



# 24. Scheme of Delegation

Date adopted: September 2021

Review: September 2022

See EOTAS policy control document for status, notes and actions pertaining to this policy

This document guides and directs the activities of the Management Committee (MC) and should be read, interpreted and applied in conjunction with:

- Education (Pupil Referral Unit)(Application of Enactments)(England) Regulations 2007
- Governance Handbook <https://www.gov.uk/government/publications/governance-handbook>
- Guidance on Management Committees for Pupil Referral Units – Constitution and Roles and Responsibilities (Appendix 1)



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- Guidance on the Procedures for the Operation of Management Committees for Pupil Referral Units (Appendix 2)



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- The register of policies and statutory documents for EOTAS

In discharging its key roles the MC may choose to retain executive decisions to itself or by delegation to sub-committees, ad-hoc working party of committee members, an individual member or the Headteacher.

The MC allows for **Chair's Action** under Regulation 8 of the Procedures Regulations 2013 which should only be used where any delay would be likely to be seriously detrimental to the interests of the school, any pupil at the school, or his/her parent, or a person who works at the school.

## **Role of the LA**

Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school-age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion. The Secretary of State has the power to make statutory guidance about these duties, and local authorities must have regard to it.

## **Roles and responsibilities of the management committee (MC)**

In many respects the roles of the MC mirror those of a governing body of a maintained school which now also include management of a delegated budget (from 1 April 2013)

The MC should play a strategic and advisory role in exercising their functions, and any functions delegated to them by the LA. In particular they should work closely with the LA and set up a strategic framework for the PRU. This strategic plan will need to:

- Set out appropriate aims and objectives
- Identify and include policies, targets and priorities, and
- Set out arrangements for monitoring and reviewing aims, objectives and whether policies, targets and priorities are being achieved.

The MC should take advice on all these from the Headteacher before making their decisions. Working strategically, MC members should use any monitoring evidence to review and evaluate progress against targets set to see whether policy is working or needs changing.

The MC is responsible for a delegated budget and must ensure that the pupil referral unit acts in the best interests of pupil. The MC has responsibility for all financial decisions necessary to manage and spend budgets effectively, such as maintaining accurate accounts, signing contracts and deciding on severance payments to dismissed members of staff.

Responsibility for all decisions about the recruitment and management of staff sit with the management committee, rather than the local authority. As with community schools the local authority will remain the employer of staff in pupil referral units and will continue to be responsible for agreeing pay and conditions. The management committee have responsibility for making decisions about appointing, managing, appraising, suspending or dismissing members of staff. In carrying out the duties with regard to this, management committees must adhere to the relevant sections of the School Staffing Regulations.

In terms of the composition of management committees, they must contain at least seven, but no more than 20 members. The structure is outlined in the table below.

|                                   |   |
|-----------------------------------|---|
| Parent members                    | At least one, but no more than one-fifth of the total committee.  |
| Staff members                     | At least one, but no more than one-third of the total committee.  |
| Local authority-appointed members | At least one, but no more than one-third of the total committee.  |
| Community members                 | Must outnumber all of the other members.  |
| Sponsor members (optional)        | Sponsor members are entirely optional but where a committee has sponsor members there must be at least one, but no more than two. |

Changes were made to regulations in 2012, specifically about community members. When appointing community members the MC must first seek to appoint representatives from local schools. The regulations also specify that local authority employees, other than persons employed by the local authority to work in a school maintained by them, cannot be community members.

Increasing school representation on management committees will help ensure that the needs of pupils are better met, and help build continuity and raise standards in their educational attainment. This is therefore a priority for management committee membership. Where it is not possible to appoint a school representative and there is difficulty in finding people to appoint as community members, consideration should be given to appointing community members who are involved with the young people, who may typically be in alternative provision in their area. This may include community groups, offending or drug support groups, and other alternative provision and pupil referral units. Local businesses, colleges and others who work with young people could also be considered. Where the local authority or management committee feel it would be valuable to retain the input from other local authority services (who previously sat on the committee as community members) it should be noted that representatives from these services can still attend management committee meetings to offer valuable insights, though they would not have voting rights.

Where a pupil referral unit requires special measures or significant improvement, or where a pupil referral unit is judged to be underperforming, the Secretary of State can replace members of the management committee with interim executive members.

