

# **The Sixth Form Colleges Trust Scheme of Delegation 2024-2025**

## **1. Key points and explanation of terms used**

### **This document outlines:**

- The principles of decision making within the Trust
- The Scheme of Delegation within the Trust
- The respective roles and responsibilities of Members, Trustees, Governors and Executive Leaders

### **This document uses the following terms:**

- **MAT** to refer to a Multi Academy Trust
- **The Trust** to refer to The Sixth Form Colleges Trust
- **The Colleges** to refer to the colleges within the Trust
- **Members** to describe individuals who have the right to vote at General Meetings held in accordance with the Articles of Association
- **Trustees** to describe individuals who have the right to vote at Board meetings of The Sixth Form Colleges Trust and who are registered as Directors at Companies House
- **Governors** to describe individuals who have the right to vote at Local Governing Body meetings
- **CEO** for the Chief Executive of the Trust, who is also the **Accounting Officer** for the Trust
- **Executive Leaders** to describe members of the **Executive Leadership Team**, composed of the CEO, Principals of the Colleges, the Chief Finance Officer and the Director of Human Resources

## **2. Introduction and statement of intent**

The Sixth Form Colleges Trust is a co-created MAT, founded by Long Road Sixth Form College and The Sixth Form College, Colchester. The Colleges intend to work collaboratively as a MAT, sharing their ethos and values, whilst continuing to maintain their distinctive identities as highly successful colleges to enhance the quality of education they provide to their students and wider stakeholder groups in their local communities.

The Trust will operate on the basis of subsidiarity, which means that its powers will be delegated to the Colleges, save for those that are legally reserved to the Board of Trustees. As far as is legally possible, the Board of Trustees and CEO will delegate decision making to the two member College's Local Governing Bodies and Principals.

## **3. Scope and Applicability**

This Scheme of Delegation applies to both Colleges, and to all Members, Trustees, Governors and staff.

It has been approved by the Trustees in accordance with the provisions of the Trust's Articles of Association.

The Scheme of Delegation will be monitored regularly by the Board of Trustees, Local Governing Bodies and the Executive Leadership Team, to ensure the scheme is effective. It will be reviewed by Trustees at least annually, in consultation with the Local Governing Bodies (LGBs) of each College, and with the Executive Leadership Team.

A copy of the Scheme of Delegation will be published on the Sixth Form Colleges Trust website.

Financial delegations are as outlined in the Sixth Form Colleges Trust Financial Regulations and Procedures.

This Scheme of Delegation should be used in conjunction with the documents listed below:

**Trust specific documents:**

- *Articles of Association*
- *Master Funding Agreement*
- *Terms of Reference*

**National Guidance and Government documents:**

- [Academy Trust Governance Guide](#)
- [The Seven Principles of Public Life – Lord Nolan](#)
- [Academy Trust Handbook 2024](#)
- *National Governance Association guidance* (including legal obligations of Trustees and Directors of MAT)

## **Roles and Responsibilities**

### **a) Members**

Members have a limited but crucial role in safeguarding the Academy Trust, as Members are the guardians of the constitution and charitable objects of the Trust. Members have ultimate control over the direction of The Sixth Form Colleges Trust and ensure that it meets its charitable objects by appointing Trustees, agreeing the Articles of Association and appointing auditors. Members may use their powers to step in if governance is failing. Members are not involved in the day-to-day business of the Trust. Members have a general duty to exercise their powers to further the Trust's central charitable object which is '*to advance for the public benefit education in the United Kingdom*'.

The Articles of Association require at least three Members. The Sixth Form Colleges Trust intends to have five Members. Members elect a Chair at each General Meeting (in accordance with Article 25).

