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THE GARWOOD FOUNDATION - SCHEME OF DELEGATION

Part 1: Decisions reserved for the Trustees

The Board of Trustees has the overall responsibility for the fulfilment of the Foundation's charitable and corporate aims and duties from time to time, in accordance with its Memorandum and Articles of Association and any regulations agreed by it from time to time, and in particular to:

1. Approval of and monitoring a Strategic Plan for the Foundation and overseeing the development and broader strategic implications of the Foundation's policies and direction in pursuit of the Foundation's aims..
2. Determining the policy of the Foundation on key strategic issues, delegating approval of policies to Committees, the Governing Body of Rutherford School and managers where appropriate within their terms of reference and reviewing its policies on a planned regular basis.
3. Exercising overall control of the financial affairs of the Trust including approval of the Foundation's budget and the component budgets of Rutherford School, the Bramley Hill Day Centre and Jean Garwood House and the strategic allocation of resources, and the approval of the overall fee structures fees for those centres.
4. Approval of any capital works programme, the annual maintenance budgets and specific authorisation of capital projects, including acquisitions and disposals, exceeding £25,000 in value (including VAT).
5. Approval of the annual accounts.
6. The determination of the contract and terms of employment and appointment of senior members of staff, notably:
 - The Director of Services;
 - The Head of School of Rutherford School;
 - The Manager of Jean Garwood House;
 - The Manager of the Bramley Hill Centre; and
 - The Company Secretary.
7. The determination of the establishment, grade structures and job descriptions for the staff members at Rutherford School, Jean Garwood House and the Bramley Hill Centre including the approval of benefits and pension provision and the terms of employment of managers.
8. Formulation and approval of the Foundation's response to any report or investigation by the Charity Commission, local authority or other regulatory body, including the response to any safeguarding report.
9. The approval of service and development plans for Rutherford School, Jean Garwood House and the Bramley Hill Centre.
10. The sale, leasing or acquisition of land.

11. Entry into any contract for the purchase of goods or for the acquisition of services amounting to more than £5,000 in value for a single purchase or £5,000 in total for a repeated purchase or service in any one year.
12. The approval of any borrowing.
13. Approval of the terms for accepting any conditional grant of charitable funding.
14. The provision of any new service by the Foundation at Rutherford School, Jean Garwood House and the Bramley Hill Centre or elsewhere.
15. Appointment of Trustees as school governors, as Trustees with special responsibility for particular Centres or any other office.
16. Delegation of such of its powers as it sees fit to Committees, the Governing Body of Rutherford School acting as a Committee and managers, specifying their terms of reference, monitoring their work and any delegated powers, and determination of any of their recommendations
17. Determine and review annually the Foundation's governance arrangements and financial policies, noting that although issues that relate to the scrutiny of proposals put forward by the Director of Services and Centre Managers, the financial strategy and capital expenditure are to be referred to the Board of Trustees, the Board may delegate such issues to a Committee for consideration and report back.

17-18. Setting 'Development Targets' for the Director of Services.

Part 2: Delegations to single Trustees

The Board of Trustees can delegate particular decisions or classes of decisions to individual Trustees. In particular the Board has Trustees has authorised the following Trustees to act on its behalf:

The Chairman (Who is to be able to exercise this power if the chairman is not available?)

1. In consultation with the Director of Services the determination of the business for the meetings of the Board of Trustees.
2. In consultation with the Director of Services (or in the Director's absence the Head of School or the relevant Centre Manager as appropriate, the exercise of any function of the Board of Trustees in cases of urgency subject to reporting back to the Board of Trustees at the next scheduled meeting. Prior to exercising this power either the Chairman or the Director or other manager shall take steps to consult other Trustees, including through use of -electronic communications, regarding the proposed action.

As Chairman of the proprietary body of Rutherford School the Chairman is responsible under the Education (Independent School Standards) (England) Regulations 2010 for making checks relating to ensure that all prospective members of the Board of Trustees and Governing body of Rutherford School have an enhanced criminal record check; have confirmed their identities and right to work in the United Kingdom; and where they have lived outside the United Kingdom to consider whether obtaining an enhanced criminal record certificate is sufficient to establish their suitability to work in a school, and to consider what further checks might be considers appropriate, having regard to any guidance issued by the Secretary of State.

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The powers of the Chairman In the absence of the chairman shall be exercisable in his or her absence by the Vice-Chairman.

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The Honorary Treasurer

1. To make decisions regarding the management and investment of the Foundation's assets subject to reporting back to the Board of Trustees at the next scheduled meeting.

Trustees with responsibility for Bramley Hill Centre and Jean Garwood House

1. To support the Managers of the Centre and the Home.
2. To advise on proposed minor changes to the Job Descriptions of established posts.
3. To advise upon and where required participate in processes for the appointment of staff to established posts.
4. To visit and from time to time inspect the Centres inspect and report to the Board of Trustees on the nature and quality of operations and health and safety within the Centres.
5. To make recommendations to the Board of Trustees on proposed items of expenditure for the particular centre.