Relevant legislation includes:

Regulation 7 of the Education (Short Stay Schools) (Closure) (England) Regulations 2010, as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, which came into force on 1 September 2012).

The Education (Pupil Referrals Units) (Management Committees etc.) (England) Regulations 2007 (as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012).

The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012, which came into force on 1 September 2012.

## **Terms of Reference – Management Committee**

### **Management Committee Procedures**

1. To appoint (and remove) the chair and vice-chair.
2. To appoint and dismiss the clerk.
3. To ensure that at least three Management Committee meetings are held in a school year.
4. To appoint and remove community governors
5. To set up a Register of Governors conflict of Interest on an annual basis.
6. To consider whether or not to exercise delegation of functions to individuals or committees.
7. To regulate the MC procedures (where not set out in law).

### **Staffing**

1. To appoint the selection panel for Headteacher, Deputy Headteacher and Senior Leadership team.
2. To ratify or reject decisions of appointed selection panels.
3. To consider ending the suspension for a member of staff.
4. To appoint a staff disciplinary panel if required.
5. To agree or reject Headteacher pay increase based on recommendations from the Performance Management Panel.

### **Strategic Development and Self-evaluation**

1. Agree a strategic development plan for EOTAS.
2. Review outcomes of school self-evaluation process and links to the school development plan.
3. Review judgments and update appropriate sections of the schools self-evaluation documents.
4. Review progress of school development priorities.
5. Consider any recommendations made by external advisers.
6. To implement a review of statutory policies and publications.
7. Review impact of policies and procedures and ensure statutory duties are met with respect to reporting to parents.

### **School Organisation**

1. Set the times of school sessions.
2. To ensure that the school meets for the agreed number of sessions in a school year.
3. Review admissions arrangements.

### **Provision of facilities and assistance**

1. To decide to offer additional activities and in what form these should take (following advice from the Local Authority).

2. To put into place the additional services provided.
3. To ensure delivery of services provided.
4. To cease providing extended school provision.

### **Special Educational Needs and Disability (SEND)**

1. To have regard to guidance in the Code of Practice on SEND.
2. To secure appropriate provision for pupils who have SEND.
3. To ensure that teachers identify and effectively provide for pupils who have SEND.
4. In conjunction with the Headteacher, to co-ordinate SEND provision with other schools.

### **Premises & Insurance**

1. To establish and monitor the Asset Management policy and action plan for the School and authorise buildings and grounds maintenance repairs.
2. To liaise with LA premises officers and relevant Health and Safety authorities.
3. To establish and monitor a Health and Safety policy for the School.
4. To establish a charging policy for hire of the premises

### **Behaviour/Exclusions**

1. To establish a behaviour policy.
2. To review the use of exclusion where the pupil would lose the opportunity to sit an examination while on exclusion
3. To direct reinstatement of excluded pupils
4. Monitor and review pupil behaviour and attendance
5. To monitor and review racist and homophobic incidents

### **Safeguarding, Child Protection and Health & Safety**

1. In conjunction with the Headteacher ensure all health and safety and safeguarding regulations are followed.

### **Community Cohesion and Equality and Diversity**

1. To promote the well-being of pupils and community cohesion.
2. To ensure that EOTAS complies with relevant legislation relating to equality and diversity e.g. disability, gender, race equality.

## **Reports to the Management Committee**

The senior leadership team will prepare and present a written report to the relevant committee (which could be Resources or Curriculum and Standards) including:

- Evaluation of progress towards school improvement priorities
- Key updates in the quality of provision where relevant
- A budget report of expenditure to date and variances and predicted expenditure.
- Regular update on key aspect of the school development plan with respect to the wellbeing agenda e.g,
  - Annual report on safeguarding and regular update on safeguarding issues
  - Update on buildings projects
  - Evaluation of compliance an impact of health and safety procedures
  - Evaluation of the support to vulnerable groups, attendance, SEND
  - Evaluation of spiritual, moral, social and cultural (SMSC) developments
- Quality of teaching and learning and evaluation of progress against teaching and learning targets
- Findings from the most recent data collection and evaluation of progress against pupil performance targets
- Evaluation against specific targets identified in the EOTAS plan
- Annual report (quality assurance on moderation of teaching and learning)

## Curriculum and Standards Sub-Committee

**Membership:** At least three members, appointed by the management committee including the Headteacher.

**Quorum:** Three members

**Meetings:** A minimum of three times a year.

**Delegation:**

The Curriculum and Standards sub committee has delegated authority from the Management Committee:

