

SCHEME OF DELEGATION

1. Purpose of the Scheme of Delegation

This Scheme of Delegation distinguishes between matters reserved exclusively for the Corporation's approval or decision, and matters delegated to committees and individuals.

2. Role of the Corporation

The Corporation sets the strategic and operational framework within which the Principal will manage the College, and the Corporation will monitor and hold the Senior Management Team to account to achieve the College's Strategic Plan objectives.

The responsibilities of the Corporation are set out in the Articles of Government. Article 3(1) states that the Corporation shall be **responsible** for the following functions:

- (i) The determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
 - (a) Publishing arrangements for obtaining the views of staff and students on the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
 - (a) Approving the quality strategy of the institution;
 - (b) The effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;
 - (c) Approving annual estimates of income and expenditure; and
 - (d) The appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk, including, where the Clerk is, or is to be appointed as, a member of staff, the Clerk's appointment, grading, suspension, dismissal and determination of pay in the capacity of a member of staff.

Article 9 states that the Corporation **shall not** delegate the following functions:

- (e) The determination of the educational character and mission of the institution;
- (f) The approval of the annual estimates of income and expenditure;
- (g) The responsibility for ensuring the solvency of the institution and the Corporation and for safeguarding their assets;
- (h) The appointment of the Principal or holder of a senior post;
- (i) The appointment of the Clerk, (including, where the Clerk is, or is to be, appointed as a member of staff the Clerk's appointment in the capacity of a member of staff); and
- (j) The modification or revocation of these Articles.

3. Role of the Principal

The statutory powers and duties of the Principal are set out in Article 3(2). The Principal shall be the Chief Executive of the institution, and shall be responsible for:

- (a) Making proposals to the Corporation about the educational character and mission of the institution and implementing the decisions of the Corporation;
- (b) The determination of the institution's academic and other activities;
- (c) Preparing annual estimates of income and expenditure for consideration and approval by the Corporation, and the management of budget and resources within

the estimates approved by the Corporation;

- (d) The organisation, direction and management of the institution and leadership of the staff;
- (e) The appointment, assignment, grading, appraisal, suspension, dismissal and determination, within the framework set by the Corporation, of the pay and conditions of service of staff, other than the holders of senior posts or the Clerk, where the Clerk is also a member of the staff;
- (f) Setting a framework for the pay and conditions of service of all staff other than the holders of senior posts and the Clerk; and
- (g) Maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds or expelling students for academic reasons.

Article 11 states that the Principal may delegate functions to any member of the Senior Management Team other than:

- (a) The management of budget and resources; and
- (b) Any functions that have been delegated specifically to the Principal by the Corporation

4. Role of the Clerk

The Clerk shall be responsible for the following functions set out in Article 3(3): -

- (c) Advising the Corporation with regard to the operation of its powers;
- (d) Advising the Corporation with regard to procedural matters;
- (e) Advising the Corporation with regard to the conduct of its business; and
- (f) Advising the Corporation with regard to matters of governance practice.

The remaining five core responsibilities of the Clerk are also laid out in the Instrument of Government, as follows: -

- Receiving written notice of the Chair/Vice Chair's resignation
- Receiving notice of a Member's disqualification from office
- Receiving written notice of a Member's resignation
- The maintenance of a Register of Members' Interests
- Calling meetings and send out agendas

5. Role of the Chair and taking Chair's Action

The Chair has the same legal authority as other Corporation members and acts as "First among Equals". The Chair is responsible for the leadership of the Corporation and is ultimately responsible to the College's stakeholders for the effectiveness of the Corporation. The following responsibilities are defined in the Instrument of Government:

- Issuing the agenda item and relevant papers relating to any proposal regarding the remuneration, conditions of service, conduct, suspension, dismissal, or retirement of the Clerk
- Calling special and non-scheduled meetings
- Second or casting vote in situations where there is an equal division of votes
- 14 (3) where minutes of a meeting are taken as an agenda item and agreed to be accurate, those minutes shall be signed by the Chair as a true record

The following responsibilities are defined in the Articles of Government:

12(1) The Chair or Vice Chair shall form part of the selection panel for the Principal

The Chair may also deal with those matters specifically delegated to him/her by the Corporation. However, the Chair shall not have delegated authority in relation to any matters listed in Article 3(1) see 3.2 above, or those responsibilities specifically delegated to the Principal under Article 3(2) see 4.1 above.

The Corporation Chair is empowered to take Chair's Action as follows under the Standing Orders for the Corporation and its Committees.

Delegable Functions

Article 4 explicitly allows for the delegation of Corporation functions to its committees, the Chair or the Principal:

'the Corporation may establish committees for any purpose or function other than those assigned in these Articles to the Principal or Clerk and may delegate powers to such committees: the Chair or, in the Chair's absence, the Vice Chair, or the Principal'.