Company Secretary

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1. To manage the investment of the Foundation's assets through implementing the decisions of the Honorary Treasurer and the Trustees subject to reporting back to the Board of Trustees at the next scheduled meeting.

Part 3: Delegations to the Director of Services

1. All matters not reserved for the Trustees or delegated to a specified officer are delegated to the Director of Services.
2. Responsibility for the management of the Head of School and the two centre managers including induction, appointment, the carrying out of annual performance reviews and target setting, the review of Job Descriptions and Person Specifications, the institution of disciplinary procedures and the oversight of their exercise of delegated authority.
3. The determination of appeals against the dismissal by a member of staff by the Head Teacher of Rutherford School, the Manager of Jean Garwood House or the Manager of the Bramley Hill Centre.
4. To represent the Foundation in dealings with the press and other media.
5. The approval of financial support for service users and potential service users and their families and carers subject to the availability of necessary funds.
6. Following consultation with the Chairman of the Trustees, the Chairman of the Governing Body (where appropriate), the Head of School or the relevant Centre

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Manager, the entry into any contract for the purchase of goods or for the acquisition of services amounting up to £5,000 in value for a single purchase or up to £5,000 in total for a repeated purchase or service in any one year.

7. To establish a list of approved purchases and prescribed cost limits for day to day purchases by the managers of the charity shops and the Maintenance Supervisor.
8. Referral of any matter to a statutory regulatory body, subject to prior notification to the Chair of the Foundation and the Trustee responsible for the particular facility or a full meeting of the Trustees as appropriate.
9. The appointment of the managers of charity shops and the Maintenance Manager.
10. To determine grievances and complaints made in relation to the Head of School or a Centre Manager and to inform the Trustees of such matters and their outcomes.
11. To determine appeals in relation to disciplinary procedures or grievance or complaint determinations by the Head of School or a Centre Manager and to inform the Trustees of such matters and their outcomes.
12. Execute any document on behalf of the Foundation and enter into any contract pursuant to a decision of the Trustees.
13. To sign cheques and approve expenditure incurred on behalf of the Foundation.
14. In cases of urgency to exercise any function of the Foundation subject to prior consultation with the Chairman of the Trustees or, in his absence, the Deputy Chairman and Trustees as appropriate.

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Part 4 Delegations to Managers

1. To take all actions related to the provision of services within Rutherford School, Jean Garwood House and the Bramley Hill Centre as they case may be.
2. To prepare an initial budget for the Centre for which they are responsible.
3. To manage the budget of the Centre for which they are responsible and to report to the Director of Services, the Honorary Treasurer and the Trustees in the event of any overspend being anticipated in respect of any budget heading.
4. To purchase goods and materials and enter into contracts for services within their allocated budget areas up to a total value of £2,500, subject to the availability of necessary funds within a specified heading of the particular Centre's budget.
5. To approve in advance purchases by other members of staff of goods and services up to a value of £500 for the use of their service subject to the availability of necessary funds within defined budget headings.
6. To sign cheques up to a value of £2,500 in respect of duly approved expenditure.
7. To establish a list of members of staff authorised to place orders for day to day purchases up to prescribed cost limits and to monitor the exercise of the authority to place orders.

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8. To maintain a list of the established posts and the members of staff employed to fill them and from time to time to report to the Board of Trustees (and in the case of Rutherford School, the Governing Body) upon the sufficiency and cost of the establishment.
9. Subject to prior consultation with the responsible Trustee [Trustees / Governing Body] to advertise vacant posts within the approved establishment and following an approved recruitment process to appoint to those posts at the established grade and upon approved terms and conditions.
10. Subject to the prior consultation with the responsible Trustee to make minor changes to the job description and /or person specification for advertised posts within the established grade and other terms and conditions.
11. To engage agency staff in respect of any vacant established post as appropriate subject to the availability of necessary funds.
12. To take disciplinary action, up to and including dismissal, where appropriate in respect of any breach by a member of staff of their contract of employment and in particular the requirements of the Foundation's Employee Handbook.
13. To provide such information as is possible at the earliest possible time to the Trustees regarding any disciplinary action taken in relation to any member of staff.

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Part 5 Delegations to other Members of Staff

Members of staff as designated by the Centre Manager

1. To place orders for day to day purchases up to a limit to be established by the relevant Centre Manager.

Managers of the Charity Shops

1. To place orders for day to day purchases up to a limit to be established by the Director of Services.

Maintenance Supervisor and School Caretaker

1. In cases of emergency when it is not possible to secure the authorisation of the relevant Centre Manager or the Director of Services to carry out or authorise the carrying out of required repairs and to incur the cost of so doing subject to reporting any such action to the relevant Centre Manager and Director of Services.

Part 6 Delegations to the Governing Body of Rutherford School

The Governing Body of Rutherford School is appointed as a committee of the Board of Trustees under clause 56 of the Articles of Association of the Garwood Foundation and is authorised as a Committee to exercise the delegated functions of the Foundation as follows:

1. To exercise the functions of the Foundation in respect of the management of and provision of education by Rutherford School.
2. To hear and determine appeals in relation to any matter brought in respect of any disciplinary process or under the School's grievance and complaints procedures.