**The Members:**

- Individually and collectively have the knowledge of the Trust and its Colleges, and the skills, expertise and involvement to fulfil their role, in accordance with the expectations set out in the Terms of Reference
- Exercise their powers to appoint and/or remove Members, as required, in accordance with the provisions of the Terms or Reference
- Appoint Trustees who have the skills, expertise, knowledge and experience to enable the Board to fulfil its obligations effectively, and if necessary, remove Trustees, in accordance with the Articles of Association
- Hold the Chair of Trustees to account for the performance of the Board
- Approve any changes to the Articles of Association
- Ensure that the charitable objects of the Trust, as set out in the Articles of Association are met, and that income and property of the Trust are only used to promote these objects
- Take part in annual and general meetings
- Approve any decisions for a College to join or leave the Trust
- Establish clear and effective lines of communication with the Trustees to effectively undertake Member's responsibilities effectively

## **b) Board of Trustees**

In accordance with Article 93, the Board of Trustees is accountable for the academic, financial, and operational performance of the Trust. The Board of Trustees is the key strategic decision-making body of The Sixth Form Colleges Trust and has ultimate responsibility for each of the Colleges within the Trust.

The Trust is the employer and accountable body ensuring compliance with statutory and regulatory functions.

Ultimate accountability for financial and resource management rests with the Board of Trustees; responsibility is delegated to the Accounting Officer (CEO), with further delegations to other roles, as appropriate.

As the employer, accountability for employment-related issues rests with the Board of Trustees; responsibility is delegated to the CEO, who in turn delegates to the Director of Human Resources, and, in instances related to individual College decisions, to the College Principal.

Each Trustee is registered as a Company Director with Companies House, and each Trustee must comply with the legal obligations of Trustees and Directors. The Board is collectively accountable to the Members and to external bodies, such as the Secretary of State for Education.

### **Reserved Decisions**

The following are Reserved Decision, on which the Board of Trustees will make the final decision. Authority for Reserved Decisions may not be delegated to any Committee or individual:

- Approval of the vision and strategy for the Trust
- Approval of the annual budget for the Trust, including the budget for each College
- Approval of the accounts for the previous financial year and Annual Report, including any required Letters of Representation or governance statements
- Approval of acquisition or disposal of freehold or leasehold interests in land
- Approval of any changes to staff terms and conditions
- Approval of any proposals for other institutions to join the Trust\*
- Approval of any proposals for an institution to leave the Trust\*
- Appointment of the Chief Executive Officer (CEO), Principals, Chief Finance Officer, Director of HR, Governance Professional and Company Secretary, on the advice of the appropriate selection panel

*\*These decisions would also require the approval of the Members.*

All other decisions may be delegated.

### **Committees**

The Board of Trustees will work with the Local Governing Body for each College and, in addition, will establish the following committees:

- An Audit and Risk Committee
- A Remuneration Committee

### **The Board of Trustees will focus primarily upon:**

- Shaping the vision, ethos and strategy for the Trust
- Financial and resource management
- Effectiveness of governance, leadership and performance at the Colleges
- Compliance with legal or contractual requirements, including safeguarding, health and safety, employment, equalities, and the approach to risk identification and management
- Oversight of Quality of Education across the Colleges in the Trust

### **c) Local Governing Bodies**

Local Governing Bodies (LGB) have responsibility for governance oversight of the performance of the relevant College. They provide support and challenge to the College Principal and managers. The LGB provides the important link between the Trust, students, parents, staff and the local community. The LGB provides valuable feedback and advice to the Board of Trustees. The LGB is accountable to the Board of Trustees for the performance of their College. Up to three members of the LGB will also be Trustees.

#### **Local Governing Bodies will focus primarily upon:**

- Developing the strategic priorities of the College, which will be in alignment with the shared vision, ethos and overall strategy of the Trust
- Quality of educational provision and performance
- Oversight of College leadership and management
- Local financial and resource management
- Community engagement
- Safeguarding

All governing groups and committees outlined above will be supported by a Governance Professional, appointed by the Trust Board.

Further detail on the LGB Terms of Reference, meetings, membership and quorum can be found at Appendix 1.

