# Board of Management

7th June 2022

**Adoption of Scheme of Delegation**

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| **DATE:** | May-2022 |
| **AGENDA REF:** | 21-22 |
| **TITLE OF REPORT:** | **Scheme of Delegation** |
| **AUTHOR AND CONTACT DETAILS** | Peter Scott – peter.scott@slc .ac.uk |
| **PURPOSE:** | To present a proposed Scheme of Delegation to the Board for discussion and approval as appropriate |
| **KEY RECOMMENDATIONS/ DECISIONS:** | That the Board approve the attached scheme. |
| **RISK** | Without a clearly agreed Scheme of Delegation there is a risk that the College might breach the requirements for delegation set out in Part D 8 of the Code of Governance |
| **RELEVANT STRATEGIC AIM:** | □ Highest standard of compliance with the Governance Code.<br>□ Sustainable behaviours. |
| **Rationale** | In the interests of Best Governance Practice, it is essential that the boundaries as between Governance & Management are clearly and transparently stated so as to comply with best policy and practice in terms of Part D. 8 of the Code of Governance. The attached Strategy has been adapted from an exemplar of best practice within the Scottish College Sector |

South Lanarkshire College
East Kilbride

# SCHEME OF DELEGATION

Version Number: 1.0

# Document Information

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| **Reviewed Date:** | |
| **Owner:** | Clerk to the Board |
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# Version History

| Version Number | Date | Author | Rationale |
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| 1.0 | 10.05.2022 | P Scott | Creation |
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# Quick Links

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# 1 Introduction

This scheme specifies the functions which are delegated by the Board of Management in accordance with paragraph 12 (4) of the Further and Higher Education (Scotland) Act 1992 (the 1992 Act) and the Further and Higher Education (Scotland) Act 2005. The 1992 Act enables the Board of Management to delegate the performance of any of their functions to their Chair, to any Committee appointed by the Board or to any member of staff.

In accordance with paragraph C.8 of the Code of Good Governance for Scotland's Colleges (the Code) delegations of responsibilities from, and matters reserved to, the Board and its Committees is clarified through this Scheme of Delegation including the functions delegated by the Board to the Chair, Committees, the Principal and Secretary to the Board of Management. The Scheme of Delegation must be approved by the Board of Management and will be formally reviewed at least once every three years.

All delegations must be exercised in accordance with the law and having regard to any lawful direction and or guidance subsequently issued by the Scottish Funding Council (SFC) or Regional Board (RSB).

The delegations are dealt with in four main sections:

Section 5 - Delegations to the Chair of the Board of Management.
Section 6 - Delegations to the Committees of the Board of Management.
Section 7 - Delegations to the Secretary to the Board of Management
Section 8 - Delegations to the Principal and Chief Executive

Except for delegation of operational functions by the Principal and Chief Executive as specified in Section 8, delegates may not be sub-delegates of the 1992 Act (as amended).

# 2 Compliance

Where the Board has delegated responsibility, it reserves the power to deal itself with the responsibility delegated, or to withdraw or amend the delegation. Exercise by a delegate of a delegated responsibility has effect as if it had been exercised by the Board of Management itself.

Compliance with the terms of the Scheme of Delegation is mandatory upon delegates. Breaches may lead to withdrawal of delegations and/or imposition of sanctions.

# 3 Review

The Scheme of Delegation shall be reviewed at least every three years. This shall not preclude a review being conducted before such time, should it be considered necessary by the Board of Management, or to bring the Scheme of Delegation into line with changes in legislation, regulation, or official direction or guidance.