1. To establish a broad and balanced curriculum policy and to review it annually in conjunction with the Headteacher and ensuring the balanced treatment of political issues, in conjunction with the Headteacher.
2. To review and quality assure subject options having regard to resources, in conjunction with the Headteacher.
3. To have responsibility for pupils education in conjunction with the Headteacher.
4. To establish and review a Relationships and Sex Education and Health policy in conjunction with the Headteacher.
5. To review SEND provision
6. To review progress towards aims as detailed in the School Development Plan
7. To ensure equalities are embedded in all policies and to review curriculum and standard policies
8. To provide a statement of the principles to the Headteacher on which to base the schools behaviour policy

## Resources Sub-Committee

As EOTAS is an establishment of the Council it is required to comply with the Council's Scheme of delegation for schools which can be found at <https://www.swindon.gov.uk/schoolsonline/info/4/school-management/4/school-management-finance/4>

**Membership:** At least three members, appointed by the management committee including the Headteacher.

**Quorum:** Three members

**Meetings:** A minimum of three times a year.

### **Delegation:**

The Resource sub committee has delegated authority from the Management Committee to:

1. To review the register of conflict of interests
2. To approve the budget by 30<sup>th</sup> June
3. To monitor monthly expenditure and ensure best value
4. To agree a charging and remissions policy
5. Miscellaneous financial decisions (as identified within the LA Budget/Finance policy).
6. To enter into contracts (as identified within the LA Budget/Finance policy) and approve purchases of traded services
7. To make payments (as identified within the LA Budget/Finance policy)
8. To annually review the financial scheme of delegation, where authority is delegated to individual staff.
9. To review and agree the spending limits and delegated responsibilities for staff.
10. To complete the Schools Financial Value Standard Checklist
11. To review the governors and staff financial skills audit and agree training programmes.
12. To receive confirmation that all teachers' salaries have been reviewed and pay statements distributed
13. To review and respond to audit reports
14. To review Debt Write of Policy (to the value of £500)

### *Financial Scheme of Delegation*

- *The Headteacher is responsible for the regular monitoring of the EOTAS budgets, both current balances and future predicted expenditure.*
- *The School Business Manager is authorised to approve orders up to the value of £5000 and the Head of Service £10,000*
- *Orders and payments must not be authorised by the same signatory*
- *Orders above £10,000 must be approved by the Management Committee on completion of form C*

- *Staff authorised to make payments are the School Business Manager up to £5,000 and the Head of Service up to £10,000*
- *Payments in excess of £10,000 may be made by the authorised signatories after approval by the management committee in accordance with The Council's Contract Standing Orders*
- *The Headteacher and School Business Manager are authorised to make payments from petty cash up to the value of £100.*
- *The limit for a single transaction paid through petty cash is £25*
- *VAT Receipts or VAT Invoices must be provided before payment can be considered*
- *Headteacher is authorised to dispose of redundant/surplus assets up to the value of £1000*
- *Headteacher is authorised to write off debts to the value of up to £500 (see Debt Write Off policy)*
- *Headteacher is authorised to delegate to staff limited expenditure through procurement up to £700 per annum*
- *Headteacher is authorised to decide on virements up to £25,000*
- *Virements above £25,000 must be referred to the management committee*

## **Staffing**

1. To review and approve the staffing structure
2. To undertake suspension of Headteacher
3. To agree a pay policy.
4. To agree pay discretions e.g. TLR or SEN payments.
5. To convene a panel of two/three non-staff members to act as pay panel to make decisions on pay recommendations made by the Headteacher
6. To convene the headteacher's performance review panel
7. To review disciplinary/capability procedures.
8. To ensure that staff members have successfully undergone appropriate pre-employment and safeguarding checks.
9. Consider staff development needs and ensure budget and programme for CPD are implemented
10. To determine dismissal/early retirement payments
11. To review the quality of teaching (evidence provided by the HT) and consider action required.
12. To consider work/life balance of staff
13. To evaluate the impact of performance management and pay policies ensuring procedures are applied consistently across the schools and that pay awards/scales correlate with performance in all areas of the school.

## Performance Management Panel

**Membership:** Two or Three members, (plus a representative of the LA or the External Advisor), appointed by the Resources Committee, who are not employees of the school.

