financial Accounting System</p>	<p>For those items with no orders such as catering the invoice needs to be signed by an approved authoriser once the goods have been delivered and checked</p>
<p>10.7 Paying the correct person and the correct amount supported by an invoice</p>					<p>FA will issue with each payment a list of invoices to be paid</p>	<p>It is the responsibility of all cheque signatories to check this when signing</p>
<p>10.8 Retaining and storing invoices, vouchers and other financial records in a secure way for the defined period</p>					<p>FA will keep the records under lock and key</p>	
<p>10.9 Reconciliation of all business debit card transactions</p>					<p>BM to reconcile supporting documentation on a monthly basis</p>	

Activity	Trust Board	Committee	Executive Headteacher	Headteacher	Staff	Comments
11. Salaries, Wages and Pensions						
11.1 Certifying pay documents and other time records				Headteacher certifies payroll spreadsheet each month	BM to review the payroll changes for the month	HR to collect and send payroll amendments to the payroll Bureau
11.2 Approving salary policy and annually reviewing Headteachers salary		F&GP Committee to review overall salaries	Reviews Headteachers salary with Chair Trust Board	Reviews staff salaries (other than own)		
12. Staffing						
12.1 Staff appointments				Headteacher to approve appointments		
12.2 Staff Dismissals		Appeals to 'Pay, conditions & Appeals' Panel	EHT to dismiss.			
12.3 Performance management of Executive Headteacher	PM of EHT by Chair of Governors					
13. Taxation						
13.1 Complying with VAT regulations					BM	We are only currently required to issue a VAT return for catering and uniform sales

14. Voluntary Funds						
14.1 Administering of voluntary funds						BM/DBM
14.2 Appointing an independent Auditor	Recommendation to Trust Board	Audit decision				
13.3 Receiving audited annual accounts		The Audit Committee reviews draft in detail & makes recommendation to full Trust Board.				BM/DBM will present the audited accounts to the committee