### **d) Executive Leadership Team**

The Executive Leadership Team is led by the Chief Executive Officer, and comprises the CEO, the College Principals, Chief Finance Officer and the Director of HR.

The CEO may delegate executive management functions to members of the Executive Leadership Team.

The Executive Leadership Team will advise the Trustees on matters of strategy and policy and their implementation

#### **Chief Executive Officer – CEO**

The CEO has the delegated responsibility for the operation of the Trust including the performance of the Trust's Colleges and accountability for work of the College Principals.

The CEO is the Trust's Accounting Officer and as such must ensure regularity, propriety and best value for money, and assure the Board of Trustees that there is compliance with the Master Funding Agreement and the Academy Trust Handbook.

The CEO is responsible for advising on and implementing the Trust's strategic framework and for the implementation of policies approved by the Trustees. The CEO reports to the Chair of the Board of Trustees.

The CEO leads the Trust's Executive Team and is a member of the Board of Trustees.

#### **College Principals**

The College Principals are responsible for the leadership and management of their College and are accountable to the LGB on all matters which have been delegated. The College Principals are line managed by the CEO; they are governors on the relevant LGB and are invited attendees at Board of Trustees meetings.

**Chief Finance Officer (CFO)**

In accordance with the requirements of the Academies Financial Handbook, the Trust shall appoint a Chief Finance Officer (CFO). The CFO is line managed by the CEO and advises the Board of Trustees, as required.

**Director of Human Resources**

The Director of Human Resources is appointed by the Trust to advise on HR Strategy and employment matters at Trust level. The Director of Human Resources is line managed by the CEO.

**4. Scheme of Delegation Matrix**

**Scheme of Delegation**

✓	<b>Responsible</b> for making decisions and taking action. Where required, make recommendations for final approval.
C	<b>Consultation and counsel:</b> advice, input, recommendations and support are provided to those who are taking the decision/action.
A	<b>Accountable/responsible</b> for final approval

No	Governance Task						
A	Strategy	Members	Trustees	LGB	CEO / AO	Principal	GP
	Develop the vision and ethos of the Trust		A	C	✓	C	
	Develop, implement and monitor overall Trust strategy		A	C	✓	C	
	Develop the character and mission of the Colleges			A	C	✓	
	Approve the Colleges' annual strategic objectives		A	C		C	
	Develop, implement and monitor the Colleges' annual strategic objectives			A		✓	
	Amend Articles of Association	A	C		C		✓
	Determine Scheme of Delegation		A	C	✓	C	
	Approve academies seeking to join the Trust	A	✓	C	C	C	
	Approve membership and terms of reference of Audit & Risk Committee and Remuneration Committee		A				C
	Approve the membership and terms of reference of LGBs		A	✓		C	C
	Approve Trust-wide policies needed to maintain statutory and regulatory compliance at all times		A	C	✓	✓	C
	Approve Trust Risk Management Framework & strategic risk appetite		A	C	C	C	C
	Approve, monitor and review the Trust risk framework		A	C	✓	✓	
	Approve, monitor and review the colleges' risk register, critical incident and business continuity plans		A	✓	C	✓	
	Appointment and removal of members	A	C	C			C
	Appointment and removal of Trustees	A	✓	C	C		C
	Appointment and removal of LGB members		A	✓		C	C
	Maintain and publish register of interests		A				✓
	Complete annual skills audit		A	C			✓
	Provide training for Trustees/Governors		A		✓	✓	✓
	Approve the annual schedule of business for the Trust Board and LGBs		A	C	C	C	✓
	Periodic review of governance		A	C			✓

