



'Engaging learners to enhance their life opportunities and outcomes'



TERMS OF REFERENCE FOR DELEGATION TO THE HEAD TEACHER OPERATIONAL GROUP FROM THE BEST BOARD

Approved	
Signature of CEO	
Date:	
Signature of Chair of Board	
Date:	
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1 INTRODUCTION

- 1.1 The purpose of these terms of reference¹ is to provide for the delegation of powers to the Chief Executive Officer (CEO) and to provide narrative around the relationship between the Trust Board and the Head Teacher Operational Group (as described in clauses 1.4 and 1.5) with a view to ensuring effective leadership and governance.
- 1.2 The relationship between the Trust Board and the Headteacher Group is characterised as a very strong and focussed partnership to realise a common vision and purpose.
- 1.3 The Scheme of Delegation Matrix and Terms of Reference provide clarity as to who are the decision makers for different types and levels of decisions.
- 1.4 The Headteacher Group, which includes the CEO, is the development and implementation arm of the BEST, focusing on operations and the educational performance of the schools.
- 1.5 The Head Teacher Operational Group includes the following posts:
- 1.5.1 the Chief Executive Officer;
 - 1.5.2 the Headteachers of BEST Schools;
- 1.6 The Head Teacher Operational Group shall have regard to the framework for inspecting schools in England under section 5 of the Education Act 2005 (as amended) issued by the Office for Standards in Education, Children's Services and Skills (Ofsted).
- 1.7 The Head Teacher Operational Group must operate within the guidance provided in:
- 1. the essential trustee: what you need to know, what you need to do (CC3) (Charity Commission, May 2018 and its successors),
 - 2. the DfE Governance Handbook (Jan 2017 and its successors) and
 - 3. the DfE Competency Framework for Governance (Jan 2017 and its successors) – all of which are available on www.gov.uk.
- 1.8 The Head Teacher Operational Group shall have regard to the Academies Financial Handbook (Sept 2018 and its successors), which is also available on www.gov.uk.
- 1.9 The CEO will chair the Head Teacher Operational Group. The Head Teacher Operational Group works directly with the staff in each school and the Hub LGBs and SIBs where they are in place to ensure that the required outcomes are achieved in accordance with the direction and vision of the Trust Board.

2 THE CHIEF EXECUTIVE OFFICER

- 2.1 The Trust Board has appointed a CEO whose role is to provide professional leadership, strategic management and direction for the Trust and its schools. The members of the Trust have further approved the appointment of the CEO as an ex-officio Trustee.
- 2.2 The CEO reports to the Trust Board and shall comply with any reasonable direction by the Trust Board when acting on the Trust's behalf.
- 2.3 Broadly, the CEO is responsible for:
- 2.3.1 the internal organisation, management and control of the Trust;

¹ Adapted from Reach2 Academy Trust ToRs.

- 2.3.2 advising on and implementing the Trust's strategic framework;
 - 2.3.3 the implementation of all policies approved by the Trust Board; and
 - 2.3.4 any further item identified for the Executive Team under the Scheme of Delegation; subject to any restrictions made by the Trust Board.
- 2.4 The CEO will formulate aims, objectives, policies and targets for the Trust Board to consider, and will report to the Trust Board on progress at each meeting.

3 THE HEADTEACHER OPERATIONAL GROUP

3.1 In fulfilling his or her role, the CEO is assisted by the Headteacher Operational Group, in particular:

- 3.1.1 Strategy development and its implementation through school development planning is delegated by the CEO to the Trust Strategic Lead; and
- 3.1.2 The day-to-day development and implementation of shared policies and statutory actions as delegated to each Headteacher.
- 3.1.3 Providing support to a Headteacher as required and facilitating the well-being of each Headteacher as delegated to each LGB.