**Quorum:** Two members, a representative of the LA or the External Adviser, the head teacher

**Meetings:** The annual review in the autumn and at least one other monitoring meeting.

### **Brief:**

- To review targets before 31<sup>st</sup> December of each year
- To arrange a date for the appraisal meeting to suit all participants
- To plan the review meeting in advance
- To prepare objectives
- To consider the Headteacher's self-review
- To provide a summary of the meeting and agreed objectives for the agreement of the head teacher within ten days of the meeting
- To provide the Management Committee with relevant information on which to base a pay award for the head teacher if requested.

### **Delegation:**

The Performance Management Panel have delegated authority from the Management Committee to:

- Set the Headteacher's objectives
- Monitor progress towards them
- Recommend or not any salary increase to the Management Committee
- Maintain the confidentiality of this information where necessary, however objectives can be shared with the Management Committee

## Pay Panel

The management Committee has responsibility for establishing the school's pay policy and for seeing that it is followed. It considers and approves the overall pay structure for all staff.

**Membership:** Three members, appointed by the Resources committee, who are not employees of the school.

**Quorum:** Three members

**Meetings:** The panel will meet in the Autumn terms

**Brief:**

- To apply the criteria set by the whole school pay policy in determining the pay of each member of staff at the annual review;
- To observe all statutory and contractual obligations;
- To minute clearly the reasons for all decisions and report these to the next meeting of the management committee.
- To keep abreast of relevant developments and to advise the management committee when the school's pay policy needs to be revised.
- To work with the Headteacher in ensuring that the management committee complies with the appraisal regulations.
- Ensure all staff are provided with pay review statements

**Delegations:**

The Management Committee delegates to the Pay Panel implementation of the pay policy and the authority to make awards of discretionary pay increases, which the panel judges to be warranted and which have been allowed for in the budget.

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| <b>Link Governor Roles</b> |
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Key monitoring roles will be undertaken by named management Committee members and reports provided to the management committee.

| <b>Role</b>   | <b>Terms of Reference</b>   | <b>Named Person</b>       | <b>On or before</b>                        |
|---|---|---------------------------|--|
| Management Committee Link Member for SEND                 | To liaise with the SENCo in order to have an oversight of the arrangements for SEND. Review how expertise and resources are used to address SEND. Monitor the SDP in relation to SEND priorities. School visit x 2 per year.  | Doug Morris & Sandra Muir | December 17 <sup>th</sup> 2021             |
| Management Committee Link Member for Pupil Premium        | To liaise with pupil premium lead to monitor that PP funding is being spent on improving attainment for eligible pupils and review the impact. To ensure the annual report on PP spend is published online. School visit x 2 per year.  | Tim Byford & Ben Clare    | December 17 <sup>th</sup> 2021             |
| Management Committee Link Member for Safeguarding         | To liaise with the Head of Service, DSL and DDSL re: Safeguarding Audit, CLA Report and Young Carers Report. To ensure safeguarding practice is effective; pupils who are at risk are identified, help is secured in a timely way, safe recruitment procedures are in place and there is a policy to manage allegations against adults. School visit x 2 per year.  | Bob Linnegar & Rob Gasson | October 20 <sup>th</sup> 2021 & March 2022 |
| Management Committee Link Member H & S                    | Liaise with H&S Officer to undertake an annual review of H&S in the Autumn term.  | Andy Howard               | October 20 <sup>th</sup> 2021              |
| Management Committee Link Member Behaviour and Attendance | Monitoring the completion of registers and auditing the procedures for doing so. Auditing whether the Attendance Policy is being carried out and raising any issues related to the policy. Raising any queries with regards the effectiveness of systems to promote attendance. Raise any queries with regard to the monitoring of trends in various areas of attendance. Receive information on a termly basis regarding the levels of overall attendance and categories of absence. Receive an overview of reports regarding the monitoring of the Attendance and Punctuality policy. | Gina Moody                | October 1 <sup>st</sup> 2021               |
| Management Committee Link Member Teaching and Learning    | Monitoring the teaching and learning undertaken by SLT triangulating with other evidence to ensure accurate and safe judgements about Teaching and learning via work scrutiny, learning walks, student discussion etc.  | Emma Leigh-Bennett +ANO   | December 17 <sup>th</sup> 2021             |