<b>B</b>	<b>Educational Quality</b>	<b>Members</b>	<b>Trustees</b>	<b>LGB</b>	<b>CEO / AO</b>	<b>Principal</b>
1	Maintain high standards of Quality of Education		A	A	✓	✓
2	Ensure curriculum meets needs of students, including those with SEND		A	A	✓	✓
3	Ensure safeguarding is effective <ul style="list-style-type: none"> <li>Approve annually Safeguarding policy and procedures</li> <li>Monitor implementation and effectiveness</li> <li>Receive termly and annual reports</li> </ul>		A	A	✓	✓
4	Maintain student behaviour and discipline		A	A	C	✓
5	Manage student appeals and complaints		A	✓	C	✓
6	Develop and review College policies			A	C	✓
7	Manage College Admissions policy, decisions and appeals		A	✓	C	✓
8	Develop and review College annual strategic plan			A	C	✓
9	Develop and review College Self-Assessment Report and Quality Improvement Plan			A	C	✓
10	Monitor performance against the Trust Development Plan		✓	✓	✓	C

<b>C</b>	<b>Human Resources</b>	<b>Members</b>	<b>Trustees</b>	<b>LGB</b>	<b>CEO / AO</b>	<b>Principal</b>	<b>HR Director</b>
	Develop and monitor Trust HR Strategy		A	✓	✓	C	✓
	Ensure appropriate policies and procedures are in place to deal with staff issues, including conduct and performance		A	✓	✓	✓	✓
	Ensure colleges are compliant with statutory and regulatory HR processes		A	✓	✓	✓	✓
	Determine Teaching and Support staff Terms and Conditions, with reference to SFCA national agreements		A	✓	C	C	C
	Determine Terms & Conditions for the Trust Executive Team		A	C			C
	Appointment (and dismissal) of CEO/AO, HR Director,		A			C	
	Appointment (and dismissal) of College Principal		A	✓	C		C
	Appointment (and dismissal) of CFO, and Trust Governance Professional		A		C		C

<b>D</b>	<b>Finance</b>	<b>Members</b>	<b>Trustees</b>	<b>LGB</b>	<b>CEO / AO</b>	<b>Principal</b>	<b>CFO</b>
	Approve and monitor Trust Risk Management Framework & strategic risk appetite		A	C	C	C	C
	Implement Trust-wide financial policies to maintain statutory and regulatory compliance at all times		A	C	✓	✓	✓
	Determine, implement and monitor establishment of central services, including distribution to and contribution from Colleges		A	C	✓	C	C
	Ensure appropriate insurance cover in place for Trust and Colleges		A		✓	C	✓
	Acquire and dispose of land		A	C	✓	C	C
	Acquire and dispose of assets in accordance with Trust policy		A	C	✓	C	C
	Enter into contracts up to limits specified in finance scheme of delegation		A		✓	✓	✓
	Approve and monitor Trust Asset management policy		A	C	✓	✓	✓

<b>E</b>	<b>Operations</b>	<b>Members</b>	<b>Trustees</b>	<b>LGB</b>	<b>CEO / AO</b>	<b>Principal</b>
	Develop the Trusts Estates Strategy		A	C	✓	✓
	Implementation and monitoring of health and safety policy and good practice, including incident reporting		A		✓	✓
	Fire risk assessment		A		✓	✓
	Buildings risk assessment (asbestos, concrete, etc.)		A		✓	✓
	Premises management, maintenance and security		A		✓	✓

## The Sixth Form Colleges Trust

### Terms of Reference: The Sixth Form College, Colchester, and Long Road Sixth Form College LGBs

#### Local Governing Bodies purpose

Each Local Governing Body (LGB) will focus primarily upon safeguarding, educational provision and performance, overseeing operational management and community engagement at the College that it oversees. A LGB is collectively accountable to the Trustees for effective oversight of its College and is accountable for decisions that it makes under delegated authority from the Trustees.