4. MATTERS RESERVED TO THE TRUST BOARD

- 4.1 Matters which are expressly reserved to the Trust Board are as specified in the Scheme of Delegation Matrix or as otherwise specified by the Trust Board.
- 4.2 In determining the division of roles between the Trust Board and the CEO, the Trust Board will have regard to the following principles:
- 4.2.1 non-executive powers must be exercised by the Trustees personally and may not be delegated;
 - 4.2.2 the Hub LGBs and SIBs where in place are not under the direction of the CEO, as they report direct into the Trust Board.
 - 4.2.3 except when it is impracticable to do so, executive powers should be delegated to the CEO, who may authorise further delegation; and
 - 4.2.4 every act of delegation is only a delegation of powers and does not relieve the Trustees of responsibility.

5 REPORTING TO THE TRUST BOARD

- 5.1 The CEO is responsible for the matters delegated to him or her by the Trust Board but the Trust Board retains responsibility for all strategic decisions in relation to the Trust, which the CEO will ensure are considered by the Trust Board.
- 5.2 In order to assist the Trust Board to safeguard and apply the Trust's assets in the most effective manner, the CEO will ensure that any significant or material matter that arises in the course of the Trust's operations is reported to the Trust Board, including in particular:
- 5.2.1 special risk management issues, including insurance limits
 - 5.2.2 the avoidance of wrongful or fraudulent trading
 - 5.2.3 any correspondence from a regulator of a negative nature

- 5.2.4 matters which are fall within the Charity Commission's definition of 'serious incidents' which require a report to the EFA
 - 5.2.5 any matters which require referral to the Trust Board under the scheme of delegation of financial powers
 - 5.2.6 the acquisition and disposal of assets or liabilities with a value in excess of 1% of the Trust's net assets or income
 - 5.2.7 investments and capital projects which are material in the context of the Trust's net assets or income and
 - 5.2.8 contracts which are not in the ordinary course of the Trust's operations.
- 5.3 The CEO (or a member of the Executive Team in his or her absence) shall:
- 6.3.1 provide a report to the Trust Board in writing; and
 - 6.3.2 attend the Trust Board meeting to discuss the report, other relevant issues and answer questions.
- 5.4 The CEO shall maintain regular contact with the Chair of the Trust Board between Trust Board meetings and share all relevant information with them concerning the welfare and good reputation of the Trust, the schools and their community. The Executive Team meetings will be the primary conduit for sharing this information.

6 THE RELATIONSHIP BETWEEN THE TRUST BOARD AND THE CEO

- 6.1 It is the role of the Trust Board to act as a critical friend to the CEO. The relationship between the Trust Board and the CEO must be one of mutual trust, confidence and candour, if the Trust is to succeed.
- 6.2 The Trust Board will support and oversee the work of the CEO and hold them accountable for the authority that is delegated to them and how they exercise it. The Trust Board will not without good cause and consultation (where practicable) interfere in the exercise of the CEO's executive powers and in particular, the role of the CEO in overseeing its work.
- 6.3 The Trust Board must ask the CEO questions that ought to be asked and to satisfy themselves that the Trust is being properly conducted. The CEO must give the Trust Board enough information to ensure they are discharging their duties properly and in a timely manner.
- 6.4 The Trust Board must fully consider any views and proposals relating to any matter within the non-executive powers of the Trust Board which may be submitted to them by the CEO.
- 6.6 The Trustees are entitled to trust the CEO and the wider Executive Team until there is reason to distrust them. However, the Trust Board should exercise reasonable supervision and ask questions that ought to be asked.
- 6.7 Any issues surrounding the performance of the CEO should be raised directly with the Chair of the Trust Board, and likewise, any concerns the CEO have over the Trust Board or one of its number, should be raised with the Chair (or the Vice-Chair in the case of the Chair).

7 CIRCULATION

7.1 These terms of reference shall be circulated to the Trust Board, the CEO, the Headteacher Operational Group and others at the discretion of the Chair of the Trust Board.

8 REVIEW

8.1 These terms of reference will be reviewed by the Trust Board annually.