# 4 Authority Reserved to the Board of Management

The following are reserved to the Board of Management and are, in such circumstances, excluded from any scheme of delegation:

4.1 Determination of the mission, vision and key objectives of the Board of Management and the College;

4.2 Matters of new policy or where there has been a material and/or substantial variation to an existing policy[1];

4.2 Borrowing money and, in connection with such borrowing, granting securities or giving guarantees or indemnities. Any such borrowing, and the granting of securities, guarantees or indemnities must comply with the Scottish Public Finance Manual and Financial Regulations;

4.3 Any functions the exercise of which is clearly reserved to the Board of Management in terms of any direction by Scottish Ministers or the Glasgow Colleges Regional Board or the SFC;

4.4 Final approval of the annual College budgets for revenue and capital expenditure and financial forecasts;

4.5 Final approval of the College,s Strategic Plan in the context of the Regional Strategic Plan set by the Glasgow Colleges Regional Board and the Regional Outcome Agreement;

4.6 Approval of the Annual Report and Accounts and the Annual Audit Report;

4.7 Approval of the Annual Quality Report;

4.8 Approval of the Annual Health and Safety Report;

4.9 The acquisition and disposal of heritable property;

1 This will be determined by the Chair of the relevant Standing Committee.

4.10 In accordance with the Ministerial Guidance on College Sector Board Appointments, the appointment of assigned College Board members is the responsibility of the RegionalStrategic Body (RSB), although recommendations may be made by the assigned College Board either directly, or via a delegated Nominations/Appointments Committee;

4.11 The appointment of Board Members to Standing Committees, the appointment of Standing Committee Chairs, and the co-option of additional members to Standing Committees;

4.12 Recommending to RSB the removal of Board members from office prior to the termination of their period of appointment;

4.13 The appointment and dismissal of the Principal and Chief Executive and of the Secretary/Clerk to. the Board;

4.14 The designation of the College's Chief Executive Officer (who shall normally be the Principal and Chief Executive);

4.15 Delegation of functions of the Board of Management;

4.16 Recognition of Trades Unions, Professional Associations and other Staff Associations operating within the College for the purposes of both formal consultation and negotiation;

4.17 The making, amendment and revocation of the College,s Articles of Governance (including Standing Orders, Financial Regulations, Standing Committee Terms of Reference, and this Scheme of Delegation);

4.18 The establishment and winding-up of any subsidiary company of the College, and the Cqllege's membership of any company;

4.19 The establishment of any Arm's Length Trust to support the charitable alms of the College and the donation of resource to any such organisation;

4.20.The acquisition and disposal of heritable property subject to approval by the Scottish Funding Council within the terms of the Scottish public Finance Manual;

4.21 Approval of the Strategic Risk Register and Risk Appetite Statement;

4.22 Approval of the Student's Assoclation constitution and the election regulations for Student Officers; and

4.23 Financial expenditure in excess of delegated limits as set out in the College)s Financial Regulations.

The Principal and Chief Executive, as Chief Executive and Accounting Officer of the College, shall be responsible for the operational management of the College subject to policy and strategic direction by the Board of Management.

# 5 Delegations to the Chair of the Board of Management

The Chair must abide by the terms and conditions of their appointment in leading the Board and ensuring its effectiveness, and in exercising delegated authority. The Chair of the Board of Management is authorised:

5.1 In the absence of both the Princlpal and Chief Executive and his/her designated deputy, to take such measures as may be required in emergencies to enable the College to carry on its business. If possible, such delegation should be exercised subject to obtaining agreement from the Board's Vice Chair and the Senior Independent Member and after consultation with the Chair of the relevant committee (if appropriate and if time permits) and the Secretary/Clerk to the Board. The Chair shall report such instances to the appropriate Committee(s) or to the Board as soon as possible thereafter in respect of any items for which approval of the Committee(s) or the Board would normally be necessary. (In the Principal and Chief Executive's absence the Vice Principal will normally be responsible for the operational management of the College). An extraordinary Board Meeting will normally be called in the case of material decisions (as judged by the Chair and Vice Chair) or alternatively decisions may be agreed by email and thereafter homologated at the next meeting of the Board of Management;