#### Terms of Reference:

Subject to the provisions of the Articles, this Scheme of Delegation and the Reserved Decisions, the LGB may make any decision necessary to provide high quality education within the College. The objectives of the LGB are to ensure that:

- Student outcomes, progress and opportunities are maximised;
- Resources of the College are used effectively; and
- The College complies with statutory regulations and funding

Specifically, the LGB is to:

- 1) Approve and ensure the implementation of the College's Quality Strategy
- 2) Approve the College Self-Assessment Report, prior to its submission to Ofsted.
- 3) Approve and oversee the implementation of the annual College Improvement Plan and monitor its implementation, ensuring that it focuses upon:
  - a) Maintaining and, where necessary, improving the quality of teaching and learning
  - b) Closing any identified gaps in performance, be these subjects or particular groups of students (including SEND and vulnerable students);
  - c) Continuous Professional Development of staff;
- 4) Approve the curriculum and monitor its delivery (including intent, implementation and impact);
- 5) Monitor risk management at the local level, including regular reviews of the College risk register;
- 6) Determine and oversee the admissions policy and arrangements in accordance with admissions law and DfE codes of practice;
- 7) Review and monitor the implementation of Trust and College policies in line with the Scheme of Delegation, including behaviour, attendance, exclusions and safeguarding, and revise or recommend changes to improve effectiveness in accordance with this Scheme of Delegation;
- 8) Monitor the well-being of students and staff
- 9) Monitor the deployment of financial resources, and review and recommend the budget annually to the Trust in accordance with this Scheme of Delegation;
- 10) To be involved in recruitment of senior staff in accordance with this Scheme of Delegation;
- 11) Ensure that Governors have the appropriate skills and knowledge to perform their role, including undertaking training as required; and

The LGB shall function without standing committees.

A LGB may set up a working group, or panel, where appropriate, to explore or oversee a time-limited project or issue (staff or student matter). At the time of its establishment, the LGB shall establish Terms of Reference for the working group, including membership and any delegated authority (if it is to have delegated authority, the majority of individuals on the working group and at any meeting making a decision

must be Governors, there must be three Governors present at any meeting making decisions). The LGB may make a recommendation to the Board (or an appropriate committee of the Board).

## Membership, Meetings & Quorum

### Local governing body (LGB) members

#### Members of the LGB agree to:

- Support the vision and values of The Sixth Form Colleges Trust.
- Attend such training as is reasonably required by the Trust to update and improve the knowledge and skills available within the LGB to fulfil its role.
- Provide the information required by the Trust in the form indicated in this Scheme of Delegation and not to withhold any information which the Trust reasonably requires.
- Refer relevant decisions to the Trust for approval as set out in the Scheme, and not to act, or to omit to act, in reliance on such a decision prior to obtaining such approval.

#### Membership

As approved by the Board. The following LGB structure will apply:

LGB Member	Term of office
College Principal (ex-officio)	Ex-officio
2 staff – one teaching and one support staff	4 years
2 parents/carers of students at the College	2 years (during the term of their child studying at the College)
2 students	Up to 2 years
Minimum 6 and maximum 9, appointed by the Board (2 of whom will serve on the Trust Board also)	4 years. The Board may remove a 'Board appointed governor' at any time (even during their term of office) if they believe that the person has not adequately fulfilled the role of Governor.
Up to 2 Co-opted by the LGB	LGB to specify a term of no longer than 4 years

The LGB expects the Board when appointing Governors, and itself when co-opting Governors, to appoint individuals who between them have the following skills / experiences:

- Educational leadership / governance expertise
- Safeguarding
- Expertise in other public services delivering to our community (i.e. health, students' services)
- Financial understanding
- Local community knowledge and expertise

### Appointment of local Governors/LGB members

#### Principal – ex-officio

**Parents:** Parent governors shall be elected by the following process:

- o Seeking nominations from all parents;
- o If there are fewer nominations than vacancies, the nominees are appointed by the LGB, and the LGB then seeks to appoint additional parents as parent governors to fill any vacancies (posts can be held vacant until the following term where the LGB considers this appropriate, such as to enable parents of an incoming year group to be eligible);

- o If there are more nominations than vacancies, an election will be held where the parents / carers of each student attending the College on the date that the election starts are entitled to vote (one vote per parent) for the shortlisted nominees. The nominee with the largest number of votes will be appointed by the LGB. If there was more than one vacancy this process shall be repeated until all vacancies are filled (i.e. if two vacancies, the two nominees with the most votes shall be appointed).