3. To approve the budget prepared by the Head of School and submit it to the Foundation for approval.
4. To carry out an annual pay review for members of staff and to make recommendations for staff salaries to the Foundation.
5. Supervision of the School's donations budget.
6. To carry out the functions of the Foundation in respect of the health and safety.
7. To arrange for an annual review of the performance of the Head of School.
8. To appoint one or more committees (to act as sub-committees of the Foundation) to carry out any delegated function other than the making of recommendations to the Board of Trustees in respect of the budget or staff salaries.

Part 7 General provisions on the exercise of delegations

1. In exercising the powers conferred by the Scheme of Delegation, members of staff are all required to adhere to the principles set out in the Constitution
2. Decision makers must exercise delegated powers in accordance with practices and procedures approved by the Foundation.
3. Decision makers must be able to justify and explain the reasons for their decisions which are open to scrutiny internally by the Trustees and externally by the Foundation's auditor or the Charity Commission.
4. The Director of Services must be consulted in the event of any uncertainty as to the lawfulness or propriety of a proposed decision.
5. In this Scheme of Delegation, decision-makers are approved to operate within the delegation. In every case, decision-makers are constrained by approved policies and previous decisions of the Trustees and are accountable within the terms of the Foundation's policies and practices. The delegation must be exercised within approved budgetary limits. No delegation can be exercised that would result in the Foundation's budgetary position being exceeded; this applies to both the Foundation's budget in any one year, and the ongoing effect in subsequent years.
6. It is expected that in the case of decisions made by Officers, matters of a controversial nature or involving significant expenditure will be the subject of consultation with the responsible Trustee for the particular facility and recorded or reported to the Trustees' meeting as appropriate.
7. Formal delegated decisions will be recorded and explained by Managers completing the form attached to this Appendix. Each decision will be allocated a unique reference number. A copy of each decision will be forwarded to the director of Services for reporting to the Trustees.
8. A delegated decision once made stands as a formal decision of the Foundation and can be implemented as such by members of staff. The Director of Services or Trustees may question or challenge the judgement behind a decision but only in exceptional circumstances should the Trustees be invited to counter the delegated decision of an

employee which is made in accordance with this scheme. Any purported decision which is not fully in accordance with this scheme stands at risk of being overruled by the Trustees.

Guidance

The business of the Board of Trustees should include the following:

- 1) Appointment of the Director of Services and delegation to her/him of responsibility for the day to day administration of the Trust in accordance with the policies determined by Council board of Trustees from time to time.
- 2) Through the appointment of an appropriate Committee, the appointment of the Head of Rutherford School and determination of his /her remuneration. Delegation to the Head of School of responsibility for the day-to-day management of the school and delegation to the Governing Body of the School of the review and monitoring of his /her performance
- 3) Through the appointments of an appropriate Committee, appointment of the Managers of the Bramley Hill Centre and Jean Garwood House and determination of their remuneration. Delegation to the two Managers of responsibility for the day-to-day management of their Centres and delegation to the Director of Services of the review and monitoring of their performance.
- 4) Overseeing the arrangements for the School's Governing Body, its effective working, including approval of any terms of reference, and the appointment of the Chairman of the School's Governing Body.
- 5) Recommendations to the Annual Meeting of the Foundation of the external auditors in accordance with the Articles of Association and company law.
- 6) Approval of the Foundation's annual budgets
- 7) Consideration of the Foundation's audited accounts for recommendation to the Annual Meeting of the Foundation in accordance with applicable law and regulations
- 8) Approval of any changes to the Foundation's policy on pay and conditions of service for staff.
- 9) Approval of a Health and Safety Policy Statement on an annual basis, to be signed by the Chairman on behalf of Board and receive an annual report on steps taken and proposed to fulfil the Foundation's responsibilities for health and safety
- 10) Overseeing the systems in place for managing the key strategic and operational risks identified by the Executive, including receiving an annual report from the Executive on the effectiveness of the Trust's systems for managing Health and Safety
- 11) Receiving reports from the Director of Services, the Head of School and the two Centre managers on matters for which Board of Trustees is accountable or on which policy or strategy decisions are required
- 12) Authorising any person or persons to visit any of the Foundation's Centres to inspect any specified matter and to report thereon to the Board of Trustees.

- 13) Authorising the formal response of the Foundation and the adoption of an action plan following any inspection by or report from a regulatory body and the supervision of the implementation of any such action plan.
- 14) Providing members to act as a final panel in the event of appeals against dismissal, decisions relating to disciplinary and capability proceedings or grievances; providing members to support the Managers of the Bramley Hill Day Centre and Jean Garwood House in the appointment of members of staff; and acting as the ultimate arbiter in appeals from parents in relation to exclusions and complaints

This Scheme of Delegation detailed above was agreed and minuted at a meeting of the Board of Trustees on:

Approved by:	Signed:	Date: <u>23rd March 2014</u> Review: Annually
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