Board of Governors' Committees

The Board of Governors has established 5 committees:

Audit Committee
Finance & Strategy Committee
Learners, Quality and Curriculum Committee
Remuneration Committee
Search & Governance Committee

Terms of Reference of the Board of Governors' Committees

All of the Board of Governors' Committees have terms of reference approved by the Board. The terms of reference for the committees are detailed in Appendix 1.

Standing Orders

The Standing Orders also refer to the Schedule of Authority Delegated by the Board of Governors

Schedule of Authority Delegated by the Board of Governors

The Board of Governors has delegated authority as follows:-

Audit Committee

B00.58(a) The approval of additional charges from the Financial Statements auditors for work outside the remit of the year-end audit provided the cumulative charges do not exceed £20,000 in any 12 month period.

Search and Governance Committee

B99.100(b) The authority to undertake an annual review of the Register of Corporation Members' Interests, with the Register being submitted to the Board with the minutes of that Committee's meeting.

Expenditure

B99.83 All Committees have delegated authority to incur expenditure up to a maximum of £2,000 per annum to obtain outside legal or independent advice in order that the Committee may carry out its responsibilities effectively.

Principal

B06.22 (iii) (a) The Board of Governors has delegated its power to determine appeals in connection with the dismissal of a member of staff to the Principal with effect from 28th February 2006, noting that the Principal had delegated his/her power to dismiss a member of staff to the holders of designated senior posts *or the Vice-Principals (Staff Disciplinary Procedure – Board of Governors – 15th July 2013)*.

The Principal/Clerk to the Corporation

The Board of Governors has delegated authority to the Principal and the Clerk to the Corporation to review materials excluded from inspection, under Instrument 16(2), to determine whether such materials should be released for publication.

**SCHEME OF DELEGATION
RECURRING DOCUMENT SCHEDULE – CORPORATION APPROVAL REQUIRED**

The Corporation is responsible for approving the following documents. These documents will be reviewed initially by the responsible individual, with appropriate consultation, and will be considered for approval by the Corporation at appropriate meetings as laid out in the Cycle of Business.

Policy	Responsibility	Reason for Corporation Approval
Annual Budget		Instrument and Articles of Government: Article 3 and Article 9
Audit Committee Annual Report		Post 16 Audit Code of Practice Requirement
Borrowing Approval		Instrument and Articles of Government: Article 3 and Article 9
College Key Performance Indicators Review		Monitoring tool
College Estates Strategy		Instrument and Articles of Government: Article 3 and Article 9
Corporation Improvement Action Plan	Governance Professional	Code of Good Governance for English Colleges
Corporation Self-Assessment Report	Governance Professional	Code of Good Governance for English Colleges/EIF
Financial Statements		ESFA Annual Finance Circular
Financial Statements Audit Management Letter		Post 16 Audit Code of Practice Requirement
Financial Statements Auditors Engagement Letter		Post 16 Audit Code of Practice Requirement
Financial Statements Subsidiary Companies		ESFA Annual Finance Circular
Franchise Contracts – Annual Report		ESFA Funding Rules and supply chain advice
Franchise/Partner Contracts – Future Contracts/Additional partner/Extensions		ESFA Funding Rules and supply chain advice
Internal Audit Service Audit Needs Assessment and Plans		Post 16 Audit Code of Practice Requirement
Internal Audit Service Engagement Letter		Post 16 Audit Code of Practice Requirement
Internal Auditors Annual Report		Post 16 Audit Code of Practice Requirement

Letter of Representation - Financial Statements Audit and Regularity Audit		Financial Statements Auditors Requirement
Quality Strategy (& Quality Improvement Plan)		Instrument and Articles of Government
Risk Management Policy Review		LSC “ A Guide to Risk Management in Further Education”
Self-Assessment Report		Education Inspection Framework
Senior Postholder Objectives – Remuneration Committee Responsibility		Remuneration Committee Terms of Reference
Strategic Plan		Instrument and Articles of Government: Article 3 and Article 9
Three Year Financial Plan		Instrument and Articles of Government: Article 3 and Article 9

**SCHEME OF DELEGATION
POLICY SCHEDULE FOR CORPORATION APPROVAL**

The Corporation is responsible for approving the following policies.