5.2 To nominate, after a period of four weeks' continuous absence by the Principal and Chief Executive, and subject to subsequent approval by the Board of Management, a deputy Accounting Officer from among the Vice Principals to discharge the role until such time as the Principal and Chief Executive resumes duty or a permanent replacement for the Principal and Chief Executive is appointed;

5.3 To incur, within previously agreed budgetary limits, expenditure to meet the expenses of the office of Chair of the Board and the provision of reasonable hospitality to representatives of other colleges, organisations or agencies;

5.4 To approve the Principal and Chief Executive)s absence in accordance with the relevant College policies;

5.5 To initiate investigations within the College)s disclplinary policies against the Principal and Chief Executive or other members of the Strategic Management Team;

5.6 Initiate action further to a decision of the Board to appoint a new Principal or Secretary/Clerk to the Board of Management;

5.7 To attend all meetings of Commlttees of the Board of Management as an ex officio member (except those of the Audit & Risk Committee);

5.8 To sign all approved Minutes of the Board of Management;

5.9 To sign the College's Annual Report and Financial Statements on the College's behalf prior to their submission to the SFC following their approval by the Board of Management;

5.1O To authorise the submission of the Board's approved Strategic Plan to RSB and the SFC;

5.11 To undertake vlsits wlthin the UK, within prevlously agreed budgetary limits, in the furtherance of the duties of the office of Chair of the Board of Management;

5.12 To authorise the Principal and Chief Executive to make visits outwith the UK on College or College-related business subject to the College's approved policies on business travel and expenses;

5.13 With the Vice-Chair, monitor, review and record the Principal's performance at least annually against the performance measures agreed by the Board in line with the agreed procedure;

5.14 With the Vice-Chair, monitor, review and record the Secretary to the Board of Management's performance at least annually against the performance measures agreed by the Board in line with the agreed procedure;

5.15 Ensure each Board member participates in an annual development meeting;

5.16 Issue communications on behalf of the Board in whatever form is appropriate;

5.17 To represent the Board and the College both internally and externally.

# 6 Delegations to Committees of the Board of Management

*In accordance with paragraph 13 of schedule 2 of the 1992 Act, the Board may establish Committees for any purpose and any such Committee may appoint sub-committees. As a minimum the Board have in place an Audit Committee, Finance Committee, Remuneration Committee and Nominations/Appointment Committee.* There is delegated to each Standing Committee of the Board of Management:

a) the exercise of all the functions and duties of that Committee as set out in its terms of reference as agreed and amended from time to time by the Board of Management;

b) the exercise of any special delegations to that Committee as set out in any Minute of the Board of Management; and
c) the review of matters of policy related to the work of that Committee.

Each Committee may exercise and perform on behalf of, and in the name of, the Board all of the authority, powers and duties of the Board in relation to such functions as have been delegated to that Committee by the Board.

The Chair of each Committee is authorised to sign approved minutes of that Committee on behalf of the Board of Management. The minutes of each Committee meeting will be submitted to the Board of Management for information at the next appropriate meeting. The Chair of each Committee shall give an update to the Board on key issues where requested to do so.

The Standing Committees of the Board of Management are:

Audit & Risk Committee
Finance & Resources Committee Curriculum Quality & Development Committee
Human Resource Committee
Chairs Committee
Nominations Committee
Remuneration Committee

# 7 Delegations to the Secretary/Clerk of the Board of Management

The Secretary/ to the Board of Management is authorised:

7.1 to discharge the functions for the Secretary in relation to the College's Public Interest Disclosure Policy, Discipline and Appeals Procedure, and Commendations and Complaints Procedure;

7.2 Administer, circulate, retain and publish as appropriate the records of all Board and Committee business;

7.3 Act as Standards Officer in accordance with Advice on the Role of Standards Officer (issued by the Standards Commission for Scotland);

7.4 In accordance with the Code of Good Governance, report any unresolved concerns about the governance of the College to the SFC and/or RSB;

7.5. To proactively provide advice to Members of the Board including the Ch.air, Chairs of Standing Committees and the Principal and Chief Executive; and

7.6. To act as Returning Officer for elections of academic and support staff members of the Board.

In the absence of the Secretary/Clerk, the Board shall agree temporary arrangements to ensure the duties delegated to the Secretary to the Board of Management continue to be carried out by a substitute.