**Staff:** Staff governors shall be elected by the following process:

- o Seeking nominations from the respective staff body, with all relevant groups of staff (being defined based upon the pension scheme that the member of staff would be eligible to join) employed by the Trust at the relevant College on the date of notice seeking nominations eligible to self-nominate;
- o If there are the same number or fewer nomination(s) as there are vacancies, those nominee(s) are appointed by the LGB. If there remains a vacancy due to a lack of nominees, the LGB may approach and, with their consent, appoint an eligible individual;
- o If there are more nominations than vacancies, an election will be held whereby every member of the relevant group of staff employed by the Trust at the College overseen by the LGB on the date that the election starts would be entitled to vote (one vote per individual) for the nominees. The nominee with the largest number of votes will be appointed by the LGB.

**Students:** Student governors shall be elected by the following process:

- o Seeking nominations from the respective student body;
- o If there are fewer nominations than vacancies, the nominees are appointed by the LGB, and the LGB then seeks to appoint additional students as governors to fill any vacancies (posts can be held vacant until the following term where the LGB considers this appropriate);
- o If there are more nominations than vacancies, an election will be held where all students are entitled to vote (one vote per student). The nominee with the largest number of votes will be appointed by the LGB. If there was more than one vacancy this process shall be repeated until all vacancies are filled (i.e. if two vacancies, the two nominees with the most votes shall be appointed).

**LGB Co-opted:** Co-opted by ordinary decision of those Governors who are not themselves co- opted based on the skills / experience that is required by the LGB to ensure its effectiveness.

**Board appointed:** Appointed by ordinary resolution of the Board based on the skills / experience that is required by the LGB to ensure its effectiveness.

The LGB may invite other members of staff to attend in a non-voting capacity. There must always be at least two governors who were, at the time of their appointment, parents/carers of students at the College. If the LGB is unable to recruit parent governors in two consecutive processes of seeking nominations, the Board shall be entitled to appoint individuals in the accordance with Articles 54A and 56.

All Governors should demonstrate the attributes outlined in the Person Specification element of the Role Description (separate document). The diversity of the Member, Trustee and LGB shall be considered as part of the recruitment process and emphasis shall be given to seek interest from under-represented groups.

All Governors will be eligible for re-election or re-appointment, although it is expected that Governors would not serve more than the equivalent of two full terms (8 years in total) other than in exceptional circumstances specifically approved by the Trustees. An LGB may decide to appoint a former parent Governor as a Governor if they have a vacancy at the appropriate time.

All Governors must comply with the provisions within the Articles of Association for eligibility as if they were Trustees of the Trust. All Governors must declare conflicts of interest in accordance with the Articles of Association and Trust policy as if they were Trustees of the Trust.

### **LGB meetings and quorum**

- The LGB will meet at least 3 times per year.
- Meetings of the LGB will be quorate if 5 or one-half of external Governors are present (whichever is the greater); this provision applies to every part of the meeting.
- Each Governor shall have one vote and shall be able to vote by proxy if they have notified the Chair in advance of their views and are entitled to vote. The Chair will have a second and casting vote if necessary. Resolutions can be passed in writing, signed by all eligible Governors, and this will be as effective as if the resolution had been passed at a meeting.
- LGB Chair and Vice-Chair: Elected by the LGB at the first meeting each academic year. The Chair and Vice-Chair must not be employees of the Trust. It is expected that an individual would be Chair for no longer than 8 years other than in exceptional circumstances specifically approved by the Trustees.