Policy	Responsibility	Reason for Corporation Approval
Access & Participation statement or plan		S12 HERA 2017
Access to Corporation Information (Scheme of Publication)		Instrument and Articles of Government: Instrument 16 and Instrument 17, Article 8
Anti-Bribery Policy and Procedures		Bribery Act 2010
Arrangements for Obtaining Staff and Students Views	Governance Professional	Instrument and Articles of Government: Article 3(1)(b)
Code of Practice for Student Union (Constitution)		Education Act 1994
College Fees Policy		Instrument and Articles of Government: Article 19; Consumer Rights Act
Complaints Policy		ESFA; Consumer Protection Law
Conflict of Interest Policy	Governance Professional	Instrument and Articles of Government: Instrument 11. Charities Act
Corporation Attendance Policy	Governance Professional	Governance Framework
Corporation Framework for the Approval, Payment and Reporting of Redundancies		Financial Memorandum
Climate and Sustainability Roadmap		EAUC's 'SORTED: Guide to Sustainability in Further Education
Corporation Training and Development Policy	Governance Professional	Governance Policy
Cycle of Business	Governance Professional	Governance framework
Data Protection Policy		GDPR
Disaster Management		LSC "A Guide to Risk Management in Further Education"
Disciplinary & Grievance Procedures for all staff		Article 3(2) Article 16
Equality Policy		Equality Act 2010
Eversheds Code of Conduct for Governors	Governance Professional	Instrument and Articles of Government: Instrument 9.3(c)
Expenses Policy (Staff & Governors)		Instrument and Articles of Government: Instrument 18

Financial Regulations (Corp)		Instrument and Articles of Government: Article 3 and Article 9
Framework for setting pay & conditions of all staff		Instrument and Articles of Government: Article 3(2)
Fraud Policy and Fraud Response Plan		Financial Regulations and Procedures
Freedom of Information Act Publication Scheme		Freedom of Information Act 2000
Freedom of Speech Code of Practice		Education (No 2) Act 1986
GDPR – Privacy statements		GDPR 2018
Governor Appointment Policy	Governance Professional	Governance Policy
HE Strategy		OfS regulations
Health and Safety Policy		Health and Safety at Work Act 1974; Management of Health and Safety at Work Regulations 1999 etc; Health and Safety Executive guidance gives annual basis
HR Strategy		Education Inspection Framework
Managing Allegations Policy		Education Act 2002 s.175
Partnership Management Fees Policy		ESFA Funding Guidance
Pensions statement on the exercise of discretionary function in connection with LGPS		Regulation 66 of the LGPS (Administration) Regulations 2008
Policy to address Complaints against the Corporation	Governance Professional	Governance Framework
Prevent Strategy		Prevention of Terrorism Act
Quality Strategy		Instrument and Articles of Government: Article 3
Risk Management Policy		LSC “A Guide to Risk Management in Further Education”
Safeguarding Policy for Children and Vulnerable Adults		Education Act 2002 s.175, Safeguarding vulnerable groups Act
Senior Postholder Appointment Procedure		Instrument and Articles of Government: Article 12
Senior Postholder Disciplinary Policy after consultation		Instrument and Articles of Government: Article 16, Article 17
Senior Postholder Grievance procedure - after consultation		Instrument and Articles of Government: Article 16
Slavery & Human Trafficking statement		Section 54 Modern Slavery Act 2015
Standing Orders		Instrument and Articles of Government: Article 23
Supply Chain Fees		SFA Funding Guidance
Terms of Reference for committees	Governance Professional	Instrument and Articles of Government
Treasury Management Policy		Financial Regulations and Procedures

Use of the Corporation Seal	Governance Professional	Instrument and Articles of Government: Instrument 22
Whistleblowing Procedure	Governance Professional	Public Interest Disclosure Act 1998 Financial Regulations and Procedures

**SCHEME OF DELEGATION
DELEGATED POLICY SCHEDULE – WORKING COPY**

The Policies should be reviewed on a continuing triennial cyclical basis or updated as required by changes in legislation or to reflect good practice. This is not intended to be a complete list of College Policies.

Policy
Assessment & Internal Verification Policy
Attendance & Punctuality Policy
Business Continuity Plan
Capability Policy
Careers Education and Guidance Policy
College Communication System-Personal Use
College Tutorial Policy
Continuous Improvement in the Quality of College Services
DBS Handling and Security of Disclosure Information procedure
Disability Equality Policy (Employment of People with Disabilities)
Disaster Recovery Plan
Enrichment Strategy
E-Safety Policy
Examinations Policy
Family Friendly Policies – maternity, paternity, flexible working etc.
Harassment & Bullying Policy
Internal Assessment/Verification Procedures
International Students Attendance & Punctuality
International Students Enrolment T&Cs

International Students Recruitment Admission
IT System Ownership
IT Use of Copyright Material Frequently Asked Questions
Learning Support Policy
Lone Working Policy, Procedure and Guidance
Management Information Systems
Organised excursions & visits Policy
Plagiarism Policy
Procedures on death of student
Provision of course materials and equipment/ funding for student visits
Recognition of prior learning
Refund Policy
IT Security Policy
SEN Policy
Severe Weather and Disruption Policy
Sickness Absence Procedure
Social Media Policy
Staff Development & Support Policy
Stress Management Policy
Student Anti-Bullying Policy (Anti-Bullying Policy)
Student Mental Health Needs Policy
Student Transgender Policy
Waste & Environmental Management Policy