# 8 Delegations to the Principal and Chief Executive

The Principal, as Chief Executive of the College shall be responsible for the operational management of the College subject to the strategic and policy direction by the Board. The functions listed here are delegated to the Principal and Chief Executive, who may, in the exercise of his responsibilities and duties as Chief Executive of the College, delegate particular functions to other members of staff while retaining responsibility to the Board of Management for the exercise of these functions.

Delegations to the Principal and Chief Executive (and, by consequence, to other members of staff) are subject always to:

- compliance with all current legislation, regulation, direction and guidance to which the College is subject;
- compliance with the College's current policies, procedures, and financial regulations as approved by the Board and amended from time to time; and
- appropriate provision having been made by the Board for financial outlays, and funding and other resources being available.

The Principal and Chief Executive is authorised:

8.1 To take such measures as may be required in emergencies subject to advising the Chair of the Board and the Secretary to the Board, where possible, and subsequently reporting to the appropriate Committee or to the Board as soon as possible thereafter on any items for which approval of the Committee or Board would normally be necessary;

8.2 To authorise the absence of any member of staff of the College in accordance with the relevant College policies;

8.3 If he or she considers it would be in the interests of the College or Board to do so, to approve the provision of reasonable hospitality to representatives of other colleges, organisations, members of staff of the College, guests of or visitors to the College, or others after taking into account the principles of the Bribery Act 2010;

8.4 To make visits and to authorise members of staff of the College to make visits as representatives of the College (visits involving travel outwith the UK shall require the agreement of the Chair or the Executive Committee).

8.5 To give direction, in special circumstances which he/she shall determine, that any member of staff shall not exercise a delegated function;

8.6 To take out membership of and to attend meetings of approprlate outside bodies and professional associations where it is compatible with the .duties of the Principal and Chief Executive and also in the interests of the College to so do;

8.7 To sign all deeds and other documents binding the Board for all purposes to which paragraph 20 of Schedule 2 to the 1992 Act applies;

8.8 With the Secretary/Clerk to keep proper records and Minutes of the Board and associated Committee proceedings;

8.9 To make available, for inspection at the College and on the College's website, copies of the Agenda, draft Minutes and agreed Minutes of any meeting of the Board or any Committee and also of any report or other document considered by such a meeting, in accordance with the College's Freedom of Information Policy and Publication Schedule;

8.1O To authorise the issue of press releases for publication and broadcasting on behalf of the College;

8.11 To.authorise the commercial publication of any document on behalf of the College;

8.12 To authorise the appointment of staff of the College, within the agreed budget approved by the Board, in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Board;

8.13 To determine an appropriate academic and support staff structure for the College consistent with the conditions of employment which currently apply after consultation and (where appropriate) negotiation with representatives of recognised trades unions and professional associations;

8.14 To determine the criteria to be used to select staff for redundancy within the terms of the Board's current Recognition and Procedures Agreement(s) and to make staff redundant or terminate their contracts within the terms of the limits set in the Financial Memorandum between the College and RSB/the SFC;

8.15 To consult and negotiate with representatives of recognised trades union and professional associations on behalf of the Board of Management;

8.16 To take disciplinary action against staff of the College up to and including dismissal subject to complying with the disciplinary procedures laid down by the Board;

8.17 To engage the services of outside persons, c_onsultants, firms or organisations where it is necessary to carry out the functions of the Board, in cases where the authority to engage such services is not delegated to a Committee or is not reserved to the Board;

8.18 To deem an employee to be in breach of contract and to take appropriate action against such an individual within the College's policies;

8.19 To grant appropriate leave of absence with (or without) salary to enable staff to undertake work experience, approved courses or to attend approved meetings or conferences;

9.20 To grant leave of absence without salary for up to one year to enable staff to undertake lifelong learning, voluntary service or for other appropriate purposes;

8.21 To arrange programmes of in-service training and professional development for staff members;

8.22 To represent the Board in negotiating and implementing conditions of service in relation relevant College staff, including participation in National Bargaining . processes;

8.23 To exercise any discretionary powers available in the implementation of contractual conditions of service in relation to all staff;

8.24 To approve the secondment of staff of the College to external agencies where the total cost for the secondment Is recoverable and to approve the appointment, where necessary, of a temporary replacement for the duration of the secondment;

8.25 To sanction the payment of overtime allowances in exceptional circumstances above the salary level at which the Board have determined the normal entitlement to overtime will cease;

8.26 To sanction the payment of temporary responsibility allowances for a period of up to one year in accordance with the conditions of service;

8.27 To approve initial salary placing for staff within approved salary scales;

8.28 To administer, in accordance with any policy determined by the Scottish Government or the SFC or the Board, the disbursement of monies to students attendtng the College;

8.29 To administer, in accordance with any policy of the Board and other regulating body, the provision of financial or other assistance to students of the College;

8.30 To administer, in accordance with the Board's policy, the appeals system in respect of the College's Bursary and related Student Support Policies;

8.31 To set and amend as necessary the level of the tuition fees, examination expenses, maintenance and contribution scales for all courses and services offered by the College taking cognisance of periodic guidance issued on such matters by the Scottish Government and the SFC;

8.32 To waive or grant remission of tuition fees and expenses in special cases within guidelines set by the Board or which contribute to the achievement of the College's strategic priorities;

8.33 To authorise students and make financial contributions to enable students to attend courses and conferences and to undertake educational visits and excursions within and outwith the United Kingdom;

8.34 To authorise leave of absence with salary for staff to accompany students of the College to such courses and conferences and on such visits and excursions as mentioned in the preceding paragraph;

8.35 To take appropriate disciplinary action, including temporary exclusion and permanent exclusion, against students in accordance with any policies of the Board;

8.36 To provide financiaLand other assistance to the Students' Association of the College within the terms of any scheme of establishment or policy of the Board;

8.37 To allocate and apportion accommodation within the College;

8.38 To grant use of College accommodation to outside bodies or person for the purposes of holding meetings and functions on such terms and conditions as are reasonable in the circumstances and in accordance with the College's Letting Policy;

8.39 To draw up specifications for, and to seek, tenders for the supply of goods and services to the College in accordance with the College's approved procurement procedures;

8.40 To open tenders for the supply of goods and services according to procedures set out in the Board's approved procurement policy and Financial Regulations;

8.41 To arrange for any necessary alterations or adaptations to College property and to enter into contracts and to incur capital expenditure for any amounts within delegated limits set out in the Board's Financial Regulations and provided that the alteration or adaptation does not effect any material change in the character of the College, and subject to tender procedures;

8.42 To apply to the appropriate authority for any necessary statutory consents;

8.43 Where It is competent and in the interests of the College to do so, to lodge with the appropriate authority, objections to the grant of any permission, licence, warrant etc;

8.44 To determine and control the standard of furniture, furnishings and equipment within the College;

8.45 To grant any wayleave or servitude over heritable property of the Board on such terms as may be appropriate;

8.46 After all necessary approvals have been obtained, to sign and enter into contracts for the supply of goods and services (whether bought, leased, hired or otherwise acquired) to the College on behalf of the Board, or to authorise another to enter such contracts, all within delegated limits set out in the Board's Financial Regulations and in accordance with the College's Procurement Procedures;

8.47 When it is judged to be in the interests of the Board to do so, to terminate contracts or .to authorise the termination of contracts except in cases where the contracts have been specifically approved by the Board;

8.48 To check the financial standing of potential suppliers and clients;

8.49 To write off and dispose of equipment which is judged to be surplus to requirements, unserviceable or unrepairable up to the delegated limits set out in the College's Financial regulations and the Scottish Public Finance Manual and subject to report being submitted as a matter of routine to the Finance & Resources Committee;

8.50 To provide courses requested by outside agencies and to negotiate ln accordance with the approved fees policy appropriate charges which cover (as a minimum) the marginal costs of the provision requested, or, if considered to the particular benefit of the College, at a rate less than the marginal costs;

8.51 To administer any educational endowment which is transferred to and vested fn the Board in terms of Section 19 (1) of the 1992 Act;

8.52 To raise funds for and apply them to any of the activities which the Board have power to undertake and have approved;

8.53 To sign cheques in accordance wlth the provisions for cheque signatories;

8.54 To monitor and manage any budgets for which he/she is designated budget holder;

8.55 To undertake periodic risk assessments and to take out any necessary insurance to protect the interests of the College and the Board;

8.56 To settle within delegated financial limits and without reference to the Board, claims made against the Board where there is no insurance and, whether or not a Court or Tribunal action has been raised, subject to any necessary approvals being obtained when Treasury Indemnity or other guidance from the SFC applies, such arrangements to be routinely reported for information to the Board;

8.57 Take personal responslbllity for ensurrng the proper and effective operation of financial, planning and management controls, and for giving effect to the Board's policies for securing the efficient, economical and effective management of all of the College's income, assets and expenditure.

8.58 At all times comply with the Financial Memorandum, Conditions of Grant, Scottish Public Finance Manual and follow the College's Financial Regulations.

8.59 Take out any necessary lnsurances to protect the interests of the College, manage risk and agree settlement of claims;

8.60 On receipt of valid claims, to authorise the payment to Members of the Board or co-opted members of the Board's Committees such allowances and expenses as the Board may have determined after taking cognisance of guidance issued by the SFC;

8.61 To respond on behalf of the Board to consultative documents which may from time to time be sent to the College by the Scottish Government, SFC or other external agencies;

8.62 To consult on behalf of the Board with representatives of the Local Education Authority about the priorities contained within the College's Strategic Plan prior to its final approval by the Board;

8.63 To determine the dates of the College holidays and other details of the College's academic calendar;

8.64 To review annually the performance of members of the College's Strategic Management Team against predetermined targets;

8.65 To prepare the job descriptions and specifications of staff employed in the College and review and modify these to meet the perceived needs of the College;

8.66 To supervise, manage, deploy and support staff within the College;

8.67 To determine his/her own pattern of annual leave within the conditions of service which apply, for the time being to his/her post, subject to details being provided for information and approval to the Chair of the Board;

8.68 To facilitate the management of the College within the framework determined by the College Strategic Plan, the approved budget and any other policies determined by the Board;

8.69 To vire monies from expenditure heads within agreed budgets taking account of and complying with the College's Financial Regulations;

8.70 To oversee the implementation of the College's procedures to ensure that all staff are in membership of Disclosure Scotland's Protection of Vulnerable Groups Scheme;

8.71 To sign and date the report of the Board of Management of the Annual Accounts in terms of the account direction given by the SFC under the provisions of paragraph 18 of Schedule 2 to the Further and Higher Education (Scotland) Act 1992;

8.72 To sign all deeds and other documents binding the Board of Management for all purposes which relate to Schedule 2 to the 1992 Act;

8.73 To accept gifts of money, other property and services on behalf of the College and (in accordance with the Board's policy on the receipt of gifts): and to determine their application, or to set up a trust hold or administer them for the purpose for which they have been established;

8.74 To appoint a senior member of staff to deputise during periods of planned absence if necessary;

8.75 To sign on behalf of the Board of Management applications for grant assistance from European Structural Funds and other funding bodies;

8.76 To rescind, in the role of Chief Executive, any delegation to any nominated officer.

## 9. Previous Schemes

This Scheme of Delegation replaces any previous versions as may have been approved by the Board of Management